



CLERK'S BOARD SUMMARY

REPORT OF ACTIONS OF THE FAIRFAX COUNTY BOARD OF SUPERVISORS

**MONDAY
February 5, 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, February 5, 2007, at 9:38 a.m., there were present:

- Chairman Gerald E. Connolly, presiding
- Supervisor Sharon Bulova, Braddock District
- Supervisor Joan M. DuBois, Dranesville 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

Others present during the meeting were Anthony H. Griffin, County Executive; David P. Bobzien, County Attorney; Catherine A. Chianese, Assistant to the County Executive; Regina Thorn, 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.

AGENDA ITEMS**1. CERTIFICATE OF RECOGNITION PRESENTED TO MEMBERS OF THE CHANTILLY HIGH SCHOOL FOOTBALL TEAM (9:39 a.m.)**

Supervisor Frey moved approval of the Certificate of Recognition presented to members of the Chantilly High School football team for noteworthy determination, honorable sportsmanship, and exceptional teamwork resulting in the 2006 Virginia AAA Northern Region Division Six Championship. Supervisor Bulova and Supervisor McConnell jointly seconded the motion.

Chairman Connolly recognized the presence of the following School Board Members and, on behalf of the Board, warmly welcomed them to the Board Auditorium:

- Kathy L. Smith, Sully District
- Catherine A. Belter, Springfield District

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

2. RECOGNITION OF VISITORS FROM PALM BEACH, FLORIDA (9:47 a.m.)

Chairman Connolly recognized the presence of the following visitors from Palm Beach, Florida and, on behalf of the Board, warmly welcomed them to the Board Auditorium:

- The Honorable Sharon R. Bock, Clerk and Comptroller
- Mr. Carter Hammer
- Mr. Richard Holm
- Mr. Jim Beard
- Mr. Grant Skolnic
- Ms. Felicia Landerman

3. CERTIFICATE OF RECOGNITION PRESENTED TO MEMBERS OF THE EDISON HIGH SCHOOL FOOTBALL TEAM (9:48 a.m.)

Supervisor Kauffman moved approval of the Certificate of Recognition presented to members of the Edison High School football team for noteworthy determination, honorable sportsmanship, and exceptional teamwork resulting in the 2006 Virginia AAA Northern Virginia Region Division Five Championship.

Supervisor Bulova seconded the motion and it carried by a vote of nine, Supervisor Hyland being out of the room.

4. **CERTIFICATES OF RECOGNITION PRESENTED TO MEMBERS OF THE 2006 BOND CITIZEN COMMITTEE** (9:54 a.m.)

(BACs) Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and moved approval of the Certificates of Recognition presented to members of the 2006 Bond Citizen Committee for diligent effort in achieving the committee's goal to provide County residents with information necessary to make knowledgeable decisions in regard to the County bond issues and conducting presentations as requested by homeowners associations, civic organizations, and other interested groups. Supervisor Hyland seconded the motion and it carried by unanimous vote.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

5. **CERTIFICATE OF RECOGNITION PRESENTED TO MS. GERMAINE BROUSSARD** (9:58 a.m.)

Supervisor Smyth moved approval of the Certificate of Recognition presented to Ms. Germaine Broussard for her ongoing support of troops serving overseas by baking and shipping cookies to them. Supervisor DuBois seconded the motion and it carried by unanimous vote.

6. **CERTIFICATE OF RECOGNITION PRESENTED TO THE GREEN SPRING MASTER GARDENERS** (10:10 a.m.)

Supervisor Gross moved approval of the Certificate of Recognition presented to the Green Spring Master Gardeners on the occasion of its fifth anniversary promoting responsible horticulture as well as training volunteers to serve as a community resource for EcoSavvy Gardening. Supervisor Hyland seconded the motion and it carried by unanimous vote.

7. **CERTIFICATE OF RECOGNITION PRESENTED TO MS. LAURIE WILSON** (10:15 a.m.)

(BACs) Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and moved approval of the Certificate of Recognition presented to Ms. Laurie Wilson for noteworthy service as an At-Large Planning Commissioner on the Planning Commission. Supervisor DuBois, Supervisor Hyland, and Supervisor Smyth jointly seconded the motion and it carried by unanimous vote.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

8. **PROCLAMATION DESIGNATING FEBRUARY 18-24, 2007, AS "ENGINEERS WEEK" IN FAIRFAX COUNTY** (10:28 a.m.)

Supervisor Bulova moved approval of the Proclamation to designate the week of February 18-24, 2007, as "*Engineers Week*" in Fairfax County. Supervisor Gross seconded the motion and it carried by unanimous vote.

DET:det

9. **ORDERS OF THE DAY** (10:37 a.m.)

Chairman Connolly announced that there were only four public hearings scheduled for this afternoon, and two will be deferred.

Supervisor Gross stated that, as the Region's representative on the National Association of Regional Councils' Board of Directors, which will be meeting this afternoon, she will be leaving immediately after the 3:30 p.m. public hearing for the Mason District to attend that meeting.

Chairman Connolly noted that because the 4:30 p.m. hearing has already been advertised, the public hearing time cannot be moved up, and asked that the remaining Board Members remain for a quorum for the 4:30 p.m. hearing.

10. **10 A.M. – REPORT ON GENERAL ASSEMBLY ACTIVITIES** (10:38 a.m.)

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and presented the Board's 2007 Legislative Report Number Two. Issues covered included dangerous weapons in law enforcement facilities, teen-driving safety legislation, as well as legislative affecting condominiums and transportation. Chairman Connolly noted that the Northern Virginia Transportation Commission, the Northern Virginia Transportation Authority, and the Northern Virginia Regional Commission adopted the principles that the Board's Legislative Committee adopted on January 26 concerning transportation proposals.

Chairman Connolly reminded Members that the Board is hosting a legislative reception in Richmond on February 13. He understood that only three Members were currently attending; therefore, he asked that Members review their schedules to ensure their ability to attend.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

Supervisor Smyth asked unanimous consent that the Board direct staff to review transportation accommodations, particularly in the event of inclement weather, to facilitate Members' attendance in Richmond. Without objection, it was so ordered.

Supervisor Kauffman raised several questions concerning companion bills covering building codes addressing overcrowding, landlord penalties, unit occupancy, as well as proposed legislation affecting competitive bidding on interim or comprehensive agreements under the Public-Private Transportation act if the total cost of the project involves the expenditure of \$10 million or more in state funds. Following discussion, with input from Michael H. Long, Senior Assistant County Attorney, Supervisor Kauffman asked unanimous consent that the Board direct the County Attorney to provide additional information on the status of these bills. Without objection, it was so ordered.

Supervisor Hudgins recognized the work of the legislative staff in advancing the County's proposals in Richmond, in particular, their efforts in moving forward human services bills affecting Temporary Assistance for Needy Families (TANF).

Supervisor Gross stated that on Thursday she learned of a proposal to create a Virginia Board of Environmental Quality (HB 3113 and SB 1403) which would consolidate the current State Water Control Board, the Air Pollution Board, and at least one other board, and create just one Board to cover the jurisdictions covered by all the other boards. Supervisor Gross asked unanimous consent that the Board direct staff to provide an update for this proposal for presentation at the Board's next Legislative Committee meeting on Friday, February 9. Without objection, it was so ordered.

Chairman Connolly noted that this past Friday's Legislative Committee meeting had been cancelled because of Members' participation in meetings in Richmond the previous evening, and he stated that the Committee would convene this Friday as scheduled.

