



CLERK'S BOARD SUMMARY

REPORT OF ACTIONS OF THE FAIRFAX COUNTY BOARD OF SUPERVISORS

**TUESDAY
July 10, 2012**

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At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium of the Government Center at Fairfax, Virginia, on Tuesday, July 10, 2012, at 9:35 a.m., there were present:

- Chairman Sharon Bulova, presiding
- Supervisor John C. Cook, Braddock District
- Supervisor John W. Foust, Dranesville District
- Supervisor Michael Frey, Sully District
- Supervisor Penelope A. Gross, Mason District
- Supervisor Patrick S. Herrity, Springfield District
- Supervisor Catherine M. Hudgins, Hunter Mill District
- Supervisor Gerald W. Hyland, Mount Vernon District
- Supervisor Jeffrey C. McKay, Lee District
- Supervisor Linda Q. Smyth, Providence District

Others present during the meeting were Edward L. Long Jr., County Executive; David P. Bobzien, County Attorney; Catherine A. Chianese, Assistant County Executive and Clerk to the Board of Supervisors; Angela Schauweker, Management Analyst II, Office of the County Executive; Patti M. Hicks, Chief Deputy Clerk to the Board of Supervisors; Denise A. Long, Deputy Clerk to the Board of Supervisors; Dianne E. Tomasek and Ekua Brew-Ewool, Administrative Assistants, Office of Clerk to the Board of Supervisors.

BOARD MATTER1. **MOMENT OF SILENCE** (9:35 a.m.)

Supervisor Hudgins asked everyone to keep in thoughts the family of Senator Yvonne B. Miller, who died recently at the age of 77. Senator Miller was the first African American woman elected to Virginia Legislature. She was a professional educator, an early childhood teacher, and later became a professional instructor. She spent her time in the legislature addressing the issues of children and families. She was gentle, but firm, and contributed greatly to the accomplishments made to progress on child care and all issues relating to families and the support they need in the community.

Supervisor Herrity asked everyone to keep in thoughts two West Springfield residents who died in the storm on Friday night, and asked to keep their families and neighbors in thoughts.

Supervisor McKay asked everyone to keep in thoughts the family of Retired Lieutenant Colonel Paul Maltagliati, who died suddenly. Mr. Maltagliati spent his career in the Sheriff's office and retired a few years ago and was very involved in the Braddock District and was respected among the deputies in the Sheriff's office. Supervisor McKay also asked to keep in thoughts the Sheriff's Office who is grieving the loss of one of their former leaders.

Supervisor Foust asked everyone to keep in thoughts the family of Mr. George M. Lilly, who died recently. Mr. Lilly, a former resident of McLean, was a member of the Planning Commission; he spent 12 years on the Commission and served as Chairman. He was very active in McLean and was the leader of the McLean Citizens Association, McLean Planning Committee, McLean Revitalization Corporation, and was instrumental in helping bring the McLean Community Center to McLean.

Supervisor Foust announced that an 18-year-old McLean resident, walking home from a meeting, was injured by a downed power line after the storm on Friday night and is on life support in Arlington Hospital, and asked everyone to keep him and his family in thoughts and prayers.

AGENDA ITEMS2. **PROCLAMATION DESIGNATING MAY 6-12 AS "CHILD CARE PROFESSIONALS WEEK" IN FAIRFAX COUNTY** (9:40 a.m.)

Supervisor Hudgins moved approval of the Proclamation to designate May 6-12, 2012, as "*Child Care Professionals Week*" in Fairfax County. Supervisor Herrity and Supervisor McKay jointly seconded the motion. Following a brief discussion regarding the work of child care professionals and challenges with new state

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

3. **PROCLAMATION DESIGNATING SEPTEMBER 2012 AS "DIRECT SUPPORT PROFESSIONALS APPRECIATION MONTH" IN FAIRFAX COUNTY** (9:51 a.m.)

Supervisor Hyland moved approval of the Proclamation to designate September 2012 as "*Direct Support Professionals Appreciation Month*" in Fairfax County. Supervisor Gross seconded the motion and it carried by unanimous vote.

4. **CERTIFICATES OF RECOGNITION PRESENTED TO RUGBY TEAMS** (10:05 a.m.)

Supervisor Herrity moved approval of the Certificates of Recognition presented to members of the:

- Fort Hunt Boys' Rugby team for outstanding teamwork and noteworthy sportsmanship to ward off formidable opposition to win the Rugby Virginia High School Boys State Championship on June 2, 2012, in Newport News.
- Fairfax Police Youth Club Girls' Rugby team for outstanding teamwork and noteworthy athletic ability resulting in winning the Rugby Virginia High School Girls' State Championship – its third consecutive State title on June 2, 2012.
- Fort Hunt Girls' Rugby team for a striving spirit and strong character, resulting in advancement to the finals of the Rugby Virginia High School Girls State championship on June 2, 2012.

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

5. **CERTIFICATES OF RECOGNITION PRESENTED TO FAIRFAX COUNTY PUBLIC SCHOOLS RETIRING PRINCIPALS** (10:18 a.m.)

Supervisor Hudgins moved approval of the Certificate of Recognition presented to Ms. Olivia Toatley upon her retirement as principal of Hunter Woods Elementary School for the arts and sciences, and her service to the County. Supervisor Foust seconded the motion and it carried by unanimous vote.

Supervisor McKay moved approval of the Certificate of Recognition presented to Mr. Gregory Croghan upon his retirement as principal of Edison High School, and his service to the County. Supervisor Foust seconded the motion and it carried by unanimous vote.

6. **CERTIFICATE OF RECOGNITION PRESENTED TO MEMBERS OF THE LANGLEY HIGH SCHOOL GIRLS' TENNIS TEAM** (10:28 a.m.)

Supervisor Foust moved approval of the Certificate of Recognition presented to members of the Langley High School Girls Tennis Team for its undefeated season and winning the 2012 State championship. Supervisor Smyth seconded the motion and it carried by unanimous vote.

ADDITIONAL BOARD MATTERS

7. **INTRODUCTION OF INTERNS (MASON AND SPRINGFIELD DISTRICTS)** (10:33 a.m.)

Supervisor Gross introduced Sam Lebyrk, an intern in her office. He is a rising senior at Jeb Stuart High School, in the International Baccalaureate Program, and a participant in the County's Youth Leadership program. On behalf of the Board, Supervisor Gross warmly welcomed him to the Board Auditorium.

Supervisor Herrity introduced Vince Ciro, a returning intern in his office. He is a rising senior at West Springfield, in the National Honor Society, National History Honor Society, and a Member of the Rifle Team. On behalf of the Board, Supervisor Herrity warmly welcomed him to the Board Auditorium.

8. **COUNTY RECEIVES AWARD GIVEN BY THE COMMUNITY PRESERVATION AND DEVELOPMENT CORPORATION** (10:34 a.m.)

Supervisor Hudgins announced that the County was awarded the 2012 Community Builders Award by the Community Preservation and Development Corporation which she received on behalf of the County.

9. **INTRODUCTION OF INTERN (BRADDOCK DISTRICT)** (10:35 a.m.)

Supervisor Cook introduced Beewon Cho, an intern in his office. She is part of the Fairfax Youth Leadership Program, a rising senior at Robinson Secondary School, a member of the Honor Society, English Honor Society, Math Honor Society, president of the Medical Society, and Member of the ESOL Club. On behalf of the Board, he warmly welcomed her to the Board Auditorium.

AGENDA ITEMS

10. **10:30 A.M. – PRESENTATION OF THE EQUESTRIAN TASK FORCE REPORT** (10:36 a.m.)

(BACs) Breeana Bornhorst, Chairperson of the Equestrian Task Force, introduced members of the task force who were present in the Board Auditorium, and then presented its report.

Following the presentation, discussion ensued, with input from Ms. Bornhorst and Fred Selden, Director, Planning Division, Department of Planning and Zoning, regarding:

- Existing equestrian facilities in the County and whether they are adequate
- Equestrian trails and funding possibilities for private partnerships
- Involvement of the Park Authority and the need to preserve existing facilities
- Zoning and environmental compliance

Supervisor Cook asked unanimous consent that the Board direct staff to forward a copy of the report to the Northern Virginia Regional Commission for review and input. Without objection, it was so ordered.

Discussion ensued, with input from Ms. Bornhorst, regarding zoning and permitting for environmental aspects, stormwater conservation, manure management and how these issues can be addressed within the zoning requirements.

Supervisor Gross moved that the Board:

- Accept the report
- Refer the recommendations to staff to provide information to the Board
- Forward a copy of the report and a letter to the Northern Virginia Regional Commission and the Northern Virginia Regional Park Authority.

Supervisor Herrity and Supervisor Hyland jointly seconded the motion.

Supervisor Smyth asked to amend the motion to direct the Park Authority to look into opportunities of showcasing equestrian activities in the County. This was accepted.

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

ADDITIONAL BOARD MATTER11. **PRESENTATION BY THE COUNTY EXECUTIVE ON THE RECENT STORM** (11:09 a.m.)

Chairman Bulova announced that the County Executive will be presenting a briefing on the recent storm and response to the storm. She also drew the Board's attention to a proposal she will be presenting later in the meeting on the failure of Verizon 911 Network, which was distributed around the dais.

(NOTE: Later in the meeting, the County Executive briefed the Board on the storm. See Clerk's Summary Item #13.)

AGENDA ITEMS12. **10:45 A.M. – PRESENTATION OF THE SMALL BUSINESS COMMISSION ANNUAL REPORT** (11:09 a.m.)

Koorosh Cyrus Sobhani, Chairman, Small Business Commission, recognized some members of the commission who were present in the Board Auditorium, and then presented its annual report.

Following the presentation, discussion ensued, with input from Mr. Sobhani and Cathy A. Muse, Director, Department of Purchasing and Supply Management, regarding:

- Increased participation and outreach
- Vendor forum and feedback
- Feasibility of collecting statistics
- Establishment of resource guide for businesses
- Availability of statistics about subcontracting in minority and women owned businesses
- Availability of services supporting small businesses starting out
- Collaboration with other agencies and neighborhood civic associations
- Surveys and feedback received after the vendor forum and how it is being used

- Space issues and using revitalization groups and chambers of commerce to assist

Chairman Bulova asked unanimous consent that the Board direct staff to review how best to capture additional information about small and minority owned businesses doing business for the County. Without objection, it was so ordered.

Chairman Bulova thanked Ms. Marsha Senack, former Braddock District Representative, who served as Chair in 2011 for her work on the Commission.

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13. **COUNTY EXECUTIVE'S BRIEFING ON THE RECENT DERECHO STORM** (11:38 a.m.)

