

**FAIRFAX COUNTY
BOARD OF SUPERVISORS
NOVEMBER 19, 2007**

AGENDA

9:30	Done	Presentations
10:00	Done	Presentation of the Lawrence V. Fowler Award
10:10	Done	Presentation of the Exceptional Design Awards
10:25	Done	Presentation of the Environmental Excellence Awards
10:40	Done	Presentation of the Environmental Quality Advisory Council 2007 Annual Report
10:55	Done	Items Presented by the County Executive

**ADMINISTRATIVE
ITEMS**

1	Approved	Additional Time to Commence Construction for Special Exception SE 01-V-005, William A. Kinder (Mount Vernon District)
2	Approved	Approval of Traffic Calming Measures and “Watch for Children” Signs as Part of the Residential Traffic Administration Program (Dranesville and Providence Districts)
3	Approved	Streets into the Secondary System (Braddock, Dranesville, Hunter Mill, Providence, Springfield, and Sully Districts)
4	Approved	Authorization to Advertise Public Hearings on a Proposed Zoning Ordinance Amendment Re: Financial Institutions
5	Approved	Authorization to Advertise Public Hearings on a Proposed Zoning Ordinance Amendment Re: Solid Waste and Recycling Facility Definitions
6	Approved	Extension of Review Period for 2232 Review Application (Dranesville District)
7	Approved	Authorization to Advertise a Public Hearing to Amend and Readopt Fairfax County Code Section 4-10-5, Taxation and Finance

**FAIRFAX COUNTY
BOARD OF SUPERVISORS
NOVEMBER 19, 2007**

ACTION ITEMS

- | | | |
|---|---------------------------------|---|
| 1 | Approved | Approval of Disclosure Agreement Related to the Issuance of Regional Sewerage System Revenue Bonds, Series of 2007B, by the Upper Occoquan Sewage Authority (Sully District) |
| 2 | Approved | Authorization for the County Executive to Sign on Behalf of the Board of Supervisors an Ingress/Egress Easement at the Mott Community Center to Provide Access to Patriot Park (Springfield District) |
| 3 | Approved | Approval of Memorandum of Understanding Between Fairfax County Board of Supervisors and Clean Fairfax Council, Incorporated |
| 4 | Approved | Approval of a Parking Reduction for the McLean Stores Shopping Center in the McLean Commercial Revitalization District (Dranesville District) |
| 5 | Approved
w/amendment | Approval of a Master Credit Agreement and Other Actions Associated With Acquiring a Line of Credit |
| 6 | Deferred to 12/3/07 | Endorsement of Design Plans for the Richmond Highway Public Transportation Initiative, Including Pedestrian Access and Safety Improvements (Mount Vernon and Lee Districts) |
| 7 | Approved | Approval of Award in FY 2008 HOME Program Community Housing Development Organization (CHDO) Funds to Two Nonprofit Affordable Housing Developers |

INFORMATION ITEMS

- | | | |
|---|--------------|--|
| 1 | Noted | Contract Award – Planning Phase Agreement for 800MHz Radio Rebanding in the National Capital Region |
| 2 | Noted | Supplemental Project Administrative Agreement with the Virginia Department of Transportation for the NoVi Trail – Walk Along Beulah Project (Hunter Mill District) |
| 3 | Noted | Contract Award – Prescription and Non Prescription Medications for Inmates in the Adult Detention Center |
| 4 | Noted | Fairfax County Government Channel 16 Wins Programming Excellence Award |

**FAIRFAX COUNTY
BOARD OF SUPERVISORS
NOVEMBER 19, 2007**

**INFORMATION ITEMS
(CONTINUED)**

5	Noted	Contract Award for Professional Engineering Services for the Preparation of a Master Plan for the Noman M. Cole, Jr., Pollution Control Plant (Mount Vernon District)
6	Noted	Supplemental Project Administrative Agreement with the Virginia Department of Transportation for the Mason Neck Trail Project (Mount Vernon District)
7	Noted	Contract Award – Lake Fairfax Park Campground “A” Electrical Upgrades (Hunter Mill District)
8	Noted	Planning Commission Action on Application 2232A-D05-14, Nextel Communications of the Mid-Atlantic, Inc. (Dranesville District)
11:20	Done	Matters Presented by Board Members
12:10	Done	Closed Session
 PUBLIC HEARINGS		
3:30	Approved	Public Hearing for the Creation/Enlargement of Small and Local Sanitary Districts for Refuse/Recycling and/or Leaf Collection Service (Dranesville and Mason Districts)
3:30	Approved	Public Hearing on the Acquisition of Certain Land Rights Necessary for the Construction of the Hunter Mill Road Walkway Project (Providence District)
3:30	Approved	Public Hearing on the Acquisition of Certain Land Rights Necessary for the Construction of the Kenmore Subdivision Sanitary Sewer Extension and Improvement Project (Dranesville District)
3:30	Approved	Public Hearing to Establish the Old Centreville Community Parking District (Sully District)
3:30	Decision deferred to 12/3/07 at 3:00 p.m.	Public Hearing to Vacate Portions of a Sanitary Sewer Easement Located at 3717 Tollgate Terrace, Falls Church (Mason District)
4:00	Public hearing held; Record remain open	Public Hearing to Receive Comment from Citizens on the Proposed Legislative Program to be Presented to the 2008 Virginia General Assembly



Fairfax County, Virginia
BOARD OF SUPERVISORS
AGENDA

Monday
November 19, 2007

9:30 a.m.

PRESENTATIONS

1. RESOLUTION – To acknowledge Gene Hull, Northern Virginia District deputy administrator for the Virginia Department of Transportation for 51 years of public service. Requested by Supervisor Kauffman.
2. PROCLAMATION – To designate November as Adoption Awareness Month in Fairfax County. Requested by Chairman Connolly.
3. RESOLUTION – To recognize Kay Larmer for her years of service to Fairfax County government. Requested by Chairman Connolly.
4. CERTIFICATE – To recognize county staff who make the provision of information and governmental services readily available electronically to Fairfax County residents, resulting in a 2007 Best of the Web award from the Center for Digital Government. Requested by Chairman Connolly.

STAFF:

Merni Fitzgerald, Director, Office of Public Affairs

Bill Miller, Office of Public Affairs

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Board Agenda Item
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10:00 a.m.

Presentation of the Lawrence V. Fowler Award

ENCLOSED DOCUMENTS:

None.

PRESENTED BY:

Gerald E. Connolly, Chairman, Board of Supervisors

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Board Agenda Item
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10:10 a.m.

Presentation of the Exceptional Design Awards

ENCLOSED DOCUMENTS:

None

PRESENTED BY:

John Burns, Exceptional Design Jury Chair

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Board Agenda Item
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10:25 a.m.

Presentation of the Environmental Excellence Awards

ENCLOSED DOCUMENTS:

None.

PRESENTED BY:

Stella Koch, Chairman, Environmental Quality Advisory Council

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Board Agenda Item
November 19, 2007

10:40 a.m.

Presentation of the Environmental Quality Advisory Council 2007 Annual Report

ENCLOSED DOCUMENTS:

None. Report delivered under separate cover.

PRESENTED BY:

Stella Koch, Chairman, Environmental Quality Advisory Council

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Board Agenda Item
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10:55 a.m.

Items Presented by the County Executive

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Board Agenda Item
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ADMINISTRATIVE - 1

Additional Time to Commence Construction for Special Exception SE 01-V-005, William A. Kinder (Mount Vernon District)

ISSUE:

Board consideration of additional time to commence construction for SE 01-V-005 pursuant to the provisions of Sect. 9-015 of the Zoning Ordinance.

RECOMMENDATION:

The County Executive recommends that the Board approve eighteen months additional time for SE 01-V-005 to July 26, 2008.

TIMING:

Routine

BACKGROUND:

Under Sect. 9-015 of the Zoning Ordinance, if construction has not commenced within the time period specified by the Board of Supervisors, an approved special exception shall automatically expire without notice unless additional time is approved by the Board. A request for additional time must be filed with the Zoning Administrator prior to the expiration date of the special exception. The Board may approve additional time if it determines that the use is in accordance with the applicable provisions of the Zoning Ordinance and that approval of additional time is in the public interest.

On July 26, 2004, the Board of Supervisors approved Special Exception SE 01-V-005, subject to development conditions. The special exception application was filed in the name of William A. Kinder to permit a use in a floodplain, pursuant to Sect. 2-904 of the Ordinance, and to permit retaining walls, terraces, and other structures to remain in the floodplain at 7905, 7907, and 7909 Candlewood Drive, which are identified as Tax Map 102-1 ((21)) 1, 2, and 3 (see the Locator Map in Attachment 1). On July 26, 2004, the Board of Supervisors also approved Chesapeake Bay Exception #026328 under Section 111-6-9 of the Chesapeake Bay Preservation Ordinance (CBPO) permitting encroachments into the Resource Protection Area (RPA) depicted on the Special Exception Plat, subject to development conditions. SE 01-V-005 was approved with a condition that construction shall commence within eighteen months of the approval date, unless the Board grants additional time.

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The development conditions for SE 01-V-005 are included as part of the Clerk to the Board's letter contained in Attachment 2.

On June 5, 2006 the Board of Supervisors approved 12 months additional time to commence construction for SE 01-V-005. The expiration date was January 26, 2007 (see Attachment 3).