Chairman Connolly again reminded his colleagues of the importance of their participation in the legislative reception on February 13.

Supervisor Bulova noted a newspaper article concerning energy regulation and legislation currently being considered by the General Assembly.

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and asked unanimous consent that the Board direct staff to provide a briefing, with supporting documents, at this Friday's Legislative Committee meeting concerning proposals currently under consideration. Without objection, it was so ordered.

Following additional discussion concerning legislation addressing adequate public facilities, HB 3011 concerning bonding, and the Dillon Rule, Chairman Connolly moved adoption of the Legislative Committee Report. Vice-Chairman Bulova seconded the motion and it carried by unanimous vote.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

CWB:cwb

11. **ADMINISTRATIVE ITEMS** (10:54 a.m.)

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

Supervisor Hudgins called the Board's attention to Admin 8 – Authorization to Advertise Public Hearings on Proposed Amendments to the Public Facilities Manual to Address January 2006 Revisions to Appendix B of the Virginia Department of Transportation Road Design Manual and discussion ensued with input from Judith Cronauer, Engineer III, Code Analysis Division, Department of Public Works and Environmental Services, regarding urban design standards.

The question was called on the motion to approve the Administrative Items 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 PUBLIC FACILITY REVIEW APPLICATIONS (BRADDOCK, DRANESVILLE, HUNTER MILL, PROVIDENCE, AND SPRINGFIELD DISTRICTS)

<u>Application Number</u>	<u>Description</u>	<u>New Date</u>
FS-H06-102	Clearwire US LLC Antenna co-location on existing monopole 10907 Sunset Hills Road Hunter Mill District	April 7, 2007
FS-S06-103	Clearwire US LLC Rooftop antennas 4035 Ridge Top Road Springfield District	April 7, 2007
FS-B06-105	Clearwire US LLC Antenna co-location on existing rooftop tower 4400 University Drive Braddock District	April 19, 2007
FS-D06-106	Clearwire US LLC Antenna co-location on existing tower 11000 Leesburg Pike Dranesville District	April 19, 2007

<u>Application Number</u>	<u>Description</u>	<u>New Date</u>
FS-P06-107	Clearwire US LLC Rooftop antennas 3111 Fairview Park Drive Providence District	April 19, 2007
FS-P06-109	Clearwire US LLC Rooftop antennas 1800 Old Meadow Road Providence District	April 19, 2007
FS-P06-110	Clearwire US LLC Rooftop antennas 1755 Old Meadow Road Providence District	April 19, 2007
FS-P06-112	Clearwire US LLC Rooftop antennas 8201 Greensboro Drive Providence District	April 26, 2007
FS-P06-113	Clearwire US LLC Rooftop antennas 11800 Sunrise Valley Drive Hunter Mill District	April 26, 2007
FS-P06-114	Clearwire US LLC Antenna co-location on existing tower 8101A Lee Highway Providence District	April 26, 2007

ADMIN 2 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX M, ESTABLISHING THE NEWGATE COMMUNITY PARKING DISTRICT (CPD) (SULLY DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **February 26, 2007, at 4:30 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Appendix M, to establish the Newgate CPD.

ADMIN 3 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON A PROPOSAL TO VACATE UNNAMED RIGHT-OF-WAY IN BRADDOCK HILLS SUBDIVISION (MASON DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **March 12, 2007, at 4 p.m.** to consider the vacation of unnamed right-of-way in the Braddock Hills Subdivision.

ADMIN 4 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON SPOT BLIGHT ABATEMENT ORDINANCE FOR 7705 KELLY ANN COURT (SPRINGFIELD DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **March 12, 2007, at 4 p.m.** to consider adoption of a Spot Blight Abatement Ordinance for 7705 Kelly Ann Court, Fairfax Station, Virginia, 22039, Tax Map Number 096-1-((03))-((03))-0001.

ADMIN 5 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON SPOT BLIGHT ABATEMENT ORDINANCE FOR 8505 SKY VIEW DRIVE (MOUNT VERNON DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **March 12, 2007, at 4 p.m.** to consider adoption of a Spot Blight Abatement Ordinance for 8505 Sky View Drive, Alexandria, Virginia, 22309, Tax Map Number 101-3-((10))-0011.

ADMIN 6 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON SPOT BLIGHT ABATEMENT ORDINANCE FOR 6510 ROCK A BY ROAD (LEE DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **March 12, 2007, at 4 p.m.** to consider adoption of a Spot Blight Abatement Ordinance for 6510 Rock A By Road, Alexandria, Virginia, 22310, Tax Map Number 092-1-((01))-0036.

ADMIN 7 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX M, ESTABLISHING THE FRANKLIN GLEN COMMUNITY PARKING DISTRICT (CPD) (SULLY DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **February 26, 2007, at 4:30 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Appendix M, to establish the Franklin Glen CPD.

ADMIN 8 – AUTHORIZATION TO ADVERTISE PUBLIC HEARINGS ON PROPOSED AMENDMENTS TO THE PUBLIC FACILITIES MANUAL (PFM), TO ADDRESS JANUARY 2006 REVISIONS TO APPENDIX B OF THE VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) ROAD DESIGN MANUAL

- (A) (NOTE: Earlier in the meeting, the Board discussed this item. See page 6.)

Authorized the advertisement of a public hearing to be held before the Planning Commission on March 29, 2007, at 8:15 p.m., and before the Board on **May 7, 2007, at 4:30 p.m.** to consider proposed amendments to Chapter 7 of the PFM. The proposed PFM amendments reference the current VDOT design standards rather than restating them.

ADMIN 9 – SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 07092 FOR VARIOUS FAIRFAX AGENCIES TO ACCEPT DEPARTMENT OF HOMELAND SECURITY URBAN AREA SECURITY INITIATIVE (UASI) SUB-GRANT AWARDS AND GRANT ADJUSTMENTS FROM THE STATE ADMINISTRATIVE AGENCY FOR THE NATIONAL CAPITAL REGION

- (SAR) Authorized SAR AS 07092 for staff to accept Department of Homeland Security Fiscal Year (FY) 2006 UASI Sub-Grant awards along with FY 2005 and FY 2006 Grant Adjustments from the DC Office of the Deputy Mayor for Public Safety and Justice in the amount of \$798,799. These funds will be used by various County agencies to enhance security and overall preparedness by implementing the projects summarized in Attachment 1 of the Board Agenda Item dated February 5, 2007. All projects will be implemented in accordance with the program guidance documents. No Local Cash or in-kind match is required.

12. **A-1 – APPROVAL FOR THE FAIRFAX COUNTY DEPARTMENT OF TRANSPORTATION TO IMPLEMENT A PROGRAM FOR INSTALLATION OF NEW BUS SHELTERS, AND FOR A BUS SHELTER ADVERTISING AND MAINTENANCE PROGRAM** (10:56 a.m.)

- (P) Supervisor Hyland moved that the Board concur in the recommendation of staff and:

- Direct staff to finalize and issue a Request for Proposal (RFP) for a contractor to install new bus shelters at appropriate locations along the Virginia Department of Transportation (VDOT) right-of-way and to manage a bus shelter advertising, maintenance, and cleaning program.
- Adopt the Policy entitled “Guidelines for Advertising on Fairfax County Bus Shelters.”