Edward L. Long Jr., County Executive, briefed the Board on the derecho storm that occurred on Friday, June 29, 2012. He outlined the events that took place during the storm and how the County responded.

Chairman Bulova noted that the Verizon 9-1-1 Network is a Statewide and regionwide network that supports emergency response operations. It receives 9-1-1 calls and directs calls to the proper jurisdiction. Verizon's 9-1-1 service in the metropolitan Washington region is subject to both federal and State regulation. At the State level it is regulated by the Virginia State Corporation Commission (SCC), the Maryland Public Service Commission, and the District of Columbia Public Service Commission.

Chairman Bulova said that following the severe storm event of June 29, 2012, prolonged power outages throughout the Metropolitan Washington area were accompanied by an unprecedented failure of the 9-1-1 Verizon Emergency Response Network in the Northern Virginia area. At approximately 6 a.m. on Saturday, June 30, the County's Emergency Operations Center noted that individuals were not able to reach 9-1-1, nor were calls being received. By later that day some service was partially restored, although the system remained compromised, with calls being misdirected by the network, until Tuesday morning, July 3.

Adding to difficulties and confusion was a lack of information and communications from Verizon to affected local governments and to the media. While this current failure mainly affected Northern Virginia, the Verizon 9-1-1 Network covers other parts of the Commonwealth of Virginia as well as the District of Columbia and Maryland. Similar failures occurred in Montgomery and Prince George's Counties in 2010 and 2011. These outages and the subsequent lack of communication from Verizon to local officials in Maryland are the subject of an ongoing investigation by Maryland's Public Service Commission. A future failure could just as likely affect other parts of the Metropolitan Washington Region.

A number of issues and questions need to be better understood and addressed in the aftermath of this serious situation. These questions would define the scope of a Metropolitan Washington Council of Governments (COG) 9-1-1 Verizon Emergency Network Task Force:

1. What was the cause of the failure?
2. What redundancy and/or backup was in place to prevent a prolonged outage of the 9-1-1 Network and why did it too fail?
3. What can be put in place to remedy what is reported by Verizon to have been damage to their main facility (in Arlington) as well as their back-up system?
4. With the increasing use of newer technology (such as fiber optics) what is, or needs to be in place to prevent failure of the 9-1-1 emergency response system?
5. What is happening regarding regulation at the State and federal level that COG localities can contribute to?
6. What measures can be put in place to improve communications, especially during emergencies, from Verizon with COG jurisdictions, with the public and with the media?

Chairman Bulova said that the timeline and schedule should be determined by COG with a recommended deadline of January 2013.

Chairman suggested the following participants:

- John Foust, chair of COG's Emergency Preparedness Committee
- Elected officials from COG jurisdictions
- Verizon Representative
- Emergency management coordinators from COG jurisdictions
- Directors of 9-1-1 Centers from COG jurisdictions
- State regulators:
 - William Irby, SCC Director, Division of Communications

- Merwin Sands, Director - Telecommunications Division, Maryland Public Service Commission
 - Jennifer A.J. Greene, Director - D.C. Office of Unified Communications
- Federal regulator: representative from FCC
 - COG CTO Committee, Wanda Gibson, Fairfax County representative and COG jurisdiction counterparts
 - Chief public information officers from COG jurisdictions

Chairman Bulova noted that she would raise these issues on Wednesday, July 11 at the COG Board of Directors meeting.

Discussion ensued, with input, from Roy ShROUT, Deputy Coordinator, Office of Emergency Management, and Mr. Long regarding:

- Communications
- Special needs population
- Involvement of citizens in emergency management communications
- Input from citizens on the County's website
- A more coordinated system of response that involves the citizens in terms of how the County responds to emergencies
- The Medical Reserve Corps
- What does the current emergency management plan provide for, absent communication from citizens
- Updating the critical infrastructure list with power companies
- Involvement of the Citizen Corps
- Parts of the emergency management plan that worked
- Tree removal
- Discrepancies in the reporting of power outages

- Personal responsibility list for individual homeowners in various languages
- Appreciation to all those who worked to help during the emergency
- Better communication between County staff and Board Members
- The valuable service that WTOP radio provided in getting information out to the public
- Waiver of fees for the transfer station and recreation centers
- Setting priorities
- Setting the standard for recovery
- Appreciation to staff who worked on the July 4 holiday
- Providing information about heat advisories to families with young children and where the best places are to take them to find relief in the event of an emergency
- The factors used in determining when to deactivate the emergency
- Understanding and communicating the way Dominion Power prioritizes restoring power
- Better coordination in removing trees
- The role of social media

Supervisor Herrity referred to his written Board Matter which outlined the following:

- The loss of 9-1-1 services for four days
- Appreciation to Governor McDonnell for starting investigations that are already underway into the 9-1-1 failures
- The organization by the Governor of a Subpanel of the Secure Commonwealth Panel to focus on 9-1-1 issues
- The SCC's investigation of the 9-1-1 issues

- The opening of cooling opportunities
- Improving the process for identifying and communicating shelter information
- Important information from the County that did not get to the public
- Improving the County's relationship with news radio stations
- Access to bathing facilities, fresh water, and ice
- Assistance with cleanup
- Redundancy in communication systems
- Notification to Board Members when press releases go out

Supervisor Herrity asked unanimous consent that the Board direct the County Executive to address his concerns as outlined in his written Board Matter in the after-incident report. Without objection, it was so ordered.

Discussion continued regarding the following storm issues:

- Trees in older neighborhoods and in the Virginia Department of Transportation (VDOT) rights-of-way
- The difference between cooling centers and cooling opportunities

Chairman Bulova noted that staff will follow-up with an after-incident report.

(NOTE: Later in the meeting, additional items were presented regarding the derecho storm. See Clerk's Summary Items #38, #47, #51, and #58.)

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14. **ADMINISTRATIVE ITEMS** (1:23 p.m.)

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

Supervisor Hyland called the Board's attention to Admin 4 – Extension of Review Periods for 2232 Review Applications (Lee, Springfield, and Mount Vernon Districts) and presented background information regarding Public Facility Application 2232-V11-25.

Therefore, Supervisor Hyland asked to amend the motion to remove Application 2232-V11-25 from the request and not allow another extension of the review period. Following a brief discussion, this was accepted.

Supervisor Cook called the Board's attention to Admin 5 – Authorization to Advertise a Public Hearing on Proposed Amendments to the Code of the County of Fairfax, Chapter 82 (Motor Vehicles And Traffic), Section 82-5-40, Regulation of Parking Adjacent to Bus Stop. Supervisor Cook raised a question regarding outreach efforts to citizens regarding the proposed change and whether signs would be posted at the bus stops and discussion ensued, with input from Tom Biesiadny, Director, Department of Transportation, who stated that staff will conduct an analysis with the cost implications and report to the Board.

Supervisor Herrity asked unanimous consent that the Board direct staff to provide, at the time of the public hearing, information regarding where the problem is and whether it is a big or small problem. Without objection, it was so ordered.

Supervisor Foust called the Board's attention to Admin 2 – Authorization to Advertise a Public Hearing on Proposed Amendments to the Code of the County of Fairfax, Chapter 1 (General Provisions), to Provide for a Uniform Bad Check Fee, and to Establish Late Payment Penalties and Interest for Non-Tax Delinquencies and thanked the Auditor to the Board for his work on this item and the Department of Tax Administration for taking on the additional responsibility.

The question was called on the motion to approve the Administrative Items, as amended, and it carried by unanimous vote, Supervisor Cook, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor Hyland, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting "AYE."

ADMIN 1 – AUTHORIZATION FOR THE FAIRFAX COUNTY POLICE DEPARTMENT (FCPD) TO APPLY FOR AND ACCEPT GRANT FUNDING FROM THE OFFICE OF JUSTICE PROGRAMS (OJP), BUREAU OF JUSTICE ASSISTANCE NATIONAL INITIATIVE LAW ENFORCEMENT AND MISSING PERSONS WITH ALZHEIMER'S DISEASE GRANT

Authorized FCPD to apply for and accept funding in the amount of \$300,000, if received, from OJP, Bureau of Justice Assistance National Initiative Law Enforcement and Missing Persons with Alzheimer's Disease grant. The funding will support client registration, prevention, outreach, training, and establishment of a citizen/volunteer search unit. The grant period for this award is October 1, 2012, through September 30, 2014. No local cash match is required.

ADMIN 2 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 1 (GENERAL PROVISIONS), TO PROVIDE FOR A UNIFORM BAD CHECK FEE, AND TO ESTABLISH LATE PAYMENT PENALTIES AND INTEREST FOR NON-TAX DELINQUENCIES

- (A) (NOTE: Earlier in the meeting, there was discussion regarding this item. See page 12.)

Authorized the advertisement of a public hearing to be held before the Board on **July 31, 2012, at 3 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Chapter 1 (General Provisions), to establish a uniform fee for “bad check” charges and to establish late payment penalties and interest for non-tax delinquencies.

ADMIN 3 – STREETS INTO THE SECONDARY SYSTEM (DRANESVILLE, LEE, MOUNT VERNON, PROVIDENCE, SPRINGFIELD, AND SULLY DISTRICTS)

- (R) Approved the request that the streets listed below be accepted into the State Secondary System:

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
Foxhall of McLean	Dranesville	Fox Haven Drive Hunters Grove Court Spring Hill Road (Route 684) [Additional Right-of-Way (ROW) Only]
Devers Property	Lee	Cory Place (Route 4114)
Barnes Subdivision	Mount Vernon	Gunston Cove Road (Route 600) (Additional ROW Only)
Freedom Park	Providence	Hull Road (Route 952) Byrd Road (Route 953)
Lord of Life Lutheran Church	Springfield	Union Mill Road (Route 659) (Additional ROW Only) Twin Lakes Drive (Route 3546) (Additional ROW Only)

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
Centreville Road Properties	Sully	Lowe Street (Re-Alignment) Louise Avenue (Re-Alignment)
Thompson's Crest	Sully	Thompson Road (Route 669) (Additional ROW Only)

ADMIN 4 – EXTENSION OF REVIEW PERIODS FOR 2232 REVIEW APPLICATIONS (LEE, SPRINGFIELD, AND MOUNT VERNON DISTRICTS)

(NOTE: Earlier in the meeting, additional action was taken regarding this item. See pages 11-12.)