On January 19, 2007 the Department of Planning & Zoning received a letter dated January 18, 2007 from Lynne J. Strobel, agent for the applicant, requesting eighteen months additional time to commence construction for SE 01-V-005 (see Attachment 4), supplemental information was submitted on February 20, 2007, and October 30, 2007. The letters state that the additional time is needed to complete the review and approval process for the Rough Grading Plan (RGP), required by Development Condition #4, which has undergone a number of required engineering revisions. In addition, several associated approvals outside of the County review and approval process must be obtained prior to approval of the RGP and the commencement of construction, including authorizations from US Army Corps of Engineers, Virginia Department of Environmental Quality and Virginia Marine Resources Commission, followed by acceptance of Conditional Letter of Map Revision (CLOMR) by the Federal Emergency Management Agency. The addendum letter further updates the status of the items to fulfill the requirements of the development conditions, which are in various stages of review and approval. Recent activity includes the filing of the draft hold harmless agreement in the Fairfax County Attorney's office on March 12, 2007; recordation of an off-site easement on the adjacent property; and preparation of documents for the recordation of a Park Authority easement, structural certification and performance bond requirements.

Staff has reviewed Special Exception SE 01-V-005 and has established that, as approved, it is still in conformance with all applicable provisions of the Fairfax County Zoning Ordinance to permit a residential use in a floodplain and to permit retaining walls, terraces, and other structures to remain in the floodplain. Further, staff knows of no change in land use circumstances which affect the compliance of SE 01-V-005 with the special exception standards applicable to this use, or which should cause the filing of a new special exception application and review through the public hearing process. The Comprehensive Plan recommendation for this site has not changed since the SE was approved. Finally, the conditions associated with the Board's approval of SE 01-V-005 are still appropriate and remain in full force and effect. Staff believes that approval of the request for additional time is in the public interest and recommends that eighteen months of additional time to July 26, 2008, be approved.

FISCAL IMPACT:

None

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ENCLOSED DOCUMENTS:

Attachment 1: Locator Map

Attachment 2: Letter dated August 12, 2004, to James P. Downey, agent for the applicant, from Patti M. Hicks, Deputy Clerk to the Board of Supervisors, which sets forth the conditions for approval of SE 01-V-005

Attachment 3: Letter dated June 8, 2006, from Nancy Vehrs, Clerk to the Board of Supervisors, to Lynne J. Strobel, agent for the applicant, stating approval for twelve months additional time

Attachment 4: Letter dated January 18, 2007, from Lynne J. Strobel, agent for the applicant, requesting additional time; and addendum letter dated February 20, 2007

STAFF:

Robert A. Stalzer, Deputy County Executive

James P. Zook, Director, Department of Planning and Zoning (DPZ)

Regina C. Coyle, Director, Zoning Evaluation Division (ZED), DPZ

Fred Selden, Director, Planning Division, DPZ

Kevin Guinaw, Chief, Special Projects Applications/Management Branch, ZED, DPZ

Carrie Lee, Staff Coordinator, ZED, DPZ

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ADMINISTRATIVE - 2

Approval of Traffic Calming Measures and “Watch for Children” Signs as Part of the Residential Traffic Administration Program (Dranesville and Providence Districts)

ISSUE:

Board endorsement of a traffic calming plan and Watch for Children signs as part of the Residential Traffic Administration Program (R-TAP).

RECOMMENDATION:

The County Executive recommends that the Board:

Endorse the following traffic calming measures for Bellview Road (Attachment I):

- Speed table
- Multi-way stop at the intersection of Riding Ridge Place

Approve a resolution (Attachment II) for “Watch for Children” signs on the following street:

- Lindenbrook Street (Providence District)

In addition, the County Executive recommends that the Virginia Department of Transportation (VDOT) be requested to install the approved measures as soon as possible.

TIMING:

Routine.

BACKGROUND:

As part of the R-TAP, roads are reviewed for traffic calming when requested by a Board member on behalf of a homeowners or civic association. Traffic calming employs the use of physical devices such as speed humps, speed tables, raised pedestrian crosswalks, chokers, median islands, or traffic circles to reduce the speed of traffic on a residential street. Multi-way stops may also be included as part of a traffic calming plan to aid in regulating the flow of traffic. Staff performed an engineering study documenting the attainment of qualifying criteria for Bellview road for inclusion in the

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traffic calming program. Subsequently, petitions were gathered from the community evidencing support for further study. A task force was formed with the community for the purpose of developing a traffic calming plan to reduce the speed of traffic on Bellview Road. Once a plan for the road was adopted and approved by staff and VDOT, the plan was submitted for approval to residents of the petition area. On October 26, 2007, the Department of Transportation received written verification from the local supervisor confirming community support for the referenced traffic calming plan.

The R-TAP allows for installation of "Watch for Children" signs at the primary entrance to residential neighborhoods, or at a location with an extremely high concentration of children relative to the area, such as playgrounds, day care or community centers. In particular, Section 33.1-210.2 of the *Code of Virginia* provides that the Board may request, by resolution to the Commissioner of VDOT, signs alerting motorists that children may be at play nearby. VDOT reviews each request to ensure the proposed sign will be effectively located and will not be in conflict with any other traffic control devices. On October 3, 2007, the Department of Transportation received written verification from the local supervisor confirming community support for the referenced "Watch for Children" signs.

FISCAL IMPACT:

The estimated cost of \$ 9,000 is to be paid out of the VDOT secondary road construction budget.

ENCLOSED DOCUMENTS:

Attachment I: Traffic Calming Plan for Bellview Road
Attachment II: Board Resolution for "Watch for Children" Signs

STAFF:

Robert A. Stalzer, Deputy County Executive
Katharine D. Ichter, Director, Fairfax County Department of Transportation (FCDOT)
Ellen Gallagher, Chief, Capital Projects and Operations Division, FCDOT
Douglas W. Hansen, FCDOT

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ADMINISTRATIVE – 3

Streets into the Secondary System (Braddock, Dranesville, Hunter Mill, Providence, Springfield, and Sully Districts)

ISSUE:

Board approval of streets to be accepted into the State Secondary System.

RECOMMENDATION:

The County Executive recommends that the street(s) listed below be added to the State Secondary System.

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
Cloisters of Fairfax	Braddock	Shirley Gate Road (Route 655) (Additional Right-of-Way (ROW) only)
Green Branch Estates	Dranesville	Green Branch Court Utterback Store Road (Route 717) (Additional ROW only)
Wexford East, Section 4	Hunter Mill	Miller Lane (Route 3820) Drewlaine Drive Old Courthouse Road (Route 677) (Additional ROW only) Creek Crossing Road (Route 724) (Additional ROW only)
Saintsbury Plaza, Parcel A	Providence	Saintsbury Drive (Route 4949) (Additional ROW only)

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<u>Subdivision</u>	<u>District</u>	<u>Street</u>
Bell Subdivision	Springfield	Glen Mist Lane (Route 7124)
Center Road Subdivision		Center Road (Route 777) (Additional ROW only)
Clifton Grove		Bunkers Court (Route 8355) Clifton Grove Court Compton Road (Route 658) (Additional ROW only)
Deerfield Ridge, Section 1	Sully	Spring Pond Road (Route 7786)

TIMING:
Routine.

BACKGROUND:
Inspection has been made of these streets, and they are recommended for acceptance into the State Secondary System.

FISCAL IMPACT:
None.

ENCLOSED DOCUMENTS:
Attachment 1- Street Acceptance Form

STAFF:
Robert A. Stalzer, Deputy County Executive
Jimmie D. Jenkins, Director, Department of Public Works and Environmental Services (DPWES)
Howard J. Guba, Deputy Director, DPWES
James W. Patteson, Director, Land Development Services, DPWES

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ADMINISTRATIVE - 4

Authorization to Advertise Public Hearings on a Proposed Zoning Ordinance
Amendment Re: Financial Institutions

ISSUE:

The proposed Zoning Ordinance amendment replaces all references to drive-in banks with references to drive-in financial institutions; replaces all references to unmanned bank teller machines with references to automated teller machines for consistency with Federal regulations; and deletes the use limitation that prohibits automated teller machines in the C-1 District.

RECOMMENDATION:

The County Executive recommends authorization of the advertisement of the proposed amendment by adopting the resolution set forth in Attachment 1.

TIMING:

Board action is requested on November 19, 2007, to provide sufficient time to provide notice and advertisements for the proposed Planning Commission public hearing on January 24, 2008, at 8:15 p.m., and for the proposed Board of Supervisors' public hearing on March 10, 2008, at 4:00 p.m.

BACKGROUND:

The proposed Zoning Ordinance amendment is on the 2007 Priority 1 Zoning Ordinance Work Program and is prompted by Federal regulations which make a distinction among banks, savings and loans, loan companies and credit unions. As such, the amendment replaces all Ordinance references to drive-in banks and drive-in unmanned bank teller machines with drive-in financial institutions and drive-in automated teller machines, respectively. In addition, the amendment deletes the use limitation that prohibits automated teller machines in the C-1 District, thereby permitting such uses in the C-1 District.

REGULATORY IMPACT:

The proposed amendment clarifies the regulations for financial institutions by making them consistent with Federal regulations. Except as noted above, the proposed amendment does not change where or how the uses are permitted by the Zoning Ordinance.

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FISCAL IMPACT:
None.

ENCLOSED DOCUMENTS:
Attachment 1 – Resolution
Attachment 2 – Staff Report

STAFF:
Robert A. Stalzer, Deputy County Executive
James P. Zook, Director, Department of Planning and Zoning (DPZ)
Eileen M. McLane, Zoning Administrator, DPZ
Lorrie Kirst, Deputy Zoning Administrator for Ordinance Administration Branch, DPZ



ADMINISTRATIVE - 5

Authorization to Advertise Public Hearings on a Proposed Zoning Ordinance
Amendment Re: Solid Waste and Recycling Facility Definitions

ISSUE:

Proposed Zoning Ordinance amendment to revise definitions regarding solid waste and recycling facilities based on the recent recodification of Chapter 109 (Solid Waste) to Chapter 109.1 (Solid Waste Management) of the County Code.

RECOMMENDATION:

The County Executive recommends the authorization of the advertisement of the proposed amendment by adopting the resolution set forth in Attachment 1.