Supervisor Bulova seconded the motion and discussion ensued with input from Rollo C. Axton, Chief, Transit Services Division, Department of Transportation, regarding bus shelters, future bus stops and bus shelters, safety issues, and bus shelter advertising.

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

13. **A-2 – APPROVAL OF THE ASSIGNMENT AND ASSUMPTION OF THE SPRINGFIELD CENTER DRIVE PRIVATE ROAD** (11:06 p.m.)

On motion of Supervisor Hyland, seconded by Supervisor Bulova, and carried by unanimous vote, the Board concurred in the recommendation of staff and authorized execution of an agreement from Springfield East, L.C. to Boston Properties Limited Partnership for the private road between Springfield Center Drive and the Joe Alexander Transportation Center Metro Station.

14. **A-3 – FISCAL YEAR 2007 FOREST PEST MANAGEMENT SUPPRESSION PROGRAM** (11:07 a.m.)

Supervisor DuBois moved that the Board concur in the recommendation of staff and approve the actions concerning the County's Fiscal Year 2007 Forest Pest Management Suppression Program as outlined in the Board Agenda Item dated February 5, 2007. Supervisor Bulova seconded the motion.

Chairman Connolly called the Board's attention to the fluctuating gypsy moth population in recent years. Discussion ensued with input from Troy Shaw, Urban Forester III, Forest Pest Management, Department of Public Works and Environmental Services, regarding the square acreage that will require pest suppression in 2007.

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

15. **I-1 – CONTRACT AWARD – PATRIOT PARK PHASE I DEVELOPMENT** (11:12 a.m.)

The Board next considered an item contained in the Board Agenda dated February 5, 2007, requesting authorization for staff to award a contract to Tessa Construction and Technical Company in the amount of \$2,127,000, for Phase 1 construction of Patriot Park in Fund 370, Park Authority Bond Construction, Project 474104, Athletic Fields and Fund 371, Park Capital Improvement Fund, Project 004791, Popes Head.

The staff was directed administratively to proceed as proposed.

16. **I-2 – QUARTERLY STATUS REPORT ON THE BOARD’S FOUR-YEAR TRANSPORTATION PROGRAM AND OTHER SELECTED PROJECTS**
(11:12 a.m.)

The Board next considered an item contained in the Board Agenda dated February 5, 2007, regarding the quarterly status report on the Board’s Four-Year Transportation Program and other selected projects.

Supervisor Kauffman called the Board’s attention to handwritten pages 40, 47, and 54 of the status report and discussion ensued with input from Katharine Ichter, Director, Department of Transportation, regarding the US Army’s role in the planning and construction of a portion of the Fairfax County Parkway (Route 7100).

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and moved that the Board affirm its position regarding the Board’s support for the US Army to initiate its role in the planning and construction of a segment of the Fairfax County Parkway (Route 7100). Supervisor Hyland, Supervisor Kauffman, and Supervisor McConnell jointly seconded the motion.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

Supervisor McConnell asked to amend the motion that the Board direct staff to notify the State that the Board urges State compliance concerning the improvements of the Fairfax County Parkway (Route 7100). This was accepted.

A brief discussion ensued with input from Anthony H. Griffin, County Executive, regarding the three interchanges associated with the project.

Chairman Connolly commented on the accomplishments of the transportation program and notable improvements in local transportation.

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

Supervisor Smyth commented on transportation project delays concerning the Virginia Department of Transportation (VDOT) and discussion ensued with input from Ms. Ichter.

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and asked unanimous consent that the Board direct staff to draft a letter to VDOT with a copy to the Commonwealth Transportation Board regarding the progress and delays of the aforementioned project. Without objection, it was so ordered.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

Supervisor Smyth called the Board's attention to handwritten page 3 of the report regarding bus service in the Tysons Corner area and fiscal transportation issues. Discussion ensued with input from Ms. Ichter.

Supervisor DuBois asked unanimous consent that the Board direct staff to provide a status report update regarding Leesburg Pike (Route 7) and funding. Without objection, it was so ordered.

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and asked unanimous consent that the Board direct staff to consult and work with the Police Department regarding traffic congestion management following church services on Leesburg Pike (Route 7). Without objection, it was so ordered.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

Supervisor Hudgins commented on the pending construction of a transportation project on Centreville Road and discussion ensued with input from Ms. Ichter.

17. **I-3 – NATIONAL CONSUMER PROTECTION WEEK ACTIVITIES, FEBRUARY 4-10, 2007** (11:38 a.m.)

The Board next considered an item contained in the Board Agenda dated February 5, 2007, announcing that the Department of Cable Communications and Consumer Protection Consumer Affairs Branch has joined other federal, state, and local government agencies and national consumer advocacy organizations to launch the ninth annual National Consumer Protection Week, February 4-10, 2007. This year's theme is *Read Up and Reach Out: Be an Informed Consumer*.

Each day of Consumer Protection Week, investigators will be available during lunch time at the Government Center to speak with consumers. Consumers will have the opportunity to test their knowledge on topics ranging from automobiles and identity theft, to tenant/landlord issues by spinning the "Wheel of Misfortune." Brochures and tips sheets will be available on subjects such as tenant/landlord rights and responsibilities, telemarketers, refund and exchange policies, credit reports, contractors, diamonds, scams, rebates, and many more topics.

The Consumer Affairs Branch will also host two brown bag seminars at the Government Center so consumers can interact with the experts.

Channel 16 will broadcast a special Consumer Focus program during the week entitled *Brilliant Deceptions*.

18. **I-4 – PLANNING COMMISSION ACTION ON PUBLIC FACILITIES REVIEW APPLICATION 2232-MD06-10, WMATA (DRANESVILLE, HUNTER MILL, AND PROVIDENCE DISTRICTS)** (11:39 a.m.)

The Board next considered an item contained in the Board Agenda dated February 5, 2007, announcing the Planning Commission's approval of Public Facilities Review Application 2232-MD06-10.

The Planning Commission noted that the application, as amended, met the criteria of character, location and extent, and was in conformance with Section 15.2-2232 of the *Code of Virginia*. Application 2232-MD06-10 sought approval to construct an extension of Metrorail through Fairfax County, generally within the Dulles Corridor, including the rail line, and ancillary power and stormwater management facilities, but excluding the rail passenger stations. The property included in the application includes portions of road rights-of-way located on Tax Maps 15-2, 16-1, 16-3, 16-4, 17-3, 17-4, 18-3, 18-4, 19-3, 27-1, 27-2, 28-1, 28-2, 29-1, 29-3, 29-4, 30-3, 40-1, 40-2, 40-3, and 40-4. Also, portions of Tax Maps 16-4 ((1)) 14B, 28, 29; 17-3 ((1)) 35A; 17-4 ((1)) 31,32; 17-4 ((24)) 3,4A,5; 18-3 ((1)) 7A,7B,7D,11B1; 18-4 ((1)) 26; 18-4 ((9))(2) 14; 19-3 ((13)) K; 27-1 ((16))(5) 9; 28-1((1)) 19; 28-1((21)) A, 10A,11; 28-2 ((1)) 2; 28-2 ((14)) J; 28-3 ((1)) 51; 29-4 ((5)) 10A; 29-4 ((10)) 5C; 40-1 ((1)) 10; and 40-1 ((26)) 28 are included.

ADDITIONAL BOARD MATTERS

NV:nv

19. **NO CHILD LEFT BEHIND (NCLB)** (11:39 a.m.)