Authorized the extension of review periods for the following Public Facility (2232) Review Applications to the dates noted:

<u>Application Number</u>	<u>Description</u>	<u>New Date</u>
FS-L12-14	Cricket Communications Antenna collocation on building rooftop 6320 Augusta Drive, Springfield Lee District	September 24, 2012
FS-S11-39	Dominion Virginia Power Transmission line replacement 5400 Ox Road, Fairfax Station Springfield District	January 20, 2013

DENIED extension of the review period for the following Public Facility (2232) Review Application:

2232-V11-25
Park Authority
Westgrove Park off-leash dog area
6801 Fort Hunt Road, Alexandria
Mount Vernon District

ADMIN 5 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 82 (MOTOR VEHICLES AND TRAFFIC), SECTION 82-5-40, REGULATION OF PARKING ADJACENT TO BUS STOP

- (A) (NOTE: Earlier in the meeting, additional action was taken regarding this item. See page 12.)

Authorized the advertisement of a public hearing to be held before the Board on **July 31, 2012, at 4 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Chapter 82 (Motor Vehicles and Traffic), Section 82-5-40, Regulation of Parking Adjacent to Bus Stop, to restrict parking, stopping, or standing within 60 feet of a bus stop sign on the approach and 10 feet on the departure side in the County.

ADMIN 6 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX G, TO ESTABLISH THE FALLS HILL RESIDENTIAL PERMIT PARKING DISTRICT (RPPD), DISTRICT 44 (PROVIDENCE DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **July 31, 2012, at 4 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Appendix G, to establish the Falls Hill RPPD, District 44 (Providence District).

ADMIN 7 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX G, TO EXPAND THE DUNN LORING RESIDENTIAL PERMIT PARKING DISTRICT (RPPD), DISTRICT 3 (PROVIDENCE DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **July 31, 2012, at 4 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Appendix G, to expand the Dunn Loring RPPD, District 3 (Providence District). The proposed district expansion includes Marymount Lane (Route 2490), from Cottage Street to Villanova Drive.

ADMIN 8 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX G, TO EXPAND THE POLO FIELDS RESIDENTIAL PERMIT PARKING DISTRICT (RPPD), DISTRICT 43 (HUNTER MILL DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **July 31, 2012, at 4 p.m.** to consider proposed amendments to the Code of the

County of Fairfax, Appendix G, to expand the Polo Fields RPPD, District 43 (Hunter Mill District). The proposed district expansion includes the following:

- Bayard Drive (Route 7850), from Thunder Chase Drive to the cul-de-sac inclusive
- Darius Lane (Route 7851), from Bayard Drive to the cul-de-sac inclusive
- Stirrup Iron Lane (Route 6375), from Cross Country Lane south and north to the cul-de-sacs inclusive

ADMIN 9 – APPROVAL OF INSTALLATION OF “\$200 ADDITIONAL FINE FOR SPEEDING” SIGNS AND “WATCH FOR CHILDREN” SIGNS AS PART OF THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (RTAP) (PROVIDENCE AND HUNTER MILL DISTRICTS)

- (Rs)
- Adopted the Resolution authorizing installation of “\$200 Additional Fine for Speeding” signs on Circle Woods Drive between Lee Highway and the End of Road (Providence District).
 - Adopted the Resolution authorizing installation of a “Watch for Children” sign on Barton Hill Road (Hunter Mill District).
 - Directed staff to schedule the installation of the approved measures as soon as possible.

ADMIN 10 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE HUNTINGTON CONSERVATION PLAN (MOUNT VERNON DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **September 11, 2012, at 4 p.m.** regarding proposed amendments to the Huntington Conservation Plan.

15. **A-1 – ADOPTION OF A RESOLUTION APPROVING THE ISSUANCE BY THE INDUSTRIAL DEVELOPMENT AUTHORITY (IDA) OF ITS HEALTH CARE REVENUE BONDS (INOVA HEALTH SYSTEM PROJECT)** (1:30 p.m.)

- (R)
(BONDS) On motion of Supervisor Gross, seconded by Supervisor Foust, and carried by unanimous vote, Supervisor Cook, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor Hyland, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting “AYE,” the Board concurred in the recommendation of staff and adopted a Resolution approving the issuance by the IDA of its Health Care Revenue Bonds (Inova Health System

Project) Series 2012 (the “Bonds”), in an aggregate principal amount not to exceed \$825,000,000.

16. **A-2 – APPROVAL OF A STANDARD PROJECT ADMINISTRATION (SPA) AGREEMENT WITH THE VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) FOR THE DEVELOPMENT AND ADMINISTRATION OF THE GEORGETOWN PIKE TRAIL (DRANESVILLE DISTRICT)** (1:30 p.m.)

(R) On motion of Supervisor Foust, jointly seconded by Supervisor Gross and Supervisor McKay, and carried by unanimous vote, Supervisor Cook, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor Hyland, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting “AYE,” the Board concurred in the recommendation of staff and adopted a Resolution authorizing staff to execute, on behalf of the County, a SPA Agreement with VDOT for the Georgetown Pike Trail Project.

17. **A-3 – ADOPTION OF A RESOLUTION APPROVING THE ISSUANCE BY THE ECONOMIC DEVELOPMENT AUTHORITY (EDA) OF ITS REVENUE BONDS FOR THE BENEFIT OF THE POTOMAC SCHOOL (DRANESVILLE DISTRICT)** (1:31 p.m.)

(BONDS)

(R) On motion of Supervisor Foust, seconded by Supervisor Gross, and carried by unanimous vote, Supervisor Cook, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor Hyland, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting “AYE,” the Board concurred in the recommendation of staff and moved adoption of a Resolution authorizing the EDA to issue revenue bonds up to \$9,500,000 for the benefit of Potomac School.

18. **A-4 – AUTHORIZATION FOR THE COUNTY EXECUTIVE TO SIGN THE MEMORANDUM OF AGREEMENT (MOA) RELATIVE TO THE WIDENING OF US ROUTE 1 (RICHMOND HIGHWAY) FROM TELEGRAPH ROAD TO MOUNT VERNON MEMORIAL HIGHWAY (MOUNT VERNON DISTRICT)** (1:32 p.m.)

Supervisor Hyland moved that the Board concur in the recommendation of staff and authorize the County Executive to sign the MOA among the Federal Highway Administration; US Army Garrison Fort Belvoir, Virginia; the Department of Transportation; and the County, relative to the widening of US Route 1 (Richmond Highway) between Telegraph Road and Mount Vernon Memorial Highway. Supervisor Foust seconded the motion.

Supervisor Hyland called the Board’s attention to Attachment I of the Board Agenda Item, page 21 of 30, Article IV: General Terms and Conditions, A1, and

discussion ensued, with input from Laura Miller, BRAC Coordinator, Department of Transportation, regarding the preferred alternative.

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

19. **A-5 – CHANGES TO THE FAIRFAX COUNTY PURCHASING RESOLUTION** (1:35 p.m.)

- (R) On motion of Supervisor Gross, seconded by Supervisor Hyland, and carried by unanimous vote, Supervisor Cook, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor Hyland, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting “AYE,” the Board concurred in the recommendation of staff and approved the changes to the Fairfax County Purchasing Resolution, to become effective on July 10, 2012. These proposed changes incorporate modifications resulting from legislation enacted during the 2012 session of the Virginia General Assembly and one administrative change recommended by staff.

20. **A-6 – APPROVAL OF THE BOARD'S THIRD FOUR-YEAR TRANSPORTATION PROGRAM [FISCAL YEAR (FY) 2013 – FY 2016]** (1:35 p.m.)

Supervisor McKay moved that the Board concur in the recommendation of staff and:

- Approve the list of proposed roadway, spot improvement, pedestrian, bike, and transit projects included as the FY 2013 – FY 2016 Board Four-Year Transportation Program, and associated funding in the amount of \$103.7 million, as detailed in Attachment A of the Board Agenda Item dated July 10, 2012.
- Allocate additional funds in the amount of \$31.7 million toward previously approved projects, as detailed in Attachment B of the Board Agenda Item dated July 10, 2012. Funding in the amount of \$937.0 million from various revenue sources will be required to support the Four-Year Transportation Program.

Supervisor Foust seconded the motion.

Supervisor Herrity raised a question regarding congestion mitigation and discussion ensued, with input from Tom Biesiadny, Director, Department of Transportation, who noted that staff is in the process of working on a robust cost benefit analysis that would include congestion mitigation.

With regard to the sidewalk improvement projects, Supervisor Smyth asked unanimous consent that the Board direct staff to review and ensure that developers have not filed applications for sidewalk improvements. Without objection, it was so ordered.

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

21. **A-7 – ADOPTION OF A RESOLUTION THAT CONFIRMS THE DECLARATION OF LOCAL EMERGENCY FOR JUNE 29 AND 30, 2012, VIOLENT STORMS, APPROVES AND CONSENTS TO THOSE ACTIONS TAKEN BY THE DIRECTOR OF EMERGENCY MANAGEMENT AND COUNTY STAFF DURING THAT EMERGENCY, AND CONFIRMS THE TERMINATION OF THAT DECLARED LOCAL EMERGENCY** (1:38 p.m.)

(R) Supervisor Gross moved that the Board concur in the recommendation of staff and adopt a Resolution that:

- Confirms the declaration of local emergency by the County Executive on June 30, 2012, to respond to violent storms causing wide-spread damage and utility outages.
- Approves and consents to all actions taken by the County Executive and County staff pursuant to that declared local emergency.
- Confirms the termination of that declared local emergency by the County Executive on July 6, 2012, at 5 p.m.

Supervisor Smyth seconded the motion.

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and asked unanimous consent that the Board direct staff to ensure that there is advertising to the public regarding the opportunity to provide information concerning losses and possible reimbursement. Without objection, it was so ordered.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

The question was called on the motion and it carried by unanimous vote, Supervisor Cook, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor Hyland, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting “AYE.”

22. **I-1 – CONTRACT AWARD – CONSULTANT SERVICES, TRANSPORTATION AND URBAN PLANNING, DESIGN, AND ENGINEERING** (1:39 p.m.)

The Board next considered an item contained in the Board Agenda dated July 10, 2012, requesting authorization for staff to award contracts to Parsons Brinckerhoff, Rummel, Klepper and Kahl; AECOM; Cambridge Systematics; ATCS, PLC; Kimley-Horn and Associates; Kittleson and Associates; CDM Smith; and TranSystems, to provide transportation and urban planning, design, and engineering consultant services.

The staff was directed administratively to proceed as proposed.

23. **ORDERS OF THE DAY** (1:40 p.m.)

Chairman Bulova announced that Board Matters would be presented later in the meeting, following public hearings.

(NOTE: Later in the meeting Board Matters were presented. See Clerk's Summary Items #38–60.)

24. **RECESS/CLOSED SESSION** (1:40 p.m.)

Following a query to David P. Bobzien, County Attorney, regarding the length of time needed for closed session, Supervisor Smyth 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. *County of Fairfax, Virginia, and Robert Lison v. James J. Alpigini*, Case No. CL-2012-0004911 (Fx. Co. Cir. Ct.)