TIMING:

Board action is requested on November 19, 2007 to provide sufficient time to advertise the proposed Planning Commission public hearing on January 17, 2008 at 8:15 p.m. and proposed Board of Supervisors' public hearing on February 11, 2008 at 4:00 pm

BACKGROUND:

The proposed amendment is on the 2007 Priority 1 Zoning Ordinance Amendment Work Program and updates the Zoning Ordinance definitions regarding solid waste and recycling facilities based on the recent recodification of Chapter 109 to Chapter 109.1 of the County Code. Specifically, the proposed amendment 1) replaces the reference to Chapter 109 in the landfill definition with a reference to Chapter 109.1; 2) clarifies that a mixed waste reclamation facility does not include a recycling center; 3) revises the recycling center definition to clarify that the term includes what is commonly known in the industry as a materials recovery facility (MRF) or "clean" MRF; and 4) replaces the definition of solid waste in the Zoning Ordinance with a reference to the solid waste definition contained in Chapter 109.1 as the current Zoning Ordinance definition is not entirely consistent with Chapter 109.1. A more detailed discussion of the proposed amendment is set forth in the attached Staff Report.

REGULATORY IMPACT:

The proposed amendment enhances existing regulations by more closely aligning terminology related to solid waste and recycling facilities in the Zoning Ordinance with

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terminology used in Chapter 109.1. The proposed amendment is editorial in nature and does not alter where or how these uses are permitted.

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

Attachment 1 – Resolution
Attachment 2 – Staff Report

STAFF:

Robert A. Stalzer, Deputy County Executive
James P. Zook, Director, Department of Planning and Zoning (DPZ)
Eileen M. McLane, Zoning Administrator, DPZ
Cynthia E. Chambers, Senior Assistant to the Zoning Administrator, DPZ

ADMINISTRATIVE – 6

Extension of Review Period for 2232 Review Application (Dranesville District)

ISSUE:

Extension of the review period for specific 2232 Review application to ensure compliance with the review requirements of *Section 15.2-2232* of the *Code of Virginia*.

RECOMMENDATION:

The County Executive recommends that the Board extend the review period for application 2232-D06-21 to June 2, 2008.

TIMING:

Board action is required on November 19, 2007, to extend the review period of the application noted above before its expiration.

BACKGROUND:

Subsection B of *Section 15.2-2232* of the *Code of Virginia* states: "Failure of the commission to act within sixty days of a submission, unless the time is extended by the governing body, shall be deemed approval." Subsection F states: "Failure of the commission to act on any such application for a telecommunications facility under subsection A submitted on or after July 1, 1998, within ninety days of such submission shall be deemed approval of the application by the commission unless the governing body has authorized an extension of time for consideration or the applicant has agreed to an extension of time. The governing body may extend the time required for action by the local commission by no more than sixty additional days."

The Board should extend the review period for the following application, which was accepted for review by the Department of Planning and Zoning on November 27, 2006:

2232-D06-21 Fairfax County Dept. of Public Works and Environmental Services
Expansion of Dolley Madison Library
1244 Oak Ridge Avenue
Dranesville District

This application is for a public facility, and thus is not subject to the State Code provision for extending the review period by no more than sixty additional days.

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FISCAL IMPACT:
None

ENCLOSED DOCUMENTS:
None

STAFF:
Robert A. Stalzer, Deputy County Executive
James P. Zook, Director, Department of Planning and Zoning (DPZ)
David B. Marshall, Planning Division, DPZ
David S. Jillson, Planning Division, DPZ

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ADMINISTRATIVE – 7

Authorization to Advertise a Public Hearing to Amend and Readopt Fairfax County Code Section 4-10-5, Taxation and Finance

ISSUE:

Board authorization to advertise a public hearing to amend Section 4-10-5 of the Fairfax County Code to update one reference to a section of the Code of Virginia.

The proposed ordinance amendment is exclusively a house-keeping amendment to Fairfax County Code Section 4-10-5 that is prompted by a change in the numbering of the provision that was adopted by the Virginia General Assembly during the 2007 Session. The proposed amendment to the Fairfax County Code is to update the referenced section of the Virginia Code from Section 58.1-3221.2 to Section 58.1-3221.3. No other revisions to Section 4-10-5, as adopted by the Board on September 10, 2007, are proposed.

RECOMMENDATION:

The County Executive recommends that the Board authorize the advertisement of a public hearing on the proposed ordinance amendment in Attachment 1.

TIMING:

Board action is requested November 19, 2007, to authorize advertisement of a public hearing on the proposed ordinance amendment to be held at 4:00 p.m. on December 3, 2007.

BACKGROUND:

At its meeting held on September 10, 2007, the Board of Supervisors amended Chapter 4, Taxation and Finance, by adding a new Section 4-10-5, which established beginning January 1, 2008, a separate classification of certain commercial and industrial real property for taxation purposes. Revenues generated by this additional commercial and industrial real property tax shall be used exclusively for transportation purposes that benefit Fairfax County.

The Board's authority to adopt a separate commercial and industrial real property classification for taxation purposes arises from the adoption of House Bill No. 3202 during the 2007 Session of the Virginia General Assembly. This legislation addresses

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transportation needs, particularly in Northern Virginia and Hampton Roads. House Bill No. 3202, as enacted by the General Assembly, signed by the Governor and included among the 2007 Virginia Acts of Assembly as Chapter 896, includes a new section of the Virginia Code numbered 58.1-3221.2 that authorizes certain localities included in the Northern Virginia Transportation Authority and the Hampton Roads Transportation Authority, beginning January 1, 2008, to impose an additional real property tax on certain commercial and industrial property provided revenues so generated are used exclusively for transportation purposes. Consistent with this legislation, on September 10, 2007, the Board adopted an amendment to the Fairfax County Code to implement this new enabling legislation, and that amendment specifically referenced the new Virginia Code Section 58.1-3221.2, as enacted by House Bill No. 3202.

However, during the 2007 Session, the Virginia General Assembly also enacted Senate Bill No. 1051, and that legislation used the same section number in regard to a different tax classification. To avoid confusion in using the Virginia Code, the Virginia Code Commission, pursuant to the authority provided to it by Virginia Code Section 30-149, has renumbered the commercial property tax classification provision that was referenced previously in the Fairfax County Code amendments. That enabling provision now is in the published version of the Virginia Code as Section 58.1-3221.3.

In order to eliminate any possible confusion in the future in using the Fairfax County Code, staff recommends that the Board adopt a house-keeping amendment to Fairfax County Code Section 4-10-5 to change the referenced section of the Virginia Code from Section 58.1-3221.2 to Section 58.1-3221.3. No other revisions to Section 4-10-5 are proposed.

FISCAL IMPACT:

None.

ENCLOSED DOCUMENT:

Attachment 1 – Proposed Ordinance Amendment to Section 4-10-5, Fairfax County Code

Attachment 2 – Legal Advertisement

STAFF:

Edward L. Long, Jr., Deputy County Executive

Kevin C. Greenlief, Director, Department of Tax Administration

Ellen F. M. Posner, Assistant County Attorney

Board Agenda Item
November 19, 2007

ACTION - 1

Approval of Disclosure Agreement Related to the Issuance of Regional Sewerage System Revenue Bonds, Series of 2007B, by the Upper Occoquan Sewage Authority (Sully District)

ISSUE:

Board approval of the proposed Disclosure Agreement related to the issuance of revenue bonds by the Upper Occoquan Sewage Authority (UOSA).

RECOMMENDATION:

The County Executive recommends that the Board approve the attached Disclosure Agreement and authorize the Chairman to execute the Agreement on behalf of the Board in substantially the form presented.

TIMING:

Board action is requested on November 19, 2007, due to a planned issuance of bonds by UOSA on or about December 15, 2007.

BACKGROUND:

UOSA plans to issue Regional Sewerage System Revenue Bonds (Series of 2007B) on or about December 15, 2007 to finance portions of UOSA's Capital Improvement Plan.

The Securities and Exchange Commission requires continuing disclosure of information related to municipal securities issued after July 3, 1995. Although UOSA is expected to provide the bulk of the information required, its member jurisdictions must provide updated information related to the financial and operating data of their respective sewer systems.

The attached Disclosure Agreement contains the agreement of the member jurisdictions to provide the required information. It is identical in substance to the Disclosure Agreements previously approved by this Board, including, but not limited to, the Disclosure Agreement approved by this Board in 2005 in connection with the UOSA 2005 Series Refunding Bonds and the Disclosure Agreement approved by this Board on January 22, 2007 in connection with the UOSA 2007 Series Refunding Bonds. The new Agreement is required for the bond documentation. It does not impose any obligations

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on Fairfax County in addition to those existing under the 2005 and January 2007 Disclosure Agreements.

FISCAL IMPACT:

None. Virtually all of the updated information required by the Agreement will be contained in the annual financial statements prepared for the Integrated Sewer System.

ENCLOSED DOCUMENTS:

Attachment 1: Letter dated October 26, 2007, from the UOSA Executive Director to the Member Jurisdictions transmitting the Disclosure Agreement

STAFF:

Anthony H. Griffin, County Executive

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ACTION - 2

Authorization for the County Executive to Sign on Behalf of the Board of Supervisors an Ingress/Egress Easement at the Mott Community Center to Provide Access to Patriot Park (Springfield District)

ISSUE:

Authorization for the County Executive to sign on behalf of the Board an Ingress/Egress Easement at the Mott Community Center to provide access to Patriot Park.

RECOMMENDATION:

The County Executive recommends that the Board authorize and direct the County Executive to sign on behalf of the Board the attached Ingress/Egress Easement (Attachment A).

TIMING:

Board action is requested on November 19, 2007, as Patriot Park requires adequate public access for its daily operations.