Jointly with Supervisor Smyth, Chairman Connolly asserted that the federally mandated NCLB is a well-intentioned, but seriously flawed, piece of legislation. He said that it is rigid in its standards, inflexible in its implementation, and imposes an unfunded mandate that will cost County taxpayers tens of millions of dollars. He said that the "tin-ear" of the US Department of Education, with respect to the application of testing on newly-arrived non-English speaking students and the failure of the federal government to fully fund the NCLB, raises profound questions about the validity of this legislation. He said that if these issues are not addressed, that Congress should not reauthorize this legislation.

Chairman Connolly distributed copies of a resolution adopted by the School Board on January 25 that stated that all limited English proficient (LEP) students will not be subjected to the full grade-level Standards of Learning reading test in English, in defiance of the federal government's stance on the implementation of the NCLB Act. He said that these are mostly students who are new to the US, many of whom are unable to speak or read English. School staff state that there are approximately 5000 LEP newly arrived students who must take the full grade-level English test in a language they cannot yet read, speak, or write. The School Board resolution also reaffirms the semiannual performance testing of these

students, but in an educationally appropriate manner. This resolution, supported by the State Superintendent, the State Board of Education, as well as the school boards of Arlington County and the City of Harrisonburg, requests that a modicum of flexibility be added to the implementation of NCLB.

Chairman Connolly added that this is a classic example of an unfunded mandate, costing County taxpayers more than \$120 million to date, for which the School Division has been reimbursed only \$16.6 million, with taxpayers footing an \$11 million bill this year alone. He acknowledged that helping these students become proficient English speakers and writers able to take the full grade-level English test is still the School Board's goal, but said that simply issuing a rigid mandate that the newest students in need of the most help must take the test now when they have just begun to learn English is a flawed, self-defeating process, and leaves these students in danger of being left behind by the federal government. He said that the US Department of Education has taken a rigid, one-size-fits-all approach that fails to take cognizance of the challenges faced by big, disproportionally diverse school districts such as the County's.

Accordingly, Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and, jointly with Supervisor Smyth, moved that the Board:

- Endorse and reaffirm the School Board's resolution.
- Call on Congress, in reauthorizing the NCLB Act, to add flexibility to the implementation to help make NCLB a more effective tool for ensuing educational accountability.
- Call on Congress to fully fund the implementation of the NCLB. If the Congress believes this is worth doing, then the funding cannot be left behind.

Supervisor Smyth seconded the motion and discussion ensued regarding NCLB.

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

20. **REQUEST FOR ADDITIONAL TIME TO REVIEW BASE REALIGNMENT AND CLOSURE (BRAC)/FORT BELVOIR ENVIRONMENTAL IMPACT STATEMENT (EIS) (MOUNT VERNON AND LEE DISTRICTS)** (11:58 a.m.)

(NOTE: Earlier in the meeting, the Board discussed the transportation implications of BRAC in relation to the completion of the Fairfax County Parkway. See Clerk's Summary Item #16.)

Chairman Connolly indicated that this is a joint Board Matter with Supervisor Hyland, Supervisor Kauffman, and Supervisor McConnell.

Chairman Connolly noted that on January 24, the Army conducted a public information meeting on the status of the planning for the BRAC action at Fort Belvoir and the preparation of the EIS that will evaluate potential environmental, transportation, and socio-economic effects associated with the movement of more than 22,000 workers to Fort Belvoir and the Engineer Proving Ground (EPG). At the meeting, the Army indicated that the Draft EIS would be released on February 23 with a public hearing to be held sometime in March. The proposed 45-day public comment period is the minimum allowed under Army regulations.

Chairman Connolly said that he anticipated an EIS covering an action of this magnitude will be a complex and detailed document that will require considerable time and effort to review. He said that County staff indicated that based on a February 23 release date and early April deadline they would have only 10 to 15 working days to review the Draft EIS and submit comments. He asserted that this is an insufficient amount of time to conduct a comprehensive and coordinated review on such a wide ranging document.

Accordingly, Chairman Connolly moved that the Board direct staff to prepare a letter, for his signature, to Colonel Brian Lauritzen, the base commander, indicating that the proposed 45-day public review for the Draft EIS is insufficient for an undertaking of this magnitude and will not give the County or its citizens sufficient time to review the Draft EIS for this critically important federal action. A 60 to 90-day review period is much more in line with what the Board hopes will be a thorough evaluation of alternatives. Supervisor Kauffman seconded the motion and it was noted that this is for the EIS review only.

Following discussion regarding the proposal, Supervisor Kauffman asked to amend the motion to indicate in the letter that it is not a disparagement of Colonel Lauritzen's outreach and coordination efforts and direct staff to copy the County's Congressional Delegation and Assistant Secretary of the Army Keith Eastin on the letter, and this was accepted.

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

21. **RECOGNITION OF POLICE DEPARTMENT'S SAFE DECEMBER PROGRAM** (12:01 p.m.)

Chairman Connolly reminded the Board that the Police Department launched its Safe December Program late last year to educate the public about the dangers of improper alcohol use and underage alcohol purchases during the holiday season. He provided statistics on the effort as outlined in his written Board Matter.

Accordingly, Chairman Connolly moved that the Board direct staff to invite Police Chief David Rohrer, Captain Jesse Bowman of the Traffic Division, members of the Safe December Squad, and others from the Police Department

who made this effort such a success to appear before the Board for appropriate recognition. Supervisor McConnell seconded the motion.

Following discussion regarding Lidar guns for speed enforcement, Supervisor Hyland asked to amend the motion to direct staff also to plot the locations of the arrests and give the totals for the places where the roadblocks are located, and this was accepted.

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

22. **APPOINTMENT TO THE TYSONS TRANSPORTATION AND URBAN DESIGN STUDY COORDINATING COMMITTEE** (12:05 p.m.)

(APPT) Chairman Connolly circulated copies of a letter he received from Keith Turner, President of the Tysons Transportation Association (TYTRAN) requesting the appointment of Mr. Eric Bahr from Capital One Services, Incorporated to the Tysons Transportation and Urban Design Study Coordinating Committee to fill TYTRAN's currently vacant third seat.

Accordingly, Chairman Connolly moved the confirmation of the appointment of Mr. Eric Bahr as the Tytran #1 Representative to the Tysons Transportation and Urban Design Study Coordinating Committee. Supervisor Smyth seconded the motion, which carried by a vote of nine, Supervisor Kauffman being out of the room.

23. **APPOINTMENT TO THE FAIRFAX COUNTY SMALL BUSINESS COMMISSION** (12:06 p.m.)

(APPT) Chairman Connolly noted that there are at least two at-large vacancies on the Small Business Commission that have recently been created due to resignations. He noted that he circulated biographical information and a résumé along with letters of recommendation for Mr. Michael Nguyen.

Accordingly, Chairman Connolly moved the appointment of Mr. Michael Nguyen as the At-Large #1 Representative to the Fairfax County Small Business Commission. Supervisor DuBois and Supervisor Gross jointly seconded the motion, which carried by unanimous vote.

24. **MULTIPLE SCLEROSIS (MS) WEEK** (12:06 p.m.)

Chairman Connolly asked unanimous consent that the Board proclaim the week of March 5-11, 2007, as "*MS Awareness Week*" in Fairfax County and direct staff to invite the appropriate representatives from the National MS Society of the Capital Region to receive the proclamation at the February 26 Board meeting. Without objection, it was so ordered.