2. *Eileen M. McLane, Fairfax County Zoning Administrator v. Mary A. Salinas*, Case No. CL-2012-0002585 (Fx. Co. Cir. Ct.) (Providence District)
3. *Eileen M. McLane, Fairfax County Zoning Administrator v. Syed Sharafat Ali and Syed Parveen Ali*, Case No. CL-2012-0006453 (Fx. Co. Cir. Ct.) (Mason District)
4. *Eileen M. McLane, Fairfax County Zoning Administrator v. Jose A. Machuca*, Case No. CL-2010-0009688 (Fx. Co. Cir. Ct.) (Mason District)
5. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Sheldon P. Ellison and Wauleah A. Ellison*, Case No. CL-2010-0017783 (Fx. Co. Cir. Ct.) (Mason District)
6. *Eileen M. McLane, Fairfax County Zoning Administrator v. Derek B. Vereen and Angelique H. Vereen*, Case No. CL-2012-0001757 (Fx. Co. Cir. Ct.) (Lee District)
7. *Eileen M. McLane, Fairfax County Zoning Administrator v. Steven L. Kohls and Virginia L. Kohls*, Case No. CL-2011-0003175 (Fx. Co. Cir. Ct.) (Mount Vernon District)
8. *Eileen M. McLane, Fairfax County Zoning Administrator v. Suzanne Louise Swartz and Maximo Del Castillo*, Case No. CL-2012-0005791 (Fx. Co. Cir. Ct.) (Lee District)
9. *Eileen M. McLane, Fairfax County Zoning Administrator v. Joseph E. Slattery and Ida L. Slattery*, Case No. CL-2011-0008871 (Fx. Co. Cir. Ct.) (Sully District)
10. *Eileen M. McLane, Fairfax County Zoning Administrator v. Robert A. DaCosta and Glenda A. DaCosta*, Case No. CL-2012-0005788 (Fx. Co. Cir. Ct.) (Lee District)

11. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Zoila Ortega and Eric Acevedo*, Case No. CL-2012-0003236 (Fx. Co. Cir. Ct.) (Providence District)
12. *Eileen M. McLane, Fairfax County Zoning Administrator v. David L. Coy and Christy L. Coy*, Case No. CL-2012-0002584 (Fx. Co. Cir. Ct.) (Springfield District)
13. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Lawrence E. Cox*, Case No. CL-2012-0004059 (Fx. Co. Cir. Ct.) (Providence District)
14. *Eileen M. McLane, Fairfax County Zoning Administrator v. Rafael Vallecillo*, Case No. CL-2012-0004437 (Fx. Co. Cir. Ct.) (Providence District)
15. *Eileen M. McLane, Fairfax County Zoning Administrator v. William E. Simms and Dolores J. Simms*, Case No. CL-2012-0004057 (Fx. Co. Cir. Ct.) (Mount Vernon District)
16. *Eileen M. McLane, Fairfax County Zoning Administrator v. Phu Ngo*, Case No. CL-2011-0015840 (Fx. Co. Cir. Ct.) (Mason District)
17. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. James J. Hodges*, Case No. CL-2012-0007873 (Fx. Co. Cir. Ct.) (Providence District)
18. *Eileen M. McLane, Fairfax County Zoning Administrator v. Jesus Rojas and Leonor Gutierrez, a.k.a. Leonor Rojas*, Case No. CL-2012-0008379 (Fx. Co. Cir. Ct.) (Dranesville District)
19. *Eileen M. McLane, Fairfax County Zoning Administrator v. Ibrahim Abdullah*, Case No. CL-2012-0008381 (Fx. Co. Cir. Ct.) (Mason District)
20. *Eileen M. McLane, Fairfax County Zoning Administrator v. Titu Barua and Ujjal Barua*, Case

No. CL-2012-0008503 (Fx. Co. Cir. Ct.) (Mount Vernon District)

21. *Eileen M. McLane, Fairfax County Zoning Administrator v. Orien V. Swartzwelder and Juanita D. Swartzwelder*, Case No. CL-2012-0008506 (Fx. Co. Cir. Ct.) (Mason District)
22. *Eileen M. McLane, Fairfax County Zoning Administrator v. Muhammad Ashraf*, Case No. CL-2012-0008509 (Fx. Co. Cir. Ct.) (Mason District)
23. *Eileen M. McLane, Fairfax County Zoning Administrator v. Michael A. Agge and Annabel M. Agge*, Case No. CL-2012-0008511 (Fx. Co. Cir. Ct.) (Lee District)
24. *Eileen M. McLane, Fairfax County Zoning Administrator v. Aaron Samson and Mary Samson*, Case No. CL-2012-0008508 (Fx. Co. Cir. Ct.) (Mason District)
25. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Memorial Venture, LLC*, Case No. CL-2012-0008505 (Fx. Co. Cir. Ct.) (Mount Vernon District)
26. *Eileen M. McLane, Fairfax County Zoning Administrator v. Farah Ahmad*, Case No. CL-2012-0008504 (Fx. Co. Cir. Ct.) (Dranesville District)
27. *Eileen M. McLane, Fairfax County Zoning Administrator and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Kelton Wallace LaFever and Linda L. LaFever*, Case No. CL-2012-0008507 (Fx. Co. Cir. Ct.) (Lee District)
28. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Rajendra Bernard Edwards*, Case No. CL-2012-0008576 (Fx. Co. Cir. Ct.) (Hunter Mill District/Town of Vienna)

29. *Eileen M. McLane, Fairfax County Zoning Administrator v. Barbara A. Grayson and Christopher William Thompson*, Case No. CL-2012-0008575 (Fx. Co. Cir. Ct.) (Providence District)
30. *Eileen M. McLane, Fairfax County Zoning Administrator v. Sovannary Pich and Davuth Pich*, Case No. CL-2012-0008577 (Fx. Co. Cir. Ct.) (Lee District)
31. *Eileen M. McLane, Fairfax County Zoning Administrator v. Ibrahim I. Abdullah and Amany Abdullah*, Case No. CL-2012-0008578 (Fx. Co. Cir. Ct.) (Mason District)
32. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Richard A. Haynes, Trustee, Joelle A. MacDonald, Trustee, and Harold N. Haynes Residential Trust*, Case No. CL-2012-0008644 (Fx. Co. Cir. Ct.) (Mason District)
33. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Patricia Connors*, Case No. CL-2012-0008723 (Fx. Co. Cir. Ct.) (Mount Vernon District)
34. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. John M. Michaely*, Case No. CL-2012-0008722 (Fx. Co. Cir. Ct.) (Providence District)
35. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Mary Ann L. Stewart*, Case No. CL-2012-0008796 (Fx. Co. Cir. Ct.) (Braddock District)
36. *Eileen M. McLane, Fairfax County Zoning Administrator v. Bao T. Nguyen and Ninh T. Nguyen*, Case No. CL-2012-0008795 (Fx. Co. Cir. Ct.) (Mason District)
37. *Eileen M. McLane, Fairfax County Zoning Administrator v. Nicolas D. Parada and Luisa A.*

- Parada*, Case No. CL-2012-0008793 (Fx. Co. Cir. Ct.) (Lee District)
38. *Eileen M. McLane, Fairfax County Zoning Administrator v. Amir Houshang Fazilat*, Case No. CL-2012-0008797 (Fx. Co. Cir. Ct.) (Hunter Mill District)
 39. *Eileen M. McLane, Fairfax County Zoning Administrator v. Adam Marcetich*, Case No. CL-2012-0008909 (Fx. Co. Cir. Ct.) (Lee District)
 40. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Redpath Development, LLC*, Case No. CL-2012-0008908 (Fx. Co. Cir. Ct.) (Mount Vernon District)
 41. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Yvonne W. Pompan*, Case No. CL-2012-0008907 (Fx. Co. Cir. Ct.) (Mount Vernon District)
 42. *Eileen M. McLane, Fairfax County Zoning Administrator v. Mohammad K. Butt, Mohammad A. Butt, and Abdul M. Butt*, Case No. CL-2012-0006062 (Fx. Co. Cir. Ct.) (Lee District)
 43. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Judith C. Stover*, Case No. CL-2012-0008991 (Fx. Co. Cir. Ct.) (Hunter Mill District/Town of Vienna)
 44. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Laura S. Daleski*, Case No. CL-2012-0008989 (Fx. Co. Cir. Ct.) (Lee District)
 45. *Eileen M. McLane, Fairfax County Zoning Administrator v. Richard L. McEntee and Virginia L. McEntee*, Case No. CL-2012-0008990 (Fx. Co. Cir. Ct.) (Mount Vernon District)
 46. *Eileen M. McLane, Fairfax County Zoning Administrator v. Rotonna L. Mullen*, Case

No. CL-2012-0008992 (Fx. Co. Cir. Ct.) (Mount Vernon District)

47. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Jose Caballero and Rosa Caballero*, Case No. CL-2012-0009081 (Fx. Co. Cir. Ct.) (Mount Vernon District)
48. *Eileen M. McLane, Fairfax County Zoning Administrator v. Sanan Petchcry and Cesaria Petchcry*, Case No. CL-2012-0009022 (Fx. Co. Cir. Ct.) (Providence District)
49. *Eileen M. McLane, Fairfax County Zoning Administrator v. Bhupinder Kaur Saini and Jaswinder Singh Saini*, Case No. CL-2012-0008993 (Fx. Co. Cir. Ct.) (Sully District)
50. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Dilnawaz Baig*, Case No. GV12-013343 (Fx. Co. Gen. Dist. Ct.) (Lee District)
51. *Eileen M. McLane, Fairfax County Zoning Administrator v. Katerina Francis*, Case No. GV12-013131 (Fx. Co. Cir. Ct.) (Hunter Mill District)
52. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Todd Blaeuer*, Case Nos. GV12-014034 and GV12-014035 (Fx. Co. Gen. Dist. Ct.) (Sully District)
53. *Eileen M. McLane, Fairfax County Zoning Administrator v. Karem Vanessa Ibanez Padilla*, Case Nos. GV12-014036 and GV12-014037 (Fx. Co. Gen. Dist. Ct.) (Lee District)
54. *Eileen M. McLane, Fairfax County Zoning Administrator v. Steven Ko*, Case Nos. GV12-014030 and GV12-014031 (Fx. Co. Cir. Ct.) (Mason District)
55. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v.*

Jose Bracamonte Castillo, Case Nos. GV12-014032 and GV12-014033 (Fx. Co. Cir. Ct.) (Lee District)

56. *Eileen M. McLane, Fairfax County Zoning Administrator v. Hugo R. Hinojosa and Gladys Hinojosa*, Case No. GV12-014859 (Fx. Co. Gen. Dist. Ct.) (Mason District)
57. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Michele Ann Von Kelsch*, Case No. GV12-014861 (Fx. Co. Cir. Ct.) (Hunter Mill District)
58. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Melissa S. Malone*, Case No. GV12-014860 (Fx. Co. Cir. Ct.) (Lee District)
59. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Candace K. Noonan*, Case No. GV12-014862 (Fx. Co. Cir. Ct.) (Hunter Mill District)

And in addition:

- In Re: November 16, 2011, Decision of the Fairfax County Board of Zoning Appeals, Case Numbers CL-2011-0017565 and CL-2011-0017701
- Total Maximum Daily Load for Benthic Impairments in the Accotink Creek Watershed
- *City of Falls Church, et al. v. Board of Supervisors, et al*, Case Number CL-2012-03411
- Virginia Code Section 33.1-375.1, Removal of Temporary Signs in the Right-of-Way
- *Commonwealth of Virginia, ex rel. FX Analytics v. The Bank of New York Mellon*, Case Number CL-2009-15377

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

DET:det

At 3:40 p.m., the Board reconvened in the Board Auditorium with all Members being present, and with Chairman Bulova presiding.