BACKGROUND:

The Fairfax County Park Authority is developing Patriot Park, located at 12111 Braddock Road in Fairfax. This 97-acre site will eventually feature a wide array of active recreational amenities including the largest synthetic turf field in the county, soccer fields, baseball diamonds and associated infrastructure such as parking and stormwater facilities. Significant portions of the property will also remain in their natural wooded state.

The project requires the construction of an access road through the adjacent Mott Community Center property, which is owned by the Board of Supervisors and is currently leased by the Fairfax County Redevelopment and Housing Authority. The conveyance of an Ingress Egress Easement to the Park Authority is legally required for the public and the Park Authority to have ingress and egress over and across the Mott Community Center site to the adjacent Patriot Park.

The Park Authority Board approved the Ingress Egress Easement on October 10, 2007. The terms of the easement declare that it is the Park Authority's responsibility to properly construct, repair and maintain all improvements and facilities that will be

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constructed in the easement and the right-of-way in a manner acceptable to the Board, including a paved connection in the easement area that connects the Board's parking lot at the Mott Community Center with the Park Authority's parking facilities at Patriot Park. The Board, the Park Authority, and the Housing Authority may each use the parking spaces on the abutting property for overflow parking when the parking lots on their respective properties are filled and when the Board or Park Authority do not need to use their own parking spaces for their own purposes. The Park Authority may also erect signs and one traffic calming device acceptable to the Board in the easement area. The Easement also enables the Board to permit telecommunications companies to travel across the easement and right-of-way and place the lines for their equipment in the easement and right-of-way without Park Authority's consent.

FISCAL IMPACT:

None

ENCLOSED DOCUMENTS:

Attachment A – Proposed Ingress/Egress Easement

Attachment B - Tax Map of Parcels subject of the Easement

STAFF:

Edward L. Long, Deputy County Executive

Jose A. Comayagua, Director, Facilities Management Department

Paula C. Sampson, Director, Department of Housing and Community Development

Timothy K. White, Acting Director, Fairfax County Park Authority

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ACTION – 3

Approval of Memorandum of Understanding Between Fairfax County Board of Supervisors and Clean Fairfax Council, Incorporated

ISSUE:

Board approval of a Memorandum of Understanding between Fairfax County, Virginia and Clean Fairfax Council, Incorporated.

RECOMMENDATION:

The County Executive recommends that the Board approve the Memorandum of Understanding between the Board of Supervisors and Clean Fairfax Council, Incorporated, and authorize the transfer of the 2007 Litter Grant to Clean Fairfax Council, Incorporated.

TIMING:

Approval of the Memorandum of Understanding by the Board on November 19, 2007 is requested to allow transfer of Commonwealth of Virginia Litter Grant Funds to Clean Fairfax Council, Incorporated.

BACKGROUND:

The Board originally signed a Memorandum of Understanding with Clean Fairfax County in 1985 (the “1985 MOU”) for the purpose of providing education regarding litter abatement and coordination of volunteer litter cleanups across the County. In 1995, Clean Fairfax County changed its name to Clean Fairfax Council, Incorporated.

After the 1985 MOU was signed, Virginia established the Litter Control and Recycling Fund. Monies from this Fund are used for grants to communities for the purpose of litter abatement. Historically, the County has transferred the money it receives from this Fund to Clean Fairfax Council.

The 1985 MOU is outdated and requires revision. The attached Memorandum of Understanding reflects the name change to Clean Fairfax Council, Incorporated and includes provisions for documentation and reporting as to the use of the grant funds to enable the County to meet the grant program reporting requirements.

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The County received a 2007 grant from the Litter Control and Recycling Fund in the amount of \$126,004.00. To date, none of the grant funds have been transferred to Clean Fairfax Council, Incorporated.

FISCAL IMPACT:

For FY 2008, the transfer amount to Clean Fairfax Council, Inc. will be \$126,004.00 which is the total amount received from the Commonwealth's Litter Grant.

ENCLOSED DOCUMENTS:

Attachment 1: Memorandum of Understanding Between Fairfax County Board of Supervisors and Clean Fairfax Council, Incorporated.

STAFF:

Robert A. Stalzer, Deputy County Executive

Jimmie D. Jenkins, Director, Department of Public Works and Environmental Services (DPWES)

Howard J. Guba, Deputy Director, DPWES

ACTION – 4

Approval of a Parking Reduction for the McLean Stores Shopping Center in the McLean Commercial Revitalization District (Dranesville District)

ISSUE:

Board approval of a 20 percent reduction in required parking for the McLean Stores Shopping Center, 1313 Old Chain Bridge Road, (Tax Map Reference 30-2 ((12)) 9) in the McLean Commercial Revitalization District (CRD), Dranesville District.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors approve a parking reduction of 20 percent for parcel 30-2 ((12)) 9 pursuant to Par. 3(A), Sect. A7-309, of the Fairfax County Zoning Ordinance on condition that:

1. A minimum of 92 parking spaces are maintained at all times.
2. All parking provided shall be in accordance with the applicable requirements of Article 11 of the Zoning Ordinance and the Fairfax County Public Facilities Manual (PFM), including the provisions referencing Americans with Disabilities Act (“ADA”).
3. No parking spaces shall be restricted or reserved except for those required to meet the parking requirements of the ADA.
4. The current owners, their successors or assigns of the parcels identified as Tax Map 30-2 ((12)) 9, shall submit a parking space utilization study for review and approval by the Board of Supervisors at any time in the future that the Zoning Administrator so requests. Following review of that study, or if a study is not submitted within 90 days after being requested, the Board may rescind this parking reduction or require alternative measures to satisfy parking needs, which may include requiring all uses to comply with the full parking space requirements as specified in Article 11 of the Zoning Ordinance.
5. The conditions of approval of this parking reduction set forth above shall run with the land and be recorded in the Fairfax County land records in a form acceptable to the County Attorney.

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TIMING:

Board action is requested on November 19, 2007.

BACKGROUND:

The property is developed with a single-story building, constructed in 1959. The property is zoned C-6. The existing building contains 20,240 square feet of floor space which includes a pharmacy, video rental store and other retail uses.

The property owner proposed a change of use for one tenant space from a fast food restaurant to an eating establishment. According to the Fairfax County Zoning Ordinance Section 11-104, the applicant has to provide one (1) space per two (2) seats, which equates to 21 parking spaces while operating as a fast food restaurant. Once operating as an eating establishment, the parking requirement will decrease to 16 spaces. Therefore, the non-conformity of the shopping plaza will be reduced.

The requested 20 percent reduction is pursuant to Par. 3(A), Section A7-309, of the Zoning Ordinance, which provides that the Board may approve a reduction in parking requirement of up to 20 percent if the Board determines that such a reduction would further the goals of the Commercial Revitalization District as set forth in the Comprehensive Plan.

An objective of the McLean Community Business Center Plan is to retain the large shopping centers at their present locations and encourage their upgrading through private, public and volunteer initiatives. The primary objective of Stabilization and Enhancement areas is to preserve and enhance the existing shopping centers.

The applicant has made improvements to this shopping center. For example, the applicant re-paved and re-striped the entire parking lot, adding 12 new parking spaces. A new curb and island on ingress/egress to Old Chain Bridge Road were created, along with landscaping the islands within the parking lot, as well as new façade work on the store front of the new restaurant.

In the present situation, the requested 20 percent parking reduction, if approved, would support the Comprehensive Plan objective of enhancing the existing shopping centers in the McLean Community Business Center.

The recommended parking reduction was coordinated with the Office of Community Revitalization and Reinvestment and the Department of Planning and Zoning.

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ENCLOSED DOCUMENTS:

Attachment 1: Proposed Site Plan Use and Parking Tabulation Revision

STAFF:

Robert A. Stalzer, Deputy County Executive

James P. Zook, Director, Department of Planning and Zoning (DPZ)

Fred R. Selden, Director, Planning Division (PD), DPZ

Barbara Byron, Director, Office of Community Revitalization & Reinvestment (OCRR)

Sterling Wheeler, Chief, Policy & Plan Development Branch, PD, DPZ

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ACTION - 5

Approval of a Master Credit Agreement and Other Actions Associated With Acquiring a Line of Credit

ISSUE:

Board resolution (Attachment 1) approving the following:

- 1) Authorizing the execution and delivery of a Master Credit Agreement with the Fairfax County Economic Development Authority (FCEDA). (Attachment 2, Form of the Master Credit Agreement).
- 2) Requesting the FCEDA to issue a Bank note pursuant to the master credit agreement. (Attachment 2, Exhibit B, Form of the Bank Note).
- 3) Delegating to County officials authority to execute and deliver documents and agreements relating to such transactions and to determine certain details of such transactions.

RECOMMENDATION:

The County Executive recommends approval of a Master Credit Agreement and other actions associated with acquiring a line of credit

TIMING:

Board Action is requested now in order to complete the acquisition of the Line of Credit.

BACKGROUND:

On September 17, 2007, the Department of Purchasing and Supply Management issued Request for Proposal RFP08-941418-40 soliciting offers from qualified sources to provide a revolving line of credit in the amount of \$200,000,000. The interest rate on draws on the line of credit may be set at a fixed or variable rate of interest at the County's discretion when each draw is made.

For FY 2008, the Board of Supervisors amended the *Ten Principles of Sound Financial Management* in order to address changing economic conditions and authorized the use of variable rate debt. Variable rate obligations are debt obligations that are quite frequently used for short term or interim debt financing and have an interest rate that is reset periodically, for periods of less than one year. Variable rate debt can increase the County's financial flexibility, provide opportunities for interest rate savings, and help the County manage its balance sheet through better matching of assets and liabilities. Based on historical averages, variable rate debt allows lower interest rates than fixed rate

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debt. Also, variable rate debt provides the ability to redeem bonds at any time without a prepayment penalty. It is anticipated that the use of variable rate debt will provide opportunities for interest rate savings, reduce arbitrage payments and promote more accurate sizing for long-term bond issues.