25. **MARCH IS PURCHASING MONTH** (12:07 p.m.)

Chairman Connolly asked unanimous consent that the Board proclaim March as “*Purchasing Month*” in Fairfax County and direct staff to invite representatives from the Department of Purchasing and Supply Management and the School Division’s Office of Supply Operations to be recognized with the proclamation at the February 26 meeting if possible.

Following input from Jeremy Lasich, Deputy Director, Office of Public Affairs, regarding scheduling, without objection, it was so ordered.

26. **WOMEN’S HISTORY MONTH** (12:07 p.m.)

Noting that March is National Women’s History Month, Chairman Connolly asked unanimous consent that the Board proclaim March 2007 as “*Women’s History Month*” in Fairfax County and direct staff to invite the appropriate representatives from the Office of Equity Programs and the Office for Women to receive the proclamation at the March 12 Board meeting. Without objection, it was so ordered.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

27. **JOINT BOARD MATTER WITH CHAIRMAN CONNOLLY ON SPONSORING LEGISLATION TO AMEND THE VIRGINIA RESIDENTIAL LANDLORD AND TENANT ACT** (12:07 p.m.)

Supervisor Hyland stated that a few weeks ago, he received correspondence from a constituent who has lived on Fenwick Drive in the Huntington Community for the last 20 years. She asked if there is currently a law that requires property owners or their agents to disclose the potential for flooding when leasing a property. While the Virginia Residential Landlord and Tenant Act requires disclosures for visible mold, the law does not, as a general rule, impose a flooding disclosure.

Therefore, Supervisor Hyland moved that the Board direct staff to include this as an agenda item for the Legislative Committee’s first meeting for the next session of the General Assembly to consider amending the Virginia Residential Landlord and Tenant Act to require disclosures for flood prone properties and provide information on the present act and a recommendation to the Board. Supervisor Bulova seconded the motion, which carried by unanimous vote.

28. **RECOGNITION OF COUNTY ORGANIZATIONS FOR SELECTION IN THE CATALOGUE FOR PHILANTHROPY** (12:08 p.m.)

Supervisor Hyland stated that the following is a joint Board Matter with Chairman Connolly, Supervisor Gross, Supervisor Kauffman, and Supervisor Smyth.

Supervisor Hyland noted that every year the *Catalogue for Philanthropy* selects small local charities, whose budgets are less than \$2 million, in an effort to promote their causes. These smaller charities comprise the vast majority of all non-profits the public rarely hears about because they cannot always afford to make themselves heard. Nevertheless, they are there working hard everyday to elevate the lives of others, improve the environment, and enrich the cultural heritage. This year the *Catalogue* selected 71 local charities from 200 applicants. Eight of these organizations operate in the County and have been positively impacted by being selected for inclusion.

Therefore, Supervisor Hyland asked unanimous consent that the Board direct the Office of Public Affairs to invite the following groups to appear before the Board to be recognized at an appropriate time:

- Alzheimer's Family Day Center
- Coptic Orphans
- Ecumenical Community Helping Others (ECHO)
- Food for Others
- Good Shepherd Housing and Family Services
- Housing and Community Services of Northern Virginia
- Lorton Community Action Center
- Northern Virginia Conservation Trust

Without objection, it was so ordered.

29. **MOUNT VERNON DISTRICT TOWN MEETING** (12:09 p.m.)

Supervisor Hyland expressed appreciation to staff and fellow Board Members who participated in his recent successful twentieth annual town meeting in the Mount Vernon District. He briefly recapped the meeting and a humorous handout he included with the materials distributed at the meeting.

Chairman Connolly and Supervisor Kauffman congratulated Supervisor Hyland for his successful well-attended annual event.

30. **REQUEST FOR SHARED INFORMATION ABOUT PUBLIC HOUSING**
(12:13 p.m.)

Supervisor McConnell called the Board's attention to an incident last week where the police had a bank robbery suspect cornered in a neighborhood. She noted that

this was not the first occasion where public housing was involved in such an incident. The property was Section Eight public housing where several incidents had occurred. She asked unanimous consent that the Board direct staff to share public housing incident information with the Police Department. Without objection, it was so ordered.

31. **RECOGNITION OF PROVIDENCE RECENTER'S TWENTY-FIFTH ANNIVERSARY (PROVIDENCE DISTRICT)** (12:15 p.m.)

Supervisor Smyth noted that the Providence RECenter just celebrated its twenty-fifth anniversary. It is a Park Authority facility located on a 13-acre site at 7525 Marc Drive in Falls Church that opened to the public in early 1982 after being built with limited funding from the 1977 Park Bond referendum at the urging of then Providence District Park Authority Board Representative, John Mastenbrook. The center was dedicated in honor of Edwin Bancroft Henderson, an educator, civil rights activist, and local pioneer in athletics.

Supervisor Smyth said that the anniversary celebration was held on Saturday, February 3, with demonstrations and events throughout the day. She and Chairman Connolly read a proclamation declaring Saturday, February 3, as "Providence RECenter Day" in Fairfax County.

32. **RESIGNATION OF MS. JOANNE MALONE AS THE PROVIDENCE DISTRICT REPRESENTATIVE TO THE PARK AUTHORITY** (12:15 p.m.)

(BACS) Supervisor Smyth announced the resignation of Ms. Joanne Malone as the Providence District Representative to the Park Authority and asked unanimous consent that the Board direct staff to invite Ms. Malone to appear before the Board in recognition of her years of service. Without objection, it was so ordered.

DET:det

33. **CORRECTION TO BOARD RECORD – TALISMAN DRIVE/McKINLEY STREET TRAFFIC CALMING PROGRAM (HUNTER MILL DISTRICT)** (12:16 p.m.)

Supervisor Hudgins announced that at its January 8, 2007, meeting the Board approved Administrative Item 5 – Approval of Traffic Calming Measures and "Watch for Children" Signs as part of the Residential Traffic Administration Program (R-TAP) (Mount Vernon, Hunter Mill, Sully, and Springfield Districts), and noted that the map for the Hunter Mill District Project had incorrect addresses listed for the location of the Talisman Drive speed table. She stated that the language of the Item was correct, as was the Board Summary.

Supervisor Hudgins moved that the Board:

- Accept the corrected map as part of the approved traffic calming measure designated as “Speed Table on Talisman Drive (Hunter Mill District).”
- Direct staff to forward a copy of the map to the Virginia Department of Transportation (VDOT).

Chairman Connolly seconded the motion. Discussion ensued with input from David P. Bobzien, County Attorney, concerning the submission of the map to VDOT.

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

34. **TERRASET ELEMENTARY SCHOOL THIRTIETH ANNIVERSARY (HUNTER MILL DISTRICT)** (12:17 p.m.)

Supervisor Hudgins stated that Terraset Elementary School, constructed in the 1970s with solar panels on its roof to save energy costs, will celebrate its thirtieth anniversary beginning on Thursday, February 22. She noted that the technology-focus and environmentally-conscious curriculum will be showcased during the month-long celebration of its anniversary, with archived materials and information displayed throughout the school.

Supervisor Hudgins announced that on Sunday, March 18, Terraset will host a spring carnival to celebrate the three decades of achievement in the community educating the children of Hunter Mill District.