ACTIONS FROM CLOSED SESSION

25. **CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN CLOSED SESSION** (3:41 p.m.)

Supervisor Gross moved that the Board certify that, to the best of its knowledge, only public business matters lawfully exempted from open meeting requirements and only such public business matters as were identified in the motion by which closed session was convened were heard, discussed, or considered by the Board during the closed session. Supervisor Hyland seconded the motion and it carried by unanimous vote, Supervisor Cook, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor Hyland, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting "AYE."

26. **AUTHORIZATION OF LEGAL PROCEEDINGS TO CHALLENGE THE ACCOTINK CREEK TOTAL MAXIMUM DAILY LOAD (TMDL)** (3:41 p.m.)

Supervisor Gross moved that the Board authorize the County Attorney to institute legal proceedings to challenge the Accotink Creek TMDL that was established by the Environmental Protection Agency for the Accotink Creek watershed, on the terms and conditions outlined by the County Attorney in closed session. Supervisor Hyland seconded the motion and it **CARRIED** by a recorded vote of nine, Supervisor Foust voting "NAY."

27. **APPOINTMENT OF MS. LESLIE JOHNSON AS ZONING ADMINISTRATOR** (3:43 p.m.)

Supervisor Gross noted that Eileen McLane, the County's current Zoning Administrator, will retire from the County in September after more than 26 years of service. To provide for an effective transition of personnel and activities in the Zoning Administration Division, Department of Planning and Zoning, Supervisor Gross moved that the Board appoint Leslie Johnson as the County's Zoning Administrator, effective September 8, 2012, at an annual salary of \$139,163.79. Supervisor Hyland seconded the motion and it carried by unanimous vote.

Chairman Bulova recognized and congratulated Ms. Johnson, who was in the auditorium.

ADDITIONAL BOARD MATTER

28. **RECOGNITION OF EILEEN MCLANE, ZONING ADMINISTRATOR**
(3:43 p.m.)

Supervisor Gross asked unanimous consent that the Board direct staff to invite Eileen McLane, Zoning Administrator, to appear before the Board at the July 31 meeting to be recognized for her years of service. Without objection, it was so ordered.

ADDITIONAL ACTION FROM CLOSED SESSION

29. **AUTHORIZING APPEAL TO THE SUPREME COURT OF VIRGINIA FOR IN RE: NOVEMBER 16, 2011, DECISION OF THE FAIRFAX COUNTY BOARD OF ZONING APPEALS, CASE NO. CL-2011-0017565**
(3:44 p.m.)

Supervisor Hyland moved that the Board authorize the County Attorney to file an appeal from the Fairfax County Circuit Court to the Supreme Court of Virginia in the case styled *In Re: November 16, 2011, Decision of the Fairfax County Board of Zoning Appeals*, Case No. CL-2011-0017565, according to the terms and conditions outlined by the County Attorney in closed session. Supervisor McKay seconded the motion and it **CARRIED** by a recorded vote of nine, Supervisor Herrity voting “NAY.”

AGENDA ITEMS

30. **3:30 P.M. – PH ON PLANNED RESIDENTIAL COMMUNITY APPLICATION PRC-C-377, FAIRFAX COUNTY PUBLIC SCHOOLS (HUNTER MILL DISTRICT)** (3:44 p.m.)

Supervisor Hudgins moved to indefinitely defer the public hearing on Planned Residential Community Application PRC-C-377. Supervisor Hyland seconded the motion and it carried by unanimous vote.

31. **3:30 P.M. – PH ON REZONING APPLICATION RZ 2011-LE-016 (INSIGHT PROPERTY GROUP, LLC) (LEE DISTRICT)** (3:45 p.m.)

- (O) The application property is located in the northwest quadrant of North Kings Highway and Poag Street, Tax Map 83-3 ((4)) A; 83-3 ((11)) 2, 3, 4, 5, and 6.

Mr. Gregory A. Riegle reaffirmed the validity of the affidavit for the record.

Chairman Bulova disclosed a campaign contribution in excess of \$100 which she had received from:

- Mr. Richard W. Hausler, Insight Property Group, LLC

William Mayland, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, gave a brief description of the application and site location.

Mr. Riegler 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 testimony, discussion ensued concerning:

- Congregation size and the number of services
- Shared parking
- Formal parking agreements with involved parties

Supervisor McKay expressed his willingness to facilitate meetings regarding shared parking arrangements and formal parking agreements.

Discussion continued concerning clarification of the land area within the application.

Following the public hearing, which included testimony by two speakers, Mr. Riegler:

- Noted that improvements being made to School Street are within the existing right-of-way
- Reaffirmed the willingness to honor the commitment to continue the coordination

Mr. Mayland presented the staff and Planning Commission (PC) recommendations.

Following additional remarks concerning the importance of this case to the Route 1 corridor, future revitalization, and necessary transportation improvements, Supervisor McKay moved:

- Amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2011-LE-016, from the R-4, C-5, CRD and HC Districts to PRM, CRD, and HC Districts, and approval of the associated Conceptual Development Plan, subject to the proffers dated June 20, 2012.
- Approval of Waiver Number 5490-WPFM-002-1 of Section 6-0303.8 of the Public Facilities Manual (PFM) to allow for an underground stormwater vault on a residential property, subject to

the waiver conditions dated March 15, 2012, as found in Attachment 3A of Appendix 3 of the staff report.

- Waiver of Section 12-0508 of the PFM for the tree preservation target.
- Modification of the loading spaces requirements of Section 11-203 of the Zoning Ordinance to provide one space instead of four spaces.
- Modification of Section 13-303 for the transitional screening requirement and Section 13-304 of the Zoning Ordinance for the barrier requirement along the western and northwestern boundaries, subject to the landscaping and barrier as shown on the Conceptual Development Plan/Final Development Plan.
- Waiver of Sections 12-202 of the Zoning Ordinance and 12-0514 of the PFM for interior parking lot landscaping.

Supervisor Hyland seconded the motion and it carried by unanimous vote, Supervisor Cook, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor Hyland, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting “AYE.”

(NOTE: On June 28, 2012, the PC approved Final Development Plan Application FDP 2011-LE-016, subject to the Final Development Plan conditions dated May 31, 2012, and contained in Appendix 2 of the staff report.)

32. **3:30 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2011-BR-016 [CARDINAL FOREST (E&A), LLC] (BRADDOCK DISTRICT)**

AND

PH ON PLANNED RESIDENTIAL COMMUNITY APPLICATION PRC-A-787-02 [CARDINAL FOREST (E&A), LLC] (BRADDOCK DISTRICT)
(4:19 p.m.)

The Special Exception Application SE 2011-BR-016 property is located on the north side of Old Keene Mill Road approximately 250 feet east of its intersection with Rolling Road, Tax Map 79-3 ((8)) 5D pt.

The Planned Residential Community Application PRC-A-787-02 property is located at 8316 to 8332 Old Keene Mill Road, Springfield, VA 22152, Tax Map 79-3 ((8)) 5D.

Mr. Stephen F. Teets reaffirmed the validity of the affidavit for the record.

Supervisor Smyth disclosed campaign contributions in excess of \$100 which she had received from the following:

- Mr. Steven C. Boyle, disclosed in paragraph 1(c) of the affidavit
- Ms. Jessica A. Bruner, disclosed in paragraph 1(c) of the affidavit
- Mr. William C. Caldwell, disclosed in paragraph 1(c) of the affidavit
- Mr. Jeffery S. Kaufman, disclosed in paragraph 1(c) of the affidavit
- Mr. Tom B. Kiler, disclosed in paragraph 1(c)

Miriam Bader, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, gave a brief description of the application and site location.

Mr. Teets 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, which included testimony by two speakers, Supervisor Cook submitted items for the record and Mr. Teets presented additional remarks concerning turnage and sidewalk upgrade.

Ms. Bader presented the staff and Planning Commission recommendations.

Supervisor Cook stated that this was one of the first planned communities in the County which created additional complications and commented on various traffic and parking issues. He also noted that when the Board approved the Four-Year Transportation Program this morning, it contained a sidewalk improvement in the plan for the eastern portion of Old Keene Mill east of the plaza which will work in conjunction with these improvements to make pedestrian access through this area easier. He added that there was an entire page of changes made to the application in response to citizen concerns which improved it and thanked the community for its input.

Supervisor Cook moved:

- Approval of Planned Residential Community Application PRC-A-787-02.
- Approval of Special Exception Application SE 2011-BR-016, subject to the development conditions dated May 31, 2012.
- Waiver of the on-road bike route requirement along the northern side of Old Keene Mill Road (Route 644).

- Waiver of the loading space requirement for the drive-in financial institution.
- Modification of the peripheral parking lot landscaping requirement along the Old Keene Mill Road (Route 644) frontage of the drive-in institution in favor of the treatment depicted on the SE plat and as conditioned.

Supervisor Frey seconded the motion.

Following brief remarks by Supervisor Herrity concerning the proximity of the application to the Springfield District and West Springfield's care and concern about the community and its appearance and function, the question was called on the motion and it carried by unanimous vote.

33. **3:30 P.M. – PH ON PLANNED RESIDENTIAL COMMUNITY APPLICATION PRC-C-546-02 (FAIRFAX COUNTY PUBLIC SCHOOLS) (BRADDOCK DISTRICT)** (4:46 p.m.)