The County intends to use the line of credit to provide interim financing for the costs of planning, developing, acquiring, constructing, improving renovating and equipping facilities for the benefit of the County, including but not limited to, capital projects for the County generally, capital projects and treatment plant capacity acquisition for the County's sewer system, land acquisitions and redevelopment projects.

RFP08-941418-40 was publicly advertised and three firms submitted proposals, Attachment 3. This response rate to the RFP was anticipated based on the size and nature of the requested line of credit. A Selection Advisory Committee (SAC) was formed and comprised of representatives from the Department of Management and Budget, Department of Finance, Fairfax County Park Authority, Fairfax County Redevelopment and Housing Authority, Department of Public Works and Environmental Services, the County's Financial Advisor and Bond Counsel. The SAC evaluated the proposals in accordance with the criteria and procedures established in the RFP. Upon completion of final technical and business evaluation, the SAC recommended a three-year contract award to Bank of America. The winning interest rate bid is competitive compared to other private placement options for Triple-A rated jurisdictions.

The Fairfax County Department of Tax Administration has verified that this firm is not required to possess a Fairfax County Business, Professional & Occupational License (BPOL).

Attached for the Board's information are the proposed Variable Rate Debt Policy, Attachment 4, and the Variable Rate Debt Procedures, Attachment 5, that the County developed in consultation with County staff as well as the County's Financial Advisor and Bond Counsel. As a Triple-A rated jurisdiction, the rating agencies expect the County to have written policies and procedures in place prior to the use of variable rate debt. These documents will be periodically updated and the Board will be made aware of any modifications.

It should be noted that a Variable Rate Debt Committee to consist of the Deputy County Executive responsible for financial management, the Director of Finance, the Director of Management and Budget, and the County Debt Manager will carefully review each County department request for use of the Line of Credit. The Committee will only recommend usage of the Line of Credit if the project is appropriated in the budget, currently planned for future bond financing in the Capital Improvement Program and /or specifically approved for funding by the Board of Supervisors. Additionally, the County will only use the line of credit if there is a business case for its use. The Line of Credit is

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intended to be used primarily as an interim source prior to planned permanent financing. The Committee will meet quarterly to review current Line of Credit draws, requests for draws and to review market conditions to determine the best schedule for permanent financing.

FISCAL IMPACT:

Any line of credit borrowings will be in conformance with the FY 2008 Adopted Budget Plan, the FY 2008-FY 2012 Capital Improvement Program, or specific Board of Supervisors action approving such use and may be either fixed or variable rate with a term of 364 days or less. Variable rate debt will be used when it is most advantageous to the County in comparison to other financing options. It is anticipated that the use of short-term and variable rate debt will provide opportunities for interest rate savings, reduce arbitrage payments and promote more accurate sizing for long-term bond issues.

ENCLOSED DOCUMENTS:

Attachment 1: County Resolution

Attachment 2: Form of Master Credit Agreement and Form of Bank Note

Attachment 3: List of Offerors for RFP08-941418-40

Attachment 4: Variable Rate Debt Policy

Attachment 5: Variable Rate Debt Procedures

STAFF:

Edward L. Long, Jr., Deputy County Executive

Cathy Muse, Director, Department of Purchasing and Supply Management

Susan W. Datta, Director, Department of Management and Budget

Robert L. Mears, Director, Department of Finance

Leonard P. Wales, County Debt Manager

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ACTION - 6

Endorsement of Design Plans for the Richmond Highway Public Transportation Initiative, Including Pedestrian Access and Safety Improvements (Mount Vernon and Lee Districts)

ISSUE:

Board endorsement of the design plans for improving pedestrian access and safety at various intersections along Richmond Highway, upgrading amenities at various bus stops throughout the corridor, and constructing missing sidewalk segments and pedestrian facilities.

RECOMMENDATION:

The County Executive recommends that the Board endorse the design plans for improving pedestrian access and safety at various intersections along Richmond Highway, upgrading amenities at various bus stops throughout the corridor, and constructing missing sidewalk segments and pedestrian facilities, generally as presented at the September 25, 2007, public hearing.

TIMING:

The Board should take action on this matter as soon as possible to allow the Virginia Department of Transportation (VDOT) to authorize Department of Public Works and Environmental Services (DPWES) to proceed with final design plans.

BACKGROUND:

The Richmond Highway Public Transportation Initiative is a \$55-million program to upgrade transit services and facilities along the Richmond Highway corridor. This multi-modal project began in 2004 and is part of Fairfax County's Four-Year Transportation Plan. The program is being administered by the county, in cooperation with the Virginia Department of Transportation and various other local and state agencies.

The overall program plans include improving bus service and pedestrian facilities, improving bus stop amenities and intersections to facilitate a safer and more inviting travel experience, developing and/or building bus transit centers with parking, and utilizing technology to make transit quicker and increase ridership. The infrastructure improvements along the corridor are based on the recommendations from previous studies. Early in the program, planning and design efforts focused on changes to Fairfax Connector and Washington Metropolitan Area Transit Authority (WMATA) Metrobus routes in coordination with the start of the Richmond Highway Express (REX) bus service and the implementation of Fairfax County's South County Bus Plan.

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The estimated total cost of the intersection, bus stop, and sidewalk improvements is \$21 million, which is being paid for through local, state, and federal funds. This estimated cost is for 29 intersections and 5.6 total miles of sidewalk improvements at 24 locations along Richmond Highway. This project is being implemented in phases. The Phase II infrastructure improvement plans for 6 intersections and 14 sidewalk segments totaling 1.5 miles were presented at a Design Public Hearing held on Wednesday, September 25, 2007, at Walt Whitman Middle School, Alexandria. A copy of the public hearing brochure is attached.

VDOT's Northern Virginia District Environmental Section has determined that this project will not significantly impact streams, wetlands, endangered species, or natural, cultural, or historic resources. This project was coordinated through the State Environmental Review Process (SERP) and National Environmental Policy Act (NEPA), and no significant impacts were identified.

Public Hearing Comments

A Public Hearing was held on Wednesday, September 25, 2007, from 5 p.m. to 8 p.m. A total of 59 people attended the hearing. Written comments were received from 25 people and 7 persons submitted oral comments. Of the 32 comments received, 8 indicated support of the project as proposed and 2 indicated opposition to the project. The remainder of the comments pertained to improvements at intersections and sections not displayed at the public hearing. These comments will be investigated further and may result in additional improvements.

Major concerns expressed are as follows:

- Several residents requested refuge islands (pedestrian safety islands) along the Route 1 corridor where there is heavy pedestrian activity.
- Citizens stressed the need to further examine wheelchair access along the corridor.
- Develop lighting plans for new sidewalks and trails.
- Proposed improvements should be designed to accommodate bicycles where feasible.
- Assure coordination between County projects and developer projects.

Project Cost and Schedule

The infrastructure improvement plans for 14 sidewalk segments totaling 1.5 miles and six intersections were presented at the public hearing. The estimated cost for the 14 sidewalk improvements is \$1.7 million and for the 6 intersection improvements is \$2.0 million. The latest anticipated schedule is:

Current Phase (for Design Plans Presented at the Public Hearing):

Design Public Hearing: September 25, 2007

Finalize Design, Obtain Public Hearing Approval, and Obtain Authorization to Start Land Acquisition: Winter 2007/2008

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Land Acquisition: Winter 2007/2008 -- Winter 2008/2009
Advertise/Award Construction Contract: Spring -- Summer 2009
Construction: Fall 2009 -- Summer 2010

Sidewalks and Trails

Sidewalk improvements will include the construction of asphalt trails, sidewalks, curb ramps, median cuts, and other infrastructure required to provide an accessible path along Richmond Highway. The sidewalk improvements and other intersection and bus stop improvements will meet the accessibility standards required by the Americans with Disabilities Act (ADA).

FISCAL IMPACT:

This project is a County project which is being paid for through local, state, and federal funds. The estimated cost for the 14 sidewalk improvements totaling 1.5 miles is \$1.7 million. Design is being funded through State Revenue Sharing funds and construction will be funded with a combination of local, state, and federal funds. The estimated cost for the 6 intersection improvements is \$2.0 million. Design will be funded through State Revenue Sharing funds and Federal Job Access/Reverse Commute (JARC) funds; construction will be funded through JARC funds and possibly Congestion Management and Air Quality (CMAQ) funds if necessary.

ENCLOSED DOCUMENTS:

Attachment I: Design Public Hearing Brochure

STAFF:

Robert A. Stalzer, Deputy County Executive
Jimmie Jenkins, Director, Department of Public Works and Environmental Services (DPWES)
Katharine D. Ichter, Director, Fairfax County Department of Transportation (FCDOT)
Ellen Gallagher, Chief, Capital Projects and Operations Division, FCDOT
Karyn L. Moreland, Chief, Capital Projects Section, FCDOT
Michael Guarino, Utilities Design Branch, Planning and Design Division, DPWES
Chris Wells, Pedestrian Program Manager, FCDOT
Smitha L. Chellappa, Capital Projects Section, FCDOT

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ACTION - 7

Approval of Award in FY 2008 HOME Program Community Housing Development Organization (CHDO) Funds to Two Nonprofit Affordable Housing Developers

ISSUE:

Approval by the Fairfax County Board of Supervisors (the Board) of federal HOME Community Housing Development Organizations (CHDO) awards to RPJ Housing Development Corporation (RPJ), and Reston Interfaith Housing Corporation (RIHC). The funds will be used for the acquisition and preservation of affordable housing, including housing for very low-income renters. The Fairfax County Board of Supervisors has approved the allocation of \$368,608 under the FY 2008 HOME CHDO Set-Aside in the FY 2008 Consolidated Plan Annual Action Plan.

RECOMMENDATION:

The County Executive recommends Board approval of the CHDO set-aside awards for FY 2008.