Supervisor Hudgins asked unanimous consent that the Board direct staff to invite Principal Ellen Cury and members of the Terraset Elementary School family to appear before the Board to be recognized for over 30 years of educational achievements and ecological and environmental innovations. Without objection, it was so ordered.

35. **FLORIS UNITED METHODIST CHURCH DONATES \$50,000 TO THE HERNDON FREE CLINIC (HUNTER MILL DISTRICT)** (12:19 p.m.)

Supervisor Hudgins recalled that in many parental and religious teaching, “tis better to give than to receive,” and said that for members of the Floris United Methodist Church, who raised \$50,000 for the Herndon Free Clinic, this meant doubling the clinic’s capacity to serve the uninsured and low-income individuals in the community in need of services. She added that in 2002, the Herndon Free Clinic opened as the only free clinic in the County.

Supervisor Hudgins noted that the donation given on January 17, at the clinic’s board meeting was an act of charitable giving collected during Christmas

offerings at the church, and that the donation presented to the clinic will provide two additional 5-hour daytime clinics and two additional evening adult clinics. In addition, she added that over 1800 school physicals have been given to children to allow them to enroll in public school, and that services and referrals for eye exams and dental care will be covered through this donation.

Supervisor Hudgins asked unanimous consent that the Board direct staff to invite the Reverend Tom Berlin, senior pastor of the church, and representatives from the congregation to appear before the Board to be recognized for the very generous contribution. Without objection, it was so ordered.

36. **EXPEDITED PROCESSING FOR ATHENA/RENAISSANCE RESTON, LLC, DEVELOPMENT PLAN AMENDMENT/PROFFERED CONDITION AMENDMENT APPLICATION PCA 82-C-060-2 (HUNTER MILL DISTRICT)** (12:19 p.m.)

- (A) Supervisor Hudgins announced that Athena/Renaissance Reston, LLC, has filed Development Plan Amendment/Proffered Condition Amendment Application DPA/PCA 82-C-060-2 seeking to modify the design of a previously-approved redevelopment of a portion of the ParcReston development. She noted that the application was scheduled for public hearing before the Planning Commission on Wednesday, January 31; however, in the days prior to the scheduled hearing, staff discovered an error in the list of parcels that are the subject of the application, causing the Planning Commission public hearing to be deferred so that the application could be amended to correct the error. Supervisor Hudgins noted that staff and the applicant are working to resolve these issues and to establish a new date for the Planning Commission public hearing; however, in the interim, the applicant has requested that the Board authorize expedited processing of the application and establish a date certain for the public hearing before the Board so that both public hearings can be advertised concurrently.

Supervisor Hudgins moved that the Board:

- Authorize expedited processing of Development Plan Amendment/Proffered Condition Amendment Application DPA/PCA 82-C-060-2.
- Authorize staff to advertise the applications for a public hearing to be held before the Board on March 26, 2007.

This motion should not be construed as a favorable recommendation by the Board of Supervisors on the proposed application and does not relieve the applicant from compliance with the provisions of all applicable ordinances, regulations, or adopted standards.

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

37. **UNITED CHRISTIAN PARISH (UCP) OUT-OF-TURN PLAN AMENDMENT REQUEST (HUNTER MILL DISTRICT)** (12:21 p.m.)

Supervisor Hudgins stated that the UCP of Reston currently operates several facilities in Reston, including one on Colts Neck Road, and that for some time, church leaders have been working on plans to consolidate these facilities into a single location. As part of that planning, Supervisor Hudgins said that the church has outlined potential reuse of the church property on Colts Neck Road. In addition, Supervisor Hudgins has met with representatives of the church several times to discuss this proposal and, with her encouragement, they have also met with neighboring residents and community groups. Supervisor Hudgins added that so far, it appears that the possible redevelopment of this site has been received positively.

Supervisor Hudgins stated that the land use component of the Reston Master Plan (RMP) currently designates the church property at Colts Neck Road for high density residential uses; however, the community facilities component of the RMP designates the property as a church, as does the underlying development plan approved with the original rezoning for the property. Consequently, she pointed out that for the property to be used for anything other than as a church, an amendment is required for the community facilities portion of the RMP as well as a development plan amendment.

Supervisor Hudgins noted that while she is normally reluctant to authorize an out-of-turn plan amendment outside the Area Plans Review, which will occur in 2008 for North County, several reasons bring her to this request, including a chance to allow the option for elderly housing which will benefit the community and place little infrastructure demands on the community. In addition, she stated that the applicant proposes to make restorations of Snakeden Stream Valley a high priority.

Therefore, Supervisor Hudgins moved that the Board:

- Authorize staff to consider an out-of-turn plan amendment for the property located at 2222 Colts Neck Road and identified on the County Tax Map as 26-1 ((13)), Parcel 1, for the possible development of elderly housing on the property.
- Authorize staff to accept and process, concurrent with its consideration of this out-of-turn plan amendment, a development plan amendment/proffered condition amendment and related applications for the establishment of elderly housing on the property.

Supervisor Bulova seconded the motion.

Supervisor Hudgins said that she has advised the representatives of the church that the Board's authorization to consider the out-of-turn plan amendment does not indicate support for the adoption of such an amendment, nor does it relieve them of complying with all requirements of the Zoning Ordinance concerning the required zoning applications and approvals, nor does it prejudice in any way the staff's review of the proposed amendment and related zoning applications.

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

38. **QUESTIONS ABOUT THE DULLES CORRIDOR METRORAIL PROJECT** (12:24 p.m.)

Supervisor Hudgins announced that last week she, and other Members of the Board, received a letter addressed to Governor Kaine that requested some innovative approaches to Phase 1 of the Dulles Corridor MetroRail Project. She said the letter raised some interesting questions, and she asked unanimous consent that the Board direct staff to forward a letter to the Virginia Department of Rail and Public Transportation (VDRPT) and the Federal Transit Administration (FTA) asking for a response to the following questions:

- Can the Phase 1 – Design-Build work be competitive for the aerial alignment and against Dulles Transit Partners (DTP) without jeopardizing the federal funds?
- Should the tunnel option cost more than the DTP fixed price aerial alignment, can the difference be born by other land owners without jeopardizing the project?
- Does the Dulles Corridor Metrorail Project (DCMP) qualify by the FTA for Public-Private Partnership (PPP) Program Pilot expedited project review, expedited environmental review, and other FTA considerations?

Supervisor Kauffman asked to amend the request as follows:

- **How** can Phase I – Design – Build work be competitive for the aerial alignment and against Dulles Transit Partners (DTP) without jeopardizing the federal funds?
- Should the tunnel option cost more than the DTP fixed price aerial alignment, **how** can the difference be born by other land owners without jeopardizing the project?
- **How** can the DCMP qualify by the FTA for PPP Pilot Program expedited project review, expedited environmental review, and other FTA considerations?

This was accepted.

Without objection, the request, as amended, was so ordered.

Supervisor Kauffman asked unanimous consent that the Board direct staff to provide a draft of the letter for comment, before the letter is sent. Without objection, it was so ordered.

39. **NATIONAL ARCHITECTURE WEEK** (12:28 p.m.)

Supervisor Bulova announced that the American Institute of Architects is celebrating its 150th anniversary on April 13, 2007. Combining advances in building technology with design innovation, the richness of the County's heritage, and the vitality of the national spirit have been expressed through the work of American architects. The architecture profession in the County, through the American Institute of Architects, has been vigilant in its stewardship of many of the County's great architectural and historic treasures and in its efforts on behalf of building healthy, safe, livable, sustainable communities that enrich the lives of people from every walk of life.