The application property is located in the southeast quadrant of the intersection of Burke Centre Parkway and Pond Spice Lane, Tax Map 77-4 ((1)) 28A. Chairman Bulova noted that this application did not require an affidavit.

Brent Krasner, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, gave a brief description of the application and site location, and noted that this is one of two earth-covered elementary schools in the County.

Following the public hearing, Supervisor Cook submitted items for the record and Mr. Krasner presented the staff and Planning Commission recommendations.

Following additional remarks by Supervisor Cook concerning additions the application makes to the school as well as community concerns that had been addressed, he moved:

- Approval of Planned Residential Community Application PRC C-546-02, subject to the development conditions dated May 24, 2012.
- Waiver of the trail requirement along Burke Center Parkway in favor of the existing conditions depicted on the PRC plan.
- Waiver of the barrier requirement along the southern property line in favor of the planting plan included in the PRC plan.

Supervisor Hyland and Supervisor McKay jointly seconded the motion. Discussion ensued concerning the pedestrian waiver, with input from Mr. Krasner, noting it was technical in nature.

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

34. **3:30 P.M. – PH ON PLANNED RESIDENTIAL COMMUNITY APPLICATION PRC-C-377, FAIRFAX COUNTY PUBLIC SCHOOLS (HUNTER MILL DISTRICT)** (No Time)

(NOTE: Earlier in the meeting, this public hearing was indefinitely deferred. See Clerk's Summary Item #30.)

35. **4 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 7 (ELECTIONS), RELATING TO ELECTION PRECINCTS AND TO CONSIDER TEMPORARILY RELOCATING TWO ABSENTEE VOTING SATELLITES** (4:56 p.m.)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of June 22 and June 29, 2012.

Cameron P. Quinn, General Registrar, Office of the General Registrar/Electoral Board, presented the staff report.

Discussion ensued concerning temporary changes to the North County Government Center and the need for signage with input from Ms. Quinn concerning signage for all the changes and the issuance of voter cards for precinct changes.

Following the public hearing, Supervisor Gross moved:

- Adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 7 (Elections)
- Approval of temporarily relocating two absentee voting satellites

Supervisor Hyland seconded the motion and it carried by a vote of eight, Supervisor Cook, Supervisor Foust, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting "AYE," Supervisor Frey and Supervisor Herrity being out of the room.

36. **4 P.M. – PH ON THE ACQUISITION OF CERTAIN LAND RIGHTS NECESSARY FOR THE CONSTRUCTION OF THE SAIGON SUBDIVISION SANITARY SEWER EXTENSION AND IMPROVEMENT (E & I) (DRANESVILLE DISTRICT)** (5 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 June 22 and June 29, 2012.

Beth Shubert, Right-of-Way Agent, Land Acquisition Division, Capital Facilities, Department of Public Works and Environmental Services, presented the staff report.

Following the public hearing, Supervisor Foust moved adoption of the Resolution authorizing the acquisition of certain land rights necessary for the construction of Project X000828 (10006) the Saigon Subdivision Sanitary Sewer E&I. Supervisor McKay seconded the motion and it carried by a vote of eight, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting “AYE,” Supervisor Cook and Supervisor Hyland being out of the room.

37. **4 P.M. – PH TO CONVEY BOARD-OWNED PROPERTY TO THE PARK AUTHORITY (DRANESVILLE DISTRICT)** (5:03 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 June 22 and June 29, 2012.

Michael P. Lambert, Property Manager, Real Estate Development and Planning, Facilities Management Department, presented the staff report.

Following the public hearing, Supervisor Foust moved:

- Adoption of the Resolution authorizing the conveyance of Board-owned property located at 1320 and 1322 Ingleside Avenue identified by Tax Map Numbers 0302 01 0011 and 0302 01 0012 to the Park Authority.
- That the conveyance of the property shall be subject to the condition that the parcels must be used for park purposes along with all conditions and limitations set forth in the land bank agreement between the Board and the Park Authority.

Supervisor Gross seconded the motion and it carried by a vote of eight, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor McKay, Supervisor Smyth, and Chairman

Bulova voting “AYE,” Supervisor Cook and Supervisor Hyland being out of the room.

DAL:dal

ADDITIONAL BOARD MATTERS

38. **PROPOSED METROPOLITAN WASHINGTON COUNCIL OF GOVERNMENTS (COG) TASK FORCE - VERIZON 9-1-1 NETWORK - REVIEW OF FAILURES, POTENTIAL FOR FUTURE OUTAGES, DEVELOPMENT OF COMMUNICATIONS PLAN** (5:07 p.m.)

(NOTE: Earlier in the meeting, Chairman Bulova presented an item regarding the aftermath of the derecho storm during the County Executive’s briefing. See Clerk’s Summary Item #13.)

Chairman Bulova noted that she will be presenting an item to COG on Wednesday, July 11, regarding the aftermath of the derecho storm.

(NOTE: Later in the meeting, there was additional discussion regarding the derecho storm. See Clerk’s Summary Items #47, #51, and #58.)

39. **REQUEST FOR RECOGNITION** (5:07 p.m.)

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and asked unanimous consent that the Board direct staff to invite representatives from the Office for Women and Domestic and Sexual Violence Services to appear before the Board to receive a proclamation recognizing October as “*Domestic Violence Awareness Month*.” Without objection, it was so ordered.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

40. **RESIGNATION/APPOINTMENT TO PARK AUTHORITY BOARD AND REQUEST FOR RECOGNITION (SPRINGFIELD DISTRICT)** (5:07 p.m.)

(APPT)
(BACs)

Supervisor Herrity stated that Mr. Harold Pyon recently resigned from the Park Authority Board. He served as the Springfield District Representative from 1992 to 1997, was reappointed in 2007, and again in 2011. He continues to be an active member in the community and serves the Springfield District and the County in a number of capacities. These include the Board of Directors of the Fairfax County Economic Recovery Commission, the Small Business Commission, the Annandale Chamber of Commerce, and the American Heart Association. On June 1, 2007, he was appointed to the State Board of Elections and became the vice chair. He is currently serving as vice chairman of the Korean Community Service Center of greater Washington DC.

To guarantee a smooth transition and to continue the very best representation for Springfield District citizens at the Park Authority Board meeting on July 11 and the joint meeting with the Board of Supervisors on July 24, Supervisor Herrity moved the following appointment:

- Mr. Mike Thompson, Jr., as the Springfield District representative to the Park Authority Board

Supervisor Herrity further moved that the Board direct staff to invite Mr. Pyon to appear before the Board at a future meeting to receive a resolution recognizing his service to the Commonwealth, the County, and the Springfield District.

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

41. **REQUEST FOR AN UPDATE ON THE FEASIBILITY OF TEXT CAPABILITY THROUGH 911** (5:09 p.m.)

Supervisor Herrity said that during the September 27, 2011, Board meeting the Board unanimously passed his motion (jointly with Supervisor Hyland) that “Emergency Services personnel take a look at and report to the Board on the feasibility of receiving text messages and/or pictures or video through 911, including both the advantages, disadvantages, costs, and results from other jurisdictions who are currently using the technology and a potential timetable for implementation in the County. Further, he asked staff to contact surrounding jurisdictions on their plans, if any, for text 911.”

The storm which the County experienced recently had a terrible impact on 911 and regular calls with many people trying to communicate with friends, family, and the government, through social media and text messaging. As learned in the moments after the earthquake – in periods of high usage cellular networks are often unavailable for phone calls but text messages will cue and eventually go through. There is also a whole new generation that thinks first to text rather than call. The ability to text 911 has been successfully implemented in other jurisdictions in the country.

Given the Commonwealth’s review of the County’s 911 services, now is a good time to look at the potential to add this service so that 911 can be reached during the periods of high usage which normally occur after significant events. Text 911 may not have worked in wake of the system failure recently experienced, however, the next time may be a significant event where many residents will not be able to make calls but will be able to text. The County needs to thoroughly investigate the ability to allow residents to text 911 if they cannot make a phone call.

Therefore, Supervisor Herrity moved that the Board direct the Office of Emergency Management, prior to the next Board meeting, to provide an update

on its findings to date on the feasibility of receiving text messages and/or pictures or video through 911 and a timetable to complete this study. Supervisor McKay seconded the motion.

A brief discussion ensued regarding the issues with phone service during the storm.

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

42. **REQUEST FOR RECOGNITION – BATTLE OF OX HILL (SPRINGFIELD AND SULLY DISTRICTS)** (5:13 p.m.)

Jointly with Supervisor Frey, Supervisor Herrity said September 1, 2012, will mark the 150th anniversary of the Battle of Ox Hill, also known as the Battle of Chantilly. The occasion will be commemorated by a day-long Civil War history event at the Ox Hill Battlefield Park including artillery demonstrations, period music, presentation of colors, speeches, wreath laying, and living history interpreters. While the Battle of Ox Hill was a relatively small engagement, it represented the end of the Northern Virginia Campaign and occurred at the end of the Battle of Second Manassas. Following this engagement, Union troops retreated to fortifications around Washington while Confederate troops moved north into Maryland and began the Maryland Campaign which culminated in the Battle of Antietam. The Battle of Ox Hill resulted in the deaths of Union generals Philip Kearney and Isaac Stevens. Two granite monuments placed on the battlefield in their honor are the name sake for Monument Drive.

Therefore, Supervisor Herrity asked unanimous consent that the Board:

- Proclaim September 1, 2012, as “The Battle of Ox Hill Day” in Fairfax County and direct staff to prepare a resolution to be presented at the event.
- Direct the Office of Public Affairs to work with the Park Authority and Visit Fairfax to promote this important event.

Without objection, it was so ordered.

43. **APPOINTMENT TO THE JOINT TASK FORCE ON SYNTHETIC TURF ATHLETIC FIELDS** (5:16 p.m.)

(APPT)

(BACs)

Supervisor Herrity said that on April 10, 2012, the Board affirmed its commitment to participating in a Joint Task Force on Synthetic Turf Athletic Fields with the School Board. The issue of turf athletic fields is one that has, in the past, required cooperation from many stake holders and participants to include the Board of Supervisors, the Public Schools, the Park Authority, various booster and athletic clubs, and more. The purpose of this task force is to bring all these

various groups together to develop a more thoughtful plan to guide the construction of these fields for years to come.

On June 22, 2012, the Board received a memorandum from the County Executive with a list of those who would comprise the task force. Supervisor Herrity said he was surprised to see that a member of the School Board would be there to represent schools while there was not a member of the Board. He expressed his belief that the mission of the task force is one which plays an integral role in the growth of the County for many years to come. The Board of Supervisors is a major funding partner and works with developers and community organizations to facilitate the construction of these fields. Supervisor Herrity stated his belief that the Board should have a seat on this task force.