TIMING:

Approval by the Board is requested in order to enable projects to proceed and to meet the commitment requirements of the HOME Program for CHDO funds.

BACKGROUND:

Fairfax County receives funding each year from the U.S. Department of Housing and Urban Development (HUD) through the HOME Investment Partnerships Program. The HOME Program requires that 15% of each annual allocation be set aside for certified CHDOs (nonprofit affordable housing developers that meet specific HOME Program criteria). The Fairfax County Department of Housing and Community Development (HCD) issued a Request for Proposals (RFP) on August 20 2007, with responses due on September 14, 2007. The Fairfax County Department of Housing and Community Development (HCD) received proposals from two certified CHDOs (RPJ and RIHC).

Robert Pierre Johnson Housing Development Corporation (RPJ)

RPJ is an Arlington-based nonprofit affordable developer that was founded in 1978 by the National Capital Presbytery. During its more than 28 years of operation, RPJ Housing has been involved in the building, renovation, and/or management of over 2,450 units of low-income housing in the metro area. RPJ's FY 2007 CHDO proposal is

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to acquire one large single family detached house to serve one large (5 or more persons) tenant household. The assisted household will be very low-income ($\leq 30\%$ of the Washington, DC Metropolitan Area Median Income (AMI), as determined by HUD and adjusted for household size). The HOME subsidy provided under the FY 2008 RFP will help to substantially reduce the amount of debt service on the property, allowing RPJ to keep the rents affordable. HCD will ensure that project rents are within the applicable Low HOME Rent limit, as determined annually by HUD and adjusted for bedroom size, for the duration of the affordability period. Funding in the amount of \$224,250 is recommended for this proposal.

Reston Interfaith Housing Corporation (RIHC)

Reston Interfaith is a nonprofit organization serving Northern Virginia that promotes self-sufficiency through support and advocacy for those in need of food, shelter, affordable housing, quality childcare, and other services. Founded in 1970 to encourage the development of affordable housing for families and individuals in the area, the agency has since broadened its program scope and service area to address the most pressing social needs of our neighbors in Northern Virginia.

Reston Interfaith originally applied for funding under the FY 2008 RFP to purchase two single family, scattered site townhouse units to be leased to small, related tenant households currently on the Fairfax County Housing Choice Voucher (HCV) waiting list, and whose household income is $\leq 50\%$ of AMI. The HCD Selection Advisory Committee (SAC) award recommendation of \$144,358 will provide enough subsidy to assist RIHC in the purchase of one unit. Professional case management services will be made available to the tenants to assist them in achieving self-sufficiency.

These proposals were reviewed by an HCD SAC. Total recommended funding for these two proposals is \$368,608 (\$224,250 for RPJ and \$144,358 for RIHC).

The FCRHA is authorized to expend funds approved by the Board of Supervisors and HUD for the purpose of undertaking HOME eligible activities that involve capital costs, or where a loan, deferred trust, or other restricting conditions need to be imposed. The FCRHA approved the recommended proposals and funding awards on November 1, 2007. Final terms of the loans to RPJ and RIHC will be subject to the HCD Loan Underwriting Committee (LUC). Terms will be in compliance with the requirements of the HOME Program. Any changes or adjustments made to either project description shall be subject to the review and approval of the LUC.

In order to assure compliance with the HOME requirements, a deed of trust will be placed on each assisted property ensuring that these properties are used for the purpose of providing affordable housing. The affordability period imposed under each deed of trust shall endure for at least the minimum period required under the HOME

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Program, and up to a 30-year term consistent with RHA policy using affordable dwelling unit (ADU) affordability periods as a standard.

FISCAL IMPACT:

Funding in the amount of \$368,608 is available in Fund 145, HOME Investment Partnership Program, and a reallocation within the Fund will be transferred from Project 013954, CHDO Undesignated, to Project 013886 RPJ for \$224,250 and to Project 013933 Reston Interfaith for \$144,358. As of November 1, 2007, Project 013954 CHDO Undesignated has an available balance of \$368,608.

ENCLOSED DOCUMENTS:

None

STAFF:

Verdia L. Haywood, Deputy County Executive
Paula C. Sampson, Director, Department of Housing and Community Development (HCD)
John Payne, Acting Deputy Director, Real Estate and Development, HCD
Aseem Nigam, Director, Real Estate Finance and Grants Management (REF&GM), HCD
Audrey Spencer-Horsley, Associate Director, Grants Management, HCD
Doug Lynott, Senior Program Manager, REF&GM, HCD

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INFORMATION – 1

Contract Award – Planning Phase Agreement for 800MHz Radio Rebanding in the National Capital Region

On October 15, 2007, the Board of Supervisors approved an agreement (“Regional Planning Funding Agreement” or “RPFA”) with Nextel Operations, Inc. (“Nextel Operations”) obligating Nextel Operations to pay the costs to establish a regional 800MHz rebanding planning project team to support the several affected jurisdictions in the National Capital Region (“NCR”). The RPFA establishes the estimate of the cost that will be incurred to develop a Regional Master Rebanding Schedule for the NCR, and for the development of a Radio Interoperability Template Data Base to be used for the continuation of public safety voice radio interoperability during the frequency transition. The amounts payable by Nextel Operations under the RPFA include \$1,471,908 to be paid directly to Motorola, Inc. (“Motorola”) on a contract to develop the Master Schedule and Template Data Base plan for the County, on behalf of the NCR. In accordance with the October 15, 2007 Board Item, staff is now presenting the Regional Planning Phase Agreement with Motorola for approval.

Pursuant to the Fairfax County Purchasing Resolution, a sole source contract (Contract XX08-952595-40A) is being negotiated with Motorola to develop the Regional Master Schedule and the Template Data Base for the County, on behalf of the NCR. Motorola has been determined to be the only practicable source to provide this service. Motorola is the manufacturer of the County’s radio systems and the County purchased the radios and most of the components of the County’s 800 MHz radio systems from Motorola. Motorola has provided maintenance and support of the County’s radio system since the system’s inception in 2000 and continues in that capacity today. In addition to being the manufacturer and provider of the County’s radio systems, Motorola is the manufacturer and provider of the same for most other jurisdictions in the National Capital Region (NCR) including Arlington, Loudoun, Prince William, and Montgomery counties, the Cities of Alexandria, Fairfax, and the District of Columbia. Motorola is the source of the firmware that will be needed to reconfigure the Motorola equipment that has been deployed by the County and the other jurisdictions in the National Capital Region. This proprietary software provides for minimal interruption of this critical radio communication. It is critical that the Motorola proprietary software be accounted for in the planning phase. Existing public safety interoperability must also be accounted for in the planning phase to provide for minimal or no disruption to NCR mutual aid radio operations. Motorola has the technical experience and capability to provide these critical services. Therefore, Motorola is the only practicable source to perform the services provided under the Planning Phase Agreement.

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Upon completion of negotiations with Motorola, staff recommends the award of the contract to Motorola, Inc.

Unless otherwise directed by the Board of Supervisors, the County Purchasing Agent will proceed to award this contract to Motorola, Inc.

FISCAL IMPACT:

The RPFA between the County and Sprint Nextel provides for direct payment (\$1,471,908) by Sprint Nextel to Motorola for regional planning services. Additional costs above the agreed-to amount must be jointly negotiated by a Change Order process. Authorized funds not obligated or spent upon completion of the reconfiguration process will be reconciled between the County and Sprint Nextel via a true-up process.

ENCLOSED DOCUMENTS:

None

STAFF:

Edward L. Long, Jr., Deputy County Executive

Cathy A. Muse, Director, Department of Purchasing and Supply Management

Wanda M. Gibson, Director, Department of Information Technology



INFORMATION - 2

Supplemental Project Administrative Agreement with the Virginia Department of Transportation for the NoVi Trail – Walk Along Beulah Project (Hunter Mill District)

The NoVi Trail – Walk Along Beulah Project consists of the installation of paved pedestrian trail improvements (5-foot wide to 10-foot wide), including marked cross walks and signage, along Beulah Road from Abbotsford Drive to the entrance to the Meadowlark Gardens Regional Park/Enterprise School (Attachment I). A trail feasibility study to define the location and type of proposed trail improvements, including obtaining citizen input, of the project area has been recently completed by the NoVi Trail Advisory Committee, a local group of citizen volunteers, and the Department of Public Works and Environmental Services. During the feasibility study, the trail was divided into four segments. Segment A is from the end of the existing sidewalk near Abbotsford Road to Clarks Crossing Road, including a crosswalk. Segment B is along Clarks Crossing Road from Brookside Lane to the Beulah/Trap/Old Courthouse Roads (Four Corners) intersection, including a crosswalk. Segment C is from the Beulah/Trap/Old Courthouse Roads (Four Corners) intersection to the Coral Ridge Subdivision trail. Segment D is from the end of the Coral Ridge Subdivision Trail to Meadowlark Gardens/Enterprise School, including crosswalks.

A source of funds to implement Segments A, B, and C is currently undefined. The use of Enhancement Funds at these locations is not an option due to minimum trail width requirements i.e. 10-foot, associated with the use of Enhancement Grant Funds. Due to the existing right-of-way limits and topographical features, the proposed trail improvements in Segment D can be implemented in conformance with the Enhancement Grant requirements.