Therefore, Supervisor Bulova asked unanimous consent that the Board:

- Proclaim April 9-14 as "*National Architecture Week*" in Fairfax County.
- Direct staff to invite representatives of the American Institute of Architects to appear before the Board on March 26 to accept this proclamation.

Without objection, it was so ordered.

40. **BRADDOCK DISTRICT ANNUAL TOWN MEETING (BRADDOCK DISTRICT)** (12:29 p.m.)

Supervisor Bulova announced that on February 14, 2007, Braddock District is hosting its annual town meeting for seniors, at the Little River Glen Senior Center. The meeting schedule includes:

- A Senior Resource Fair from 1 to 2 p.m.
- A panel discussion on issues including health, mental health, and transportation improvement, from 2 to 3:30 p.m.

PMH:pmh

41. **NO BOARD MATTERS FOR SUPERVISOR GROSS (MASON DISTRICT)**
(12:30 p.m.)

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

42. **OFFSETS TO PARKS AND RECREATION IMPACT FROM PRIVATE DEVELOPMENT** (12:31 p.m.)

Supervisor Kauffman said that he received a memorandum from the County Executive on January 26, 2007, with a subject line of "Offsets to Parks and Recreation Impact from Private Development." He added that this memorandum is a follow up to a Board Matter that he introduced on March 27, 2006.

Supervisor Kauffman said that the Board Matter indicated that the Board had not updated the County's P District required fees amount for park facilities related to new construction since October 1997. After reading his Board Matter, the Board expanded the item and directed staff to look into the fee structures for all of the various fees charged through the land use process to ensure that they are updated on a regular basis.

Supervisor Kauffman expressed his disappointment when he received the memorandum on January 26, 2007, almost a year after the original item was approved by the Board. According to the item, the Board will not even have its Board public hearing on proposed changes until May 21, 2007, 14 months after the issue was raised. Furthermore, the item does not include recommendations for updates to any other fee structures.

Therefore, Supervisor Kauffman asked unanimous consent that the Board direct the County Executive to:

- Expedite the schedule for adjusting the fee structure to put in place figures that really reflect today's cost of facility needs – not 1997 costs.
- Report on the broader goal the Board approved – reviewing all the fee structures and making appropriate updates tied to the "Construction Cost Index" at the earliest date possible.

Without objection, it was so ordered.

43. **ENVIRONMENTAL PROTECTION AGENCY (EPA)** (12:31 p.m.)

Supervisor Kauffman noted that during a meeting of the Board's Committee on Aging, he alerted the committee to an assistance opportunity from the federal government to local jurisdictions interested in smart growth for active aging communities. Specifically the committee was interested in using this federal

assistance to explore model proffer language for the promotion of universal design and livable community planning.

Therefore, Supervisor Kauffman moved that the Board direct staff to apply for federal assistance from the EPA to further the Board's goal of promoting an aging friendly County. Supervisor Gross seconded the motion and it carried by a vote of nine, Supervisor McConnell being out of the room.

44. **GREATER McLEAN REPUBLICAN WOMEN'S CLUB (DRANESVILLE DISTRICT)** (12:33 p.m.)

Supervisor DuBois said that Lewinsville Elementary School currently houses, among its multiple tenants, the Lewinsville Senior Center, Adult Day Health Center, and 22 units of affordable senior housing. Since 1987, with the recommendation of then Supervisor Nancy Falck, the Greater McLean Republican Women's Club has been sponsoring programs for these seniors for many holiday occasions, including Valentine's Day, Saint Patrick's Day, Mother's and Father's Days, Halloween, and Christmas when gifts are presented to all participants.

A number of club members have been associated with this outreach for the entire 20 year period; baking, singing, decorating, modeling homemade clothes and consistently enriching the lives of the Center's participants.

Therefore, Supervisor DuBois asked unanimous consent that the Board direct staff to invite the President of the Greater McLean Republican Women's Club and the longtime coordinators of this program to appear before the Board to receive its thanks and recognition. Without objection, it was so ordered.

45. **McLEAN PROJECT FOR THE ARTS (MPA) (DRANESVILLE DISTRICT)** (12:35 p.m.)

Supervisor DuBois said that MPA is a non-profit visual arts center founded in 1962 with the mission of exhibiting local artists, promoting public awareness, and offering educational art programs to the community. MPA is supported in part by the Arts Council of the County with funds provided by the County.

Supervisor DuBois noted that one of its creative programs, called Art Reach, targets area schools by organizing after-school art projects and free trips to museums and galleries for students. Art Reach staff design activities and trips to involve lessons from the general school curriculum. Art Reach particularly serves "at risk" schools, where many children have never visited a museum or gallery. Each spring, Art Reach collaborates with County schools to spotlight the talents of young art students by exhibiting their work in MPA galleries at the McLean Community Center.

In one of its latest projects, Art Reach worked with teachers and fifth grade students at Westgate Elementary School in the Providence District to update the mural in their cafeteria. The newly designed mural, Primary Geometries, is quite a unique work of art. Students created 36 individual panels covered in geometric shapes and used the three primary colors, red, yellow, and blue, to paint the designs. The result is a wonderfully colorful masterpiece that will brighten up the school for years to come. At the mural's unveiling, students were delighted with their work and expressed excitement about an upcoming visit to MPA galleries to learn more about art.

Therefore, Supervisor DuBois, jointly with Supervisor Smyth, asked unanimous consent that the Board direct staff to invite the McLean Project for the Arts Executive Director Nancy Powers Perry and Art Reach Director Sharon Fishel to appear before the Board to be recognized for their work with students at Westgate Elementary and other County schools. Without objection, it was so ordered.

46. **INTENT TO DEFER THE PUBLIC HEARING ON A PROPOSAL TO VACATE PART OF CROWELL ROAD (DRANESVILLE DISTRICT)**
(12:37 p.m.)

Supervisor DuBois announced her intent later in the meeting, at the appropriate time, to defer the public hearing on a proposal to vacate part of Crowell Road.

(NOTE: Later in the meeting, the public hearing was formally deferred. See Clerk's Summary Item #56.)

47. **INTENT TO DEFER THE PUBLIC HEARING ON PROPOSED PLAN AMENDMENT S06-III-UP1 FOR THE FORMER MIDDLETON FARM LOCATED EAST OF ROUTE 28 AND SOUTH OF FRYING PAN ROAD IN THE DULLES SUBURBAN CENTER, SUB-UNIT D-1 (HUNTER MILL AND SULLY DISTRICTS)** (12:38 p.m.)

Supervisor Frey announced his intent later in the meeting, at the appropriate time, to indefinitely defer the public hearing on proposed Plan Amendment S06-III-UP1 for the former Middleton Farm located east of Route 28 and south of Frying Pan Road in the Dulles Suburban Center, Sub-Unit D-1.

Supervisor Frey asked unanimous consent that the Board direct staff to notify speakers of the proposed deferral. Without objection, it was so ordered.