Therefore, Supervisor Herrity moved:

- To amend the County Executive's recommendation and add a seat to the Joint Task Force on Synthetic Turf Athletic Fields for a Member of the Board.
- The appointment of Supervisor Michael Frey, as the Board's representative to the Joint Task Force on Synthetic Turf Athletic Fields, given his past work with turf fields.

Supervisor Smyth seconded the motion.

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

44. **REQUEST FOR RECOGNITION / REQUEST TO PROCLAIM
"WASHINGTON DULLES INTERNATIONAL AIRPORT DAY" IN
FAIRFAX COUNTY** (5:18 p.m.)

In a joint Board Matter with Supervisor Frey, Supervisor Herrity said that on November 16, 2012, the Committee for Dulles and the Washington Airports Task Force will be hosting a gala in honor of Washington Dulles International Airport's fiftieth anniversary.

Over the last 50 years Dulles has transformed from a small regional airport into an international leader, and the gateway to the DC area. It currently serves over 23 million passengers a year, with hundreds of national and international destinations.

The history of how the airport came to be and what it has done since then is a fascinating one. In 1950 Congress passed the Washington Airport Act that allowed for a second airport in the DC area. After passing on the Springfield District with plans to put the airport at what is now Burke Lake Park and the

surrounding area, President Eisenhower selected Supervisor Frey's Sully District to host the airport in what was then the unincorporated town of Willard. Willard was razed, and on November 17, 1962, President Kennedy led the dedication of the airport.

Since that time Dulles has seen numerous milestones, it was the place the first "jumbo-jet" (Boeing 747) was christened; it was the resting place for the SR-71 Blackbird when it was retired by the military landing from Palmdale California in just 64 minutes. More recently, who can forget the excitement of seeing the Space Shuttle Discovery flying circles around the area before landing at Dulles.

Dulles has also been critical to the growth of the County from a sleepy bedroom community to the economic engine of the Commonwealth. Easy access to an airport is vital to many businesses and the airport was a major driver in the success of Tysons and the Dulles corridor.

Dulles not only allows a convenient way to visit other parts of the world and has given many lasting memories, but it is a big part of the economic success of the County.

Therefore, Supervisor Herrity moved that the Board:

- Direct staff to prepare a resolution recognizing Dulles Airport's accomplishments over the last 50 years, to be presented jointly by Supervisors attending the anniversary gala.
- Proclaim November 17, 2012, as "*Washington Dulles International Airport Day*" in Fairfax County.

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

EBE:ebe

45. **McLEAN GLENN - BOARD'S OWN MOTION APPLICATION AUTHORIZATION (DRANESVILLE DISTRICT)** (5:21 p.m.)

Supervisor Foust said that on January 24 the Board approved a Board Matter that authorized a Board's Own Motion application to rezone the 13 lots that were the subject of Rezoning Application RZ 2005-DR-009 from THE PDH-3 District back to the R-1 District development status that existed for each lot prior to the rezoning.

Supervisor Foust noted that the application has been filed and is ready for public hearings. It has since been determined that an affidavit is required because there are fewer than 10 different lot owners. It has been standard practice that the

County Executive, acting as agent for the Board, executes the affidavit, if one is necessary.

Therefore, Supervisor Foust moved that the Board designate the County Executive, on behalf of the Board, to execute the affidavit; and direct the Director of the Zoning Evaluation Division, Department of Planning and Zoning, to continue the expeditious processing of the zoning application and schedule the necessary public hearings. This motion should not be construed as a favorable recommendation on the application by the Board and does not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations, or adopted standards. This action in no way prejudices the substantive review of the application. Supervisor Hudgins seconded the motion and it carried by a vote of nine, Supervisor Hyland being out of the room.

46. **PROCLAMATION IN SUPPORT OF KEEP THE SPIRIT OF '45 ALIVE!**
(5:23 p.m.)

In a joint Board Matter with Supervisor Hyland, Supervisor Smyth, and Chairman Bulova, Supervisor Foust noted that on August 14, 1945, World War II officially ended. The men and women of the World War II generation preserve democracy and rebuild the post-war world creating examples of service that inspire and sustain the nation.

Supervisor Foust said that *Keep the Spirit of '45 Alive!* is a grassroots campaign to encourage America to commemorate the anniversary of the end of World War II and to recognize the bravery and contributions of those who served in uniform and on the home front.

The goal of the non-profit and non-partisan initiative is to preserve the legacy of the men and women of the Greatest Generation so that their example of bravery and self-sacrifice can help inspire a renewal of national unity in the country.

Supervisor Foust said that VITAS Innovative Hospice Care is a national sponsor of the grassroots campaign. The Spirit of '45 campaign is in keeping with VITAS' commitment to provide end-of-life care that holds human dignity above all else.

This August, VITAS Innovative Hospice Care will be holding celebratory events at locations in the Dranesville, Mount Vernon, and Providence Districts and has requested a proclamation in support of its efforts.

Therefore, Supervisor Foust asked unanimous consent that the Board direct staff to prepare a proclamation in support of *Keep the Spirit of '45 Alive!* to be presented to VITAS Innovative Hospice Care at the events in August. Without objection, it was so ordered.

47. **FOOD BANKS AND SHELTERS NEED ASSISTANCE IN RESTOCKING FOOD SUPPLIES LOST AS THE RESULT OF THE RECENT STORM DERECHO (DRANESVILLE DISTRICT)** (5:25 p.m.)

(NOTE: Earlier in the meeting, the Board was briefed on the derecho storm. See Clerk's Summary Item #13.)

Supervisor Foust said that the derecho storm on June 29 had devastating effects on residents of the County. Because of the widespread loss of power, many people lost the contents of their refrigerators and freezers. Particularly hard hit were those food banks and shelters that after days without power had to discard rotting food. Also hard hit were those families that rely on those facilities for food and other services. They now need to replace their lost food or repair their homes on budgets that had limited capacity to deal with such a disaster.

Supervisor Foust noted that while power has been restored, it will take weeks for the non-profits to replace the food that was lost.

Therefore, Supervisor Foust moved that the Board direct the Office of Public Affairs to publicize the urgent need of food banks, shelters, and other non-profits to restock their food supplies and to encourage County residents to do whatever they can to assist in the effort. Supervisor Hudgins seconded the motion and it carried by a vote of nine, Supervisor Hyland being out of the room.

(NOTE: Later in the meeting, there was additional discussion regarding the derecho storm. See Clerk's Summary Items #51 and #58.)

48. **SEKAS HOMES LIMITED (HUNTER MILL DISTRICT)** (5:27 p.m.)

Supervisor Hudgins said that Sekas Homes, Limited and Land Design Consultants, Incorporated have filed Rezoning Application RZ 2012-HM-013 for property located at 1684 Drewlain Drive, Vienna, on Tax Map 28-4 ((1)), Parcel 12, for a proposed development of five single family detached houses under the R-2 Conventional Zoning District. The applicant has requested concurrent processing of the subdivision plan and any other associated plans by the Department of Public Works and Environmental Services (DPWES).

Therefore, Supervisor Hudgins moved that the Board direct the Director DPWES to process the subdivision plan and other associated plans concurrently with Rezoning Application RZ 2012-HM-013. This motion should not be construed as a favorable recommendation by the Board on the proposed applications and does not relieve the applicant from complying with the provisions of all applicable ordinances, regulations, or adopted standards in any way. Supervisor Foust seconded the motion and it carried by a vote of nine, Supervisor Hyland being out of the room.

49. **SUTTON RIDGE FIRE – REQUEST FOR RECOGNITION (HUNTER MILL DISTRICT)** (5:29 p.m.)

Supervisor Hudgins said that in the early morning hours of June 26, a fire ripped through the community of Sutton Ridge Condominiums. The fire damaged resident's homes, destroyed material possessions, and displaced families. However, while this fire caused some damage and heartache, there was a silver lining. The fire damage could have resulted in the loss of lives at Sutton Ridge if it was not for the awareness of outstanding citizens. A group of young people noticed the fire and immediately called 9-1-1. Afterwards, they worked to knock on every door of the affected building and helped get their neighbors to a safe location. These individuals showed the true meaning of community and serving others with disregard to their own personal safety.

The Fairfax County Fire Department and Loudoun County Fire Department personnel were able to contain the three-alarm fire in about 90 minutes. Their efforts helped contain the fire from jumping to multiple buildings within the multi-family complex.

Therefore, Supervisor Hudgins moved that the Board direct staff to invite Mr. William "Trey" Brown, Mr. Tommy Papsidero, Mr. Connor Pearson, and Ms. Tamara Newman to appear before the Board to be recognized for their efforts on June 26 during the fire at Sutton Ridge. Chairman Bulova seconded the motion and it carried by a vote of nine, Supervisor Hyland being out of the room.

50. **REQUEST FOR RECOGNITION OF THE ANNUAL COMMUNITY SOFTBALL GAME (HUNTER MILL DISTRICT)** (5:30 p.m.)

Supervisor Hudgins said that as part of its community outreach efforts CBS Radio, the owner of WPGC, sponsors events throughout the region for the youth. In conjunction with the Hunter Mill District office and the Police Department, the Annual Softball game will be held at South Lakes Park on August 15, 2012.

Therefore, Supervisor Hudgins asked unanimous consent that the Board direct staff to work with the local media to publicize the event. Without objection, it was so ordered.

PMH:pmh

51. **DERECHO STORM** (5:31 p.m.)

(NOTE: Earlier in the meeting the Board was briefed on the derecho storm. See Clerk's Summary Item #13.)

Supervisor McKay said that he will be submitting comments from his office about the storm to the County Executive.

(NOTE: Later in the meeting, there was additional discussion regarding the derecho storm. See Clerk's Summary Item #58.)

52. **TIMBER RIDGE AT EDS, LLC – PROFFERED CONDITION AMENDMENT/FINAL DEVELOPMENT PLAN AMENDMENT APPLICATIONS PCA/FDPA 2006-SU-007 (SULLY DISTRICT)** (5:32 p.m.)

Supervisor Frey said that Timber Ridge at EDS LLC has filed Proffered Condition Amendment/Final Development Plan Amendment Applications PCA/FDPA 2006-SU-007 to amend the proffers and development plan for property located on Centreville Road between McLearen Road and Wall Road. Specifically, the applicant is requesting a partial PCA on the residential portion only of a 66.88 acre development to reduce the residential density of the approved plan and to modify the layout slightly to accommodate a mix of unit types.