Partial funding to implement the Segment D portion of the NoVi Trail – Walk Along Beulah Project is being provided from \$80,000 in Enhancement Funds allocated in the Virginia Department of Transportation (VDOT) Six Year Improvement Program by the Commonwealth Transportation Board. Additional VDOT Enhancement Funds in the amount of \$80,000 have been approved for the NoVi Trail – Walk Along Beulah Project which will result in a total allocation of \$160,000. The following summarizes the VDOT Enhancement Program Funds approved for this project and the corresponding required County matching funds:

VDOT Enhancement Allocation	VDOT Contribution (80 Percent)	Fairfax County Contribution (20 Percent)	Total Grant Amount
Prior Approved	\$ 80,000	\$20,000 ^{1/}	\$100,000
Administrative Agreement Amendment	80,000	20,000 ^{2/}	100,000
Total	\$160,000	\$40,000	\$200,000

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- ^{1/} \$20,000 Matching Funds provided by a combination of cash (\$15,000) and in-kind services/volunteer labor (\$5,000)
- ^{2/} \$20,000 Matching Funds to be provided by a portion of the fair market value of a land dedication (Bevan property) within the project area that will be used for construction of a trail

A Supplemental Project Administrative Agreement (formally referred to as a Supplemental Agreement) to the Project Development and Administration Agreement must be executed in order to expend the additional \$80,000 in Enhancement Funds. By executing the Project Administrative Agreement Amendment, the terms and conditions of the original executed Project Development and Administration Agreement will continue to be in effect except for modifications of the funding allocations.

The additional \$80,000 in VDOT Enhancement Funds will be used to complete the design and provide partial funding for the construction of the Segment D portion of the NoVi Trail – Walk Along Beulah Project (approximately 830 Linear Feet of 10-foot wide asphalt trail).

Unless otherwise directed by the Board of Supervisors, the County Executive will proceed to execute the Supplemental Agreement with VDOT for Project Development and Administration of the NoVi Trail – Walk Along Beulah Project.

FISCAL IMPACT:

Funding is currently available in Project 009470, Hunter Mill Capital Projects, in Fund 303, County Construction, and in Project W00300, Hunter Mill Walkways, in Fund 307, Walkway Construction, for the County contribution requirements for the NoVi Trail – Walk Along Beulah Project. Contingent upon the approval of the Supplemental Agreement with VDOT for Project Development and Administration of the NoVi Trail – Walk Along Beulah Project, the FY 2008 Third Quarter Budget Review will include a request to increase the appropriation level for Project W00300 (W3110) by \$80,000.

ENCLOSED DOCUMENTS:

Attachment 1 – Project Sketch

(Copy of Proposed Supplemental Agreement available in Clerk's Office)

STAFF:

Robert A. Stalzer, Deputy County Executive

Jimmie D. Jenkins, Director, Department of Public Works and Environmental Services (DPWES)

Howard J. Guba, Deputy Director, DPWES

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INFORMATION - 3

Contract Award – Prescription and Non Prescription Medications for Inmates in the Adult Detention Center

The Fairfax County Sheriff's Office is required to provide comprehensive preliminary, primary and continuing health and medical services to all inmates while housed in the Fairfax County Adult Detention Center and Pre-Release Center. State and national accrediting agencies require that all inmates have access to the full range and scope of health and medical care services for all chronic and acute health care needs.

On May 3, 2007, the Department of Purchasing and Supply Management issued a Request for Proposal (RFP07-917403-11) for prescription and non prescription medications for inmates housed in the Adult Detention Center (ADC) of the Office of the Sheriff. This contract will provide for medications both prescription and nonprescription to be purchased and dispensed to the inmates within the scope of all state and federal laws and regulations. The requirement contained in the RFP and evaluation criteria allowed the County to make a single vendor award for this service.

Tasks requested for the contract included:

- An agreed medication formulary to be used by the licensed healthcare providers when ordering prescription and non prescription medications;
- A monthly capitated rate per inmate housed within the ADC;
- Company met all federal and license requirements relating to pharmaceuticals;
- Quarterly meetings with the physicians to discuss medication ordering practices and cost containment measures;
- Capability to order and reorder medications electronically with potential to interface (at a future date) with electronic medical records.

The solicitation notice was sent to 298 firms, and five firms responded with a proposal by the closing date of June 4, 2007. The Selection Advisory Committee (SAC), appointed by the County Purchasing Agent, evaluated the proposals in accordance with the criteria established in the RFP. Upon completion of the final evaluation of the proposals, the SAC negotiated with the top ranked offeror and unanimously recommended to award the contract to Contract Pharmacy Services located in Warrington, Pennsylvania. The company has submitted all required licenses and insurance information that would allow for them to provide pharmacy services in the Commonwealth of Virginia.

The Department of Tax Administration has verified that Contract Pharmacy Services is

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not required to have a Fairfax County Business, Professional and Occupational License (BPOL).

Unless otherwise directed by the Board of Supervisors, the Purchasing Agent will proceed to award the contract to Contract Pharmacy Services, Inc. The total estimated annual amount of this contract is \$780,000. The contract is a five year contract with no renewals. The cost will be shared with the Fairfax – Falls Church Community Services Board who is responsible for all psychotropic medication ordered by their psychiatrist. Their share of the annual expenditure is approximately \$390,000.

FISCAL IMPACT:

The total fiscal impact to the County is \$780,000, split between the office of the Sheriff and the Community Services Board. Funds are currently available in the FY2008 Revised Budget Plan in both agencies to cover this cost.

ENCLOSED DOCUMENTS:

Attachment 1 - List of Offerors for RFP07-917403-11

STAFF:

Edward L. Long, Jr., Deputy County Executive
Cathy A. Muse, Director, Department of Purchasing and Supply Management
Stan Berry, Sheriff, Office of the Sheriff

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INFORMATION – 4

Fairfax County Government Channel 16 Wins Programming Excellence Award

Fairfax County's Government Channel 16 was recently honored by the National Association of Telecommunications Officers and Advisors (NATOA) with its Government Programming Award. Channel 16 placed second for Excellence in Government Programming. The national award was presented at NATOA's annual conference in Portland, Oregon on October 5. The occasion marked the first time that Channel 16 has received the NATOA Government Programming Award in the overall excellence category. The award covers the entire spectrum of Channel 16 programming, including government meetings, documentaries, magazine programs, informational public service announcements, and programs about government services.

NATOA is a national trade association that promotes community interests in communications. NATOA represents government cable television stations, as well as officials and staff who oversee communications and cable television franchising throughout the United States.

Earlier this year, Channel 16 received additional national recognition from the Alliance for Community Media, which named *Senior Times: Grandparents Raising Grandchildren* as the winner in the Seniors category of the 2007 Hometown Video Awards. The Alliance for Community Media is a non-profit coalition of public, educational, and government access cable stations that promote community communications and programs that are distributed on cable television access channels.

Since 1986, Fairfax County Government Channel 16 has received over 200 national awards.

ENCLOSED DOCUMENTS:

None.

STAFF:

David J. Molchany, Deputy County Executive

Michael S. Liberman, Director, Department of Cable Communications and Consumer Protection

Richard J. Brosnan, Acting Director, Communications Productions Division, Department of Cable Communications and Consumer Protection

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INFORMATION - 5

Contract Award for Professional Engineering Services for the Preparation of a Master Plan for the Noman M. Cole, Jr., Pollution Control Plant (Mount Vernon District)

Professional engineering services are needed for Project N00322, Noman M. Cole, Jr., Pollution Control Plant Construction (NCPCP), in Fund 408, Sewer Bond Construction. The services are required to prepare a Master Plan with a 20-year planning horizon. The Master Plan will include the development of a list of needed critical projects, cost estimates and implementation schedules to help the Wastewater Management Program with ongoing long-term financial planning. In addition, a systematic process will be developed for identifying and prioritizing plant projects for funding. Various capital projects are needed at the Noman M. Cole, Jr. Pollution Control Plant to replace and upgrade aging equipment, expand plant facilities to ensure adequate treatment capacity, and enhance treatment processes. Such effort is needed to maintain efficient operation and to ensure ongoing compliance with the Department of Environmental Quality effluent permit requirements. This master planning effort will be instrumental in identifying and prioritizing projects for inclusion in the County's Capital Improvement Program. This Master Plan project is part of the work associated with the NCPCP project included in the FY 2008 - FY 2012 Adopted Capital Improvement Program.

In accordance with the Fairfax County Purchasing Resolution, the engineering firm of CH2M Hill, Inc. was selected based on the firm's technical expertise and relevant experience in wastewater treatment design and technology to prepare a Master Plan for the Noman M. Cole, Jr., Pollution Control Plant. The Department of Tax Administration has verified that CH2M Hill, Inc. has the appropriate Fairfax County Business, Professional and Occupational License.

The engineering design contract amount, including contingencies, is \$1,331,127.

Unless otherwise directed by the Board of Supervisors, the Department of Public Works and Environmental Services will proceed to award this contract to CH2M Hill in the amount of \$1,331,127.

FISCAL IMPACT:

Funding is available in the amount of \$1,331,127, in Project N00322, NCPCP Construction, in Fund 408, Sewer Bond Construction to award this contract.

ENCLOSED DOCUMENTS:

Attachment 1 – List of Awardee and Other Firms Interviewed
(Copy of contract available in the Office of the Clerk to the Board)

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STAFF:

Robert A. Stalzer, Deputy County Executive

Jimmie D. Jenkins, Director, Department of Public Works and Environmental Services (DPWES)

Howard J. Guba, Deputy Director, DPWES



INFORMATION - 6

Supplemental Project Administrative Agreement with the Virginia Department of Transportation for the Mason Neck Trail Project (Mount Vernon District)

The Mason Neck Trail consists of an 8-foot wide asphalt trail from Route 1 along Gunston Road to the Great Marsh Trail area (Attachment I). The Fairfax County Trails and Sidewalk Committee has divided this trail into four segments. Segment 1 is from Route 1 to the northwest entrance to the Pohick Bay Regional Golf Course (6,000 linear feet). Segment 2 is from the first entrance to the Pohick Bay Regional Golf Course entrance to the natural surface Red Access Trail (8,700 linear feet). Segment 2A is from the natural surface trail (Red Access Trail) to a point approximately 300 linear feet west of the entrance to the Gunston Hall Plantation (2,700 linear feet). Segment 3 extends from just west of the entrance to the Gunston Hall Plantation to the entrance to the Mason Neck State Park (5,000 linear feet). Segment 4 extends from the Mason Neck State Park entrance to the Great Marsh Trail area (7,000 linear feet).