48. **RECESS/CLOSED SESSION** (12:38 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. *John R. Lay v. Commonwealth of Virginia, et al.*, CL-2007-0000482 (Fx. Co. Cir. Ct.)
 - 2. *Eileen M. McLane, Fairfax County Zoning Administrator v. John J. Watkins, Jr., and Janie Watkins*, In Chancery No. CH-2005-0005082 (Fx. Co. Cir. Ct.) (Dranesville District)
 - 3. *Eileen M. McLane, Fairfax County Zoning Administrator v. James E. Parrish, Jr., and Marileigh C. Parrish*, Case No. CL-2006-0015132 (Fx. Co. Cir. Ct.) (Sully District)
 - 4. *Eileen M. McLane, Fairfax County Zoning Administrator v. Jack R. Looney*, Case No. CL-2006-0014178 (Fx. Co. Cir. Ct.) (Providence District)
 - 5. *Eileen M. McLane, Fairfax County Zoning Administrator v. William Zamer*, Case No. CL-2006-0002331 (Fx. Co. Cir. Ct.) (Springfield District)

6. *Eileen M. McLane, Fairfax County Zoning Administrator v. Mary Louise Smothers*, Case No. CL-2006-0013484 (Fx. Co. Cir. Ct.) (Providence District)
7. *Eileen M. McLane, Fairfax County Zoning Administrator v. Bernard Ehrlich and Vera Ehrlich*, Case No. CL-2006-0012832 (Fx. Co. Cir. Ct.) (Mount Vernon District)
8. *Eileen M. McLane, Fairfax County Zoning Administrator v. Angela Turcios and Absolute Tree, Inc.*, Case No. CL-2006-0012317 (Fx. Co. Cir. Ct.) (Lee District)
9. *Eileen M. McLane, Fairfax County Zoning Administrator v. Carmen J. Trummer, a.k.a., Carmen J. Armour*, Case No. CL-2007-0000871 (Fx. Co. Cir. Ct.) (Mount Vernon District)
10. *Eileen M. McLane, Fairfax County Zoning Administrator v. Jane Taylor and Sean Taylor*, Case No. CL-2007-0000679 (Fx. Co. Cir. Ct.) (Mason District)
11. *Board of Supervisors v. AJB Associates, Inc., et al.*, Case No. CL-2007-0000814 (Fx. Co. Cir. Ct.) (Sully District)
12. *Mohammad Aliabadi, et al., v. Board of Supervisors of Fairfax County, Virginia*, Case No. CL-2006-0016053 (Fx. Co. Cir. Ct.) (Springfield District)

And in addition:

- Kmart Corporation v. Board of Supervisors of Fairfax County, Virginia, Case Numbers CL-200300212123 and CL-2005-0007967
- Virginia Code Section 24.2-687
- Public-Private Transportation Act on Rail-to-Dulles

Supervisor Bulova seconded the motion and it carried by a vote of nine, Supervisor McConnell being out of the room.

DS:ds

At 3:50 p.m., the Board reconvened in the Board Auditorium with all Members being present, and with Chairman Connolly presiding.

ACTIONS FROM CLOSED SESSION

49. **CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN CLOSED SESSION** (3:50 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 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."

50. **AUTHORIZATION OF SETTLEMENT IN KMART CORPORATION VERSUS BOARD OF SUPERVISORS OF FAIRFAX COUNTY, VIRGINIA** (3:51 p.m.)

Supervisor Gross moved that the Board authorize settlement in *Kmart Corporation versus Board of Supervisors of Fairfax County, Virginia*, Case Numbers CL-2003-0214123 and CL-2005-0007967, according to the terms and conditions outlined by the County Attorney in closed session. Supervisor Hyland seconded the motion and it carried by unanimous vote.

AGENDA ITEMS

51. **3:30 P.M. – PH ON REZONING APPLICATION RZ 2005-MA-002 (PACIFIC LANE PARTNERS, LLC) (MASON DISTRICT)** (3:52 p.m.)

(O) The application property is located in the southeast quadrant of Little River Turnpike and Columbia Road, Tax Map 71-2 ((10)) 1, 2, 11 and 12.

Ms. Hillary Zahm reaffirmed the validity of the affidavit for the record.

Ms. Zahm 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, Supervisor Gross submitted an item for the record.

David J. Moss, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Supervisor Gross moved:

- Amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2005-MA-002, from the R-2, C-5, and HC Districts to the C-2 and HC Districts, subject to the proffers dated February 2, 2007.
- Modification of the transitional screening requirements on the southern property boundary and a portion of the eastern property boundary in favor of that shown on the Generalized Development Plan (GDP).
- Modification of the height of the required barrier to permit a wall up to six feet in height in the front yards adjacent to Randolph Drive and Columbia Road.
- Modifications of the transitional screening requirements and waiver of the barrier requirements on the northern property boundary in favor of that shown on the GDP.
- Waiver of the service drive requirement along Little River Turnpike in favor of the travel aisle as shown on the GDP.

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."

ADDITIONAL BOARD MATTER

52. **ABSENCE OF MASON DISTRICT SUPERVISOR GROSS** (3:51 p.m.)

Supervisor Gross announced that she would be absent from the rest of the meeting because she was attending National Association of Regional Councils' Board meeting.

53. **BOARD RECESS** (3:59 p.m.)

At 3:59 p.m. the Board recessed briefly, and, at 4:29 p.m., reconvened with all Members being present, with the exception of Supervisor Gross, and with Chairman Connolly presiding.

AGENDA ITEMS

54. **4 P.M. – PH ON PROPOSED PLAN AMENDMENT S06-III-UP1 FOR THE FORMER MIDDLETON FARM LOCATED EAST OF ROUTE 28 AND SOUTH OF FRYING PAN ROAD IN THE DULLES SUBURBAN CENTER, SUB-UNIT D-1 (HUNTER MILL AND SULLY DISTRICTS)**
(4:29 p.m.)

Supervisor Frey moved to defer indefinitely the public hearing on Plan Amendment S06-III-UP1. Supervisor Hudgins and Supervisor Hyland jointly seconded the motion and it carried by a vote of nine, Supervisor Gross being out of the room.

55. **4:30 P.M. – PH ON THE ACQUISITION OF CERTAIN LAND RIGHTS NECESSARY FOR THE CONSTRUCTION OF THE JEFFERSON MANOR COMMUNITY DEVELOPMENT PROJECT, PHASE IIB (LEE DISTRICT)** (4:30 p.m.)

- (R) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of January 18 and January 25, 2007.

Michael Coleman, Right-of-Way Agent, Land Acquisition Division, Department of Public Works and Environmental Services, presented the staff report.

Following the public hearing, Supervisor Kauffman moved adoption of the Resolution authorizing the acquisition of certain land rights necessary for the construction of Project 013918 - Jefferson Manor Community Development, Phase IIB, in Fund 340, Housing Assistance Program, and in Fund 142, Community Development Block Grant. Supervisor DuBois seconded the motion and it carried by a vote of nine, Supervisor Bulova, Supervisor DuBois, Supervisor Frey, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, Supervisor Smyth, and Chairman Connolly voting "AYE," Supervisor Gross being out of the room.

56. **4:30 P.M. – PH ON A PROPOSAL TO VACATE PART OF CROWELL ROAD (DRANESVILLE DISTRICT)** (4:32 p.m.)

Supervisor DuBois moved to defer the public hearing on a proposal to vacate part of Crowell Road until **March 26, 2007, at 4 p.m.** Supervisor Bulova and Supervisor Kauffman jointly seconded the motion and it carried by a vote of nine, Supervisor Gross being out of the room.

57. **BOARD ADJOURNMENT** (4:33 p.m.)

The Board adjourned.

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