Because the applicant has agreed to implement substantially the previously approved proffer package despite reducing the approved density from 1,159 units to approximately 800 units, Supervisor Frey said that he does not anticipate significant issues. The Planning Commission (PC) hearing is scheduled for October 17 and the applicant has requested that the Board consider scheduling a public hearing to be held before the Board and authorizing concurrent processing of all necessary site and/or subdivision plans. Supervisor Frey said that he has reviewed these requests with staff, and they have no objection. The applicants understand that this motion does not relieve them of any obligation, ordinance or standards, and will not prejudice the consideration of the application in any way.

Therefore, Supervisor Frey moved that the Board direct staff to schedule a public hearing to be held before the Board for on Proffered Condition Amendment/Final Development Plan Amendment Applications PCA/FDPA 2006-SU-007 to occur as soon as practicable after the October 17 PC hearing, and that the corresponding site and subdivision plans be reviewed concurrently with the zoning applications. Supervisor Foust seconded the motion and it carried by a vote of nine, Supervisor Hyland being out of the room.

53. **NORTHERN VIRGINIA HEALTH INVESTORS, LLC – REZONING/FINAL DEVELOPMENT PLAN APPLICATIONS RZ/FDP 2012-SU-012 (SULLY DISTRICT)** (5:34 p.m.)

Supervisor Frey said that Rezoning/Final Development Plan Applications RZ/FDP 2012-SU-012 is a request by Northern Virginia Health Investors, LLC to rezone approximately 8.5 acres from the I-5 District to the PRM District and to construct a continuum of care campus consisting of independent living and medical care facilities. The site is located on Centreville Road, east of Rachel Carson Middle School. The applicant has been meeting with citizens groups and the Health Care Advisory Board and has been in contact with the closest residential community.

Supervisor Frey said that the applications have been scheduled for a public hearing to be held before the Planning Commission (PC) on November 8. Because the application involves relocating needed medical facilities, the applicant is anxious to process the applications expeditiously. Therefore, the applicant has requested that the Board consider scheduling a Board public hearing and authorizing concurrent processing of the site and subdivision plans. He added that he has reviewed these requests with staff, and they have no objection.

Therefore, Supervisor Frey moved that the Board authorize staff to schedule a public hearing to be held before the Board for Rezoning/Final Development Plan Applications RZ/FDP 2012-SU-012 to occur as soon as practicable after the PC hearing and that site and subdivision plans be reviewed concurrently with the zoning applications. The applicants understand that this motion does not relieve them of any obligation, ordinance, or standards, and will not prejudice the consideration of the application in any way. Chairman Bulova seconded the motion and it carried by a vote of nine, Supervisor Hyland being out of the room.

54. **RECOGNITION OF MR. LAWRENCE WALKER** (5:35 p.m.)

Supervisor Frey announced that Lawrence Walker, Director of Music, Franklin Middle School, has retired after 28 years of service to the County.

Therefore, Supervisor Frey asked unanimous consent that the Board direct staff to invite Mr. Walker to appear before the Board to be recognized for his years of service. Without objection, it was so ordered.

55. **NO BOARD MATTERS FOR SUPERVISOR HYLAND (MOUNT VERNON DISTRICT)** (No time)

Supervisor Hyland had no Board Matters to present today.

56. **PREFERRED PARKING SPACE DESIGNATION** (5:36 p.m.)

In a joint Board Matter with Supervisor Gross, Supervisor Smyth noted that preferred parking space designations for fuel efficient and car pool vehicles have been put into place at a variety of County facilities to meet the County Sustainable Development Policy and to help achieve Leadership in Energy and Environmental Design (LEED) certification for major County building projects.

Supervisor Smyth said that concerns have been raised by citizens regarding the under-utilization of the preferred parking spaces at public use facilities, and the inconvenience created by the priority location of these designated parking spaces. The County Attorney's Office has identified concerns about the enforceability of these preferred parking space designations. Furthermore, staff has indicated that the County's sustainable development goals can still, typically, be met without the LEED points for preferred parking designations.

In response to concerns raised by citizens and staff, including the Office of the County Attorney, Supervisor Smyth moved that the Board direct staff to:

- Limit the utilization of preferred parking space designations to locations that are clearly beneficial.
- Verify that any future preferred parking space designations for fuel efficient and car pool vehicles only be implemented at locations where staff believes there will be a clear and practical benefit, on a case by case basis, such as at facilities serving a large number of County employees and at transit oriented facilities.

Supervisor Gross seconded the motion.

Following a brief discussion regarding LEED certification and carpooling, the question was called on the motion and it carried by a vote of nine, Supervisor Hyland being out of the room.

57.

CONCURRENT FILING OF COUNTY RIGHT-OF-WAY WITH REZONING APPLICATION RZ 2011-PR-011 (PROVIDENCE DISTRICT)

(5:40 p.m.)

Supervisor Smyth said that Cityline Partners LLC is pursuing a series of applications to rezone approximately 30 acres located on the south side of Route 123 to the PTC District. To meet the recommendations of the Plan, Cityline proposes a straightening of the current alignment of Colshire Drive to be consistent with the proposed grid of streets. The proposed realignment of Colshire Drive includes the vacation and abandonment of approximately 30,928 square feet of existing right-of-way and the dedication of approximately 57,976 square feet of land for the new alignment. Cityline has requested that those areas proposed to be vacated and abandoned be included within one of the pending rezoning applications to the PTC District. Consent to the inclusion of the right-of-way in the application is required from the Board.

Therefore, Supervisor Smyth moved that the Board:

- Consent to the inclusion of approximately 30,928 square feet of right-of-way known as Colshire Drive, and as generally shown on the exhibit contained as part of her written Board Matter, in pending Rezoning Application RZ 2011-PR-011.
- Authorize the County Executive to act as agent of the Board in connection with this application.

This motion shall not be construed as a favorable recommendation by the Board on the proposed application, and does not relieve the applicants from compliance with the provisions of any applicable ordinances, regulations, or adopted standards. Supervisor Foust seconded the motion and it carried by a vote of nine, Supervisor Hyland being out of the room.

58. **DERECHO AFTERMATH** (5:42 p.m.)

(NOTE: Earlier in the meeting the Board was briefed on the derecho storm. See Clerk's Summary Item #13.)

Supervisor Gross said that Chairman Bulova's proposal for a Metropolitan Washington Council of Governments (COG) convened forum is an excellent one. She added that according to her constituents, little or no information was provided in the automated menu maze of push 1, push 2, et cetera.

Supervisor Gross expressed her appreciation to Ms. Carolyn Moss and her team from Dominion Virginia Power for providing contact information that she could use to respond to constituent inquiries. It was very helpful to be able to contact Ms. Moss directly with on-the-ground information, such as a tree down at the entrance to a dead-end street that stranded 30 families for days and two mid-rise buildings housing frail, low-income elderly. She noted that a lot of people did a lot of dangerous work in sweltering heat during a holiday week to get everything back to normal, and they deserve a thank you. She also thanked public safety staff who worked tirelessly to ensure that police and fire services were maintained, even on radios and generator power.

Supervisor Gross said that there are several other issues that need to be addressed in after-action reports, either externally or internally:

- Getting media to broadcast items about the County.
- How to communicate when people do not have access to their computers and phones because of the power and phone outages. There were many complaints that the County guidance to check on-line was not helpful when the equipment was down.
- County policy for cooling centers.
- Finger-pointing between utilities, Virginia Department of Transportation (VDOT), and forestry crews. Time and again, restoration was delayed because a tree was down, potentially with live wires, and no action could be taken because the power company was waiting for the tree to be removed, and the tree removal folks were waiting for the power company to ensure that

the lines were dead. Customers and constituents were caught in a Catch-22, sometimes for days.

- Assistance for the elderly. Many neighbors were worried about their elderly neighbors, especially those who might need medications, or whose medications were dependent on refrigeration, and who might have to rely on specialized equipment. Many elderly neighbors got along just fine - they are very resilient and experienced but this is an area that may need attention.
- Finally, family emergency plans need to be dusted off and updated the County should revamp and redistribute the Emergency Planning information that was so prevalent after 9/11, in many languages. Emergency kits are just as important in the summer as in snow season - with new batteries, water, rotated non-perishable food, et cetera. This should be a focus for the County now, not dependent on the COG forum. This should be done this immediately.

Therefore, Supervisor Gross asked unanimous consent that the Board direct the County Executive to address these items in a timely fashion as part of his after-action report. Without objection, it was so ordered.

59. **REQUEST FOR EXPEDITED AND CONCURRENT PROCESSING FOR TITAN AMERICA, LLC - REZONING APPLICATION RZ 2012-MA-012 AND SPECIAL EXCEPTION APPLICATION SE 2012-MA-011 (MASON DISTRICT)** (5:46 p.m.)

Supervisor Gross said that Titan America, LLC has recently filed rezoning and special exception applications on two parcels which comprise the Southern Iron Works, Incorporated, property, located in the Springfield Industrial Park, east of Industrial Drive and north of Iron Place. The two parcels, identified as Tax Map 80-2 ((1)) 33 and 33A comprise approximately 9.43 acres, and are currently split-zoned to the I-6, C-8, and R-2 Districts. The subject property is presently developed with the existing Southern Iron Works, Incorporated, manufacturing facility and four related buildings that have operated at this location since the 1950s.

Supervisor Gross said that Titan America, LLC seeks to redevelop the subject property to allow for the construction of ready-mix concrete mixing plants with accessory uses such as rock, sand, and gravel storage. Meeting the rising need for an efficient source of concrete for construction purposes in the County has proven increasingly difficult given the traffic volume and the decreasing amount of land available for heavy industrial uses. The applicant's proposal will provide customers with a reliable source of concrete that can be efficiently transported,

and the subject property is particularly suited for the applicant's proposed use given its location, zoning, and transportation access.

Supervisor Gross said that Titan America, LLC wishes to proceed through the development process as quickly as possible while the rezoning and special exception applications are pending. Accordingly, Supervisor Gross moved that the Board direct the Director of the:

- Zoning Evaluation Division, Department of Planning and Zoning, to expeditiously process Rezoning Application RZ 2012-MA-012 concurrent with Special Exception Application SE 2012-MA-011 filed on behalf of Titan America, LLC with the scheduling of a Board hearing.
- Department of Public Works and Environmental Services to accept a site plan in conjunction with the pending applications for concurrent and simultaneous processing.

This motion should not be construed as a favorable recommendation by the Board on the proposed applications and does not relieve the applicant from compliance with the provisions of applicable ordinances, regulations, or adopted standards in any way. Chairman Bulova seconded the motion and it carried by a vote of nine, Supervisor Hyland being out of the room.

60. **NO BOARD MATTERS FOR SUPERVISOR COOK (BRADDOCK DISTRICT)** (5:48 p.m.)

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

61. **BOARD ADJOURNMENT** (5:49 p.m.)

The Board adjourned.

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