The Segment 3 portion of the Mason Neck Trail is complete. The design of the Segment 2 and Segment 2A portions of the Mason Neck Trail are complete, and the process to obtain the necessary land rights is in progress. It is projected that the required land rights from the Northern Virginia Regional Park Authority (NVRPA) will be obtained during spring 2008 for Segment 2A, and all the remaining land rights for Segment 2 obtained during fall 2008. The construction of Segment 2A is projected to be initiated during summer 2008, contingent upon obtaining the NVRPA land rights as proposed, and completed during fall 2008. Contingent upon available funding, it will be necessary to complete the construction of Segment 2 portion of the Mason Neck Trail in additional phases. At this time, no funding has been allocated towards the completion of Segments 1 and 4.

Partial funding to implement the Segment 2A portion of the Mason Neck Trail is being provided from \$800,000 in Enhancement Funds allocated in the Virginia Department of Transportation (VDOT) Six Year Improvement Program by the Commonwealth Transportation Board. Additional VDOT Enhancement Funds in the amount of \$272,000 have been approved for the Mason Neck Trail project which will result in a total allocation of \$1,340,000. The following summarizes the VDOT Enhancement Program Funds approved for this project and the corresponding required County matching funds:

VDOT Enhancement Funding Allocation	VDOT Contribution (80 Percent)	Fairfax County Contribution (20 Percent)	Total Project Funding
Prior Approved	\$800,000	\$200,000	\$1,000,000
Administrative Agreement Amendment	272,000	68,000	340,000
Total	\$1,072,000	\$268,000	\$1,340,000

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A Supplemental Project Administrative Agreement (formally referred to as a Supplemental Agreement) to the Project Development and Administration Agreement must be executed in order to expend the additional \$272,000 in Enhancement Funds (Attachment II). By executing the Project Administrative Agreement Amendment, the terms and conditions of the original executed Project Development and Administration Agreement will continue to be in effect except for modifications of the funding allocations.

The additional \$272,000 in VDOT Enhancement Funds will be used to complete the land acquisition and provide partial funding for the construction of the Segment 2 portion of the Mason Neck Trail. Funding in the amount of \$68,000 is available in Project W00600, Mount Vernon District Trails, Fund 307, Pedestrian Walkway Improvements to provide the required County Matching funds for the supplemental VDOT Enhancement Funds.

Unless otherwise directed by the Board of Supervisors, the County Executive will proceed to execute the Supplemental Agreement with VDOT for Project Development and Administration of the Mason Neck Trail project.

FISCAL IMPACT:

Funding is available in the amount of \$68,000, in Project W00600, Mount Vernon District Trails, Fund 307, Pedestrian Walkway Improvements to provide the required County matching funds for the supplemental VDOT Enhancement funds.

ENCLOSED DOCUMENTS:

Attachment 1 – Project Sketch

(Copy of Proposed Supplemental Agreement available in the Office of the Clerk to the Board)

STAFF:

Robert A. Stalzer, Deputy County Executive

Jimmie D. Jenkins, Director, Department of Public Works and Environmental Services (DPWES)

Howard J. Guba, Deputy Director, DPWES

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INFORMATION - 7

Contract Award – Lake Fairfax Park Campground “A” Electrical Upgrades (Hunter Mill District)

Four sealed bids were received and opened on Thursday, October 4, 2007, for the Lake Fairfax Park Campground “A” Electrical Upgrades in Project 475804, Building Renovation and Expansion in Fund 370, Park Authority Bond Construction. The project includes electrical upgrades for the camp sites in Campground “A”, and related site improvements.

This project is included in the FY 2008 – FY 2012 Adopted Capital Improvement Program.

The lowest responsive and responsible bidder is DA Foster Company. Their bid of \$365,000 is \$70,000, or 23.7% above the Park Authority’s pre-bid construction estimate of \$295,000. The second lowest bid of \$398,000 is \$33,000, or 9.0% above the low bid, and the highest bid of \$431,000 is \$66,000, or 18.1% above the low bid.

Based on their financial capability and construction experience, DA Foster Company is considered to be a responsible contractor and holds a Virginia Class A Contractor’s license.

The Department of Tax Administration has verified that Corning Construction Corporation has the appropriate Fairfax County Business, Professional, and Occupational License (BPOL).

On October 24, 2007, the Fairfax County Park Authority Board approved the contract award.

Unless otherwise directed by the Board of Supervisors, the Park Authority will proceed to award this contract to DA Foster Company in the amount of \$365,000.

FISCAL IMPACT:

Based on the post-bid update, funding in the amount of \$430,000 is necessary to award this contract and to fund the associated contingency, administrative costs and other project-related costs. Funds are currently appropriated in the amount of \$395,627 in Project 475804, Building Renovation and Expansion, Fund 370, Park Authority Bond Construction, and in the amount of \$34,373 in Project 004750, Park Proffers, Fund 371,

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Park Capital Improvement Fund for a total of \$430,000 to award this contract and to fund the associated contingency, administrative costs and other project-related costs.

ENCLOSED DOCUMENT:

Attachment 1: Bid Results
Attachment 2: Scope of Work
Attachment 3: Cost Estimate

STAFF:

Robert A. Stalzer, Deputy County Executive
Timothy K. White, Acting Director

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INFORMATION - 8

Planning Commission Action on Application 2232A-D05-14, Nextel Communications of the Mid-Atlantic, Inc. (Dranesville District)

On Wednesday, November 7, 2007, the Planning Commission voted 10-0-1 (Commissioner Alcorn abstaining; Commissioner Sargeant absent from the meeting) to find the modifications proposed in 2232A-D05-14 to be consistent with the prior approval granted by the Commission on September 29, 2005.

The Commission noted that the application met the criteria of character, location and extent, and was in conformance with Section 15.2-2232 of the Code of Virginia.

Application 2232-D05-14 sought approval to amend a portion of the Distributive Antenna System telecommunications facility on the Commonwealth of Virginia's property, within the Virginia Department of Transportation's right-of-way for portions of Beach Mill Road, River Bend Road, Seneca Road, Springvale Road, and Utterback Store Road, in the Great Falls area. The property is located at 774B Walker Road, in Great Falls. (Portions of public rights of way on Tax Maps 2-4, 3-3, 3-4, 6-2, 6-4, 7-1, 7-2, 7-3, 7-4, 8-1, 8-2, and 13-2).

ENCLOSED DOCUMENTS:

Attachment 1: Verbatim excerpts from 11/7/07 Commission meeting
Attachment 2: Vicinity maps

STAFF:

Robert A. Stalzer, Deputy County Executive
James P. Zook, Director, Department of Planning and Zoning (DPZ)
David B. Marshall, Assistant Director, Planning Division, DPZ
Barbara J. Lipka, Executive Director, Planning Commission Office

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11:20 a.m.

Matters Presented by Board Members

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12:10 p.m.

CLOSED SESSION:

- (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. *McLean Bible Church v. Eileen M. McLane, Zoning Administrator, and Board of Zoning Appeals of Fairfax County, Virginia*, At Law No. CL-2006-0008305 (Fx. Co. Cir. Ct.) (Dranesville District)

McLean Bible Church v. Eileen M. McLane, Zoning Administrator, and Board of Zoning Appeals of Fairfax County, Virginia, Case No. 1:06-cv-00769 (E.D. Va.) (Dranesville District)
 - 2. *Board of Zoning Appeals of Fairfax County, Virginia v. Board of Supervisors of Fairfax County, Virginia*, Record No. 071395 (Sup. Ct. Va.)
 - 3. *Bernice Wilson v. Fairfax County Department of Family Services*, Record No. 07804 (Va. Sup. Ct.)
 - 4. *Ronald Koch v. Lance Schaible, et al.*, Civil Action No. 1:06cv1262 (E.D. Va.)
 - 5. *Karunakaram, et al v. Town of Herndon, et al.*, Case No. CL-2005-0004013 (Fx. Co. Cir. Ct.) (Dranesville District)
 - 6. *Matthew Francis Egan v. Fairfax County Police Department*, Case No. 1:07-cv-623 (E.D. Va.)

7. *Colleen Malone Lindvall v. Melissa McLaughlin, Scott McLaughlin, Lindva Cahill, Timothy Cahill, Thomas Pilsch, Tracey Pilsch and Brian C. Calfee*, Case No. 1:07CV565 (E.D. Va.)
8. *Jean Ann Smith Cormier and Charles Paxton Smith for the Estate of David Stanley Smith v. County of Fairfax, Unknown Officials and Employees of County of Fairfax, City of Alexandria, Unknown Officials and Employees of the City of Alexandria, Verizon Communications, and Northrup Grumman*, Case No. CL-2007-0006981 (Fx. Co. Cir. Ct.)
9. *Glen Berry v. Roy Biedler*, Case No. CL-2007-0005783 (Fx. Co. Cir. Ct.)
10. *Alfredo Hernandez and Maruca Hernandez v. Fairfax County* (Fx. Co. Board of Building Code Appeals) (Springfield District)
11. *Eileen M. McLane, Fairfax County Zoning Administrator v. Rosita Lim Ong Chang*, Case No. CL-2007-0010248 (Fx. Co. Cir. Ct.) (Braddock District)
12. *Eileen M. McLane, Fairfax County Zoning Administrator v. Micaela Valencia*, Case No. CL-2007-0000211 (Fx. Co. Cir. Ct.) (Providence District)
13. *Eileen M. McLane, Fairfax County Zoning Administrator v. Angela Rivas*, Case No. CL-2007-0008621 (Fx. Co. Cir. Ct.) (Mason District) (Strike Team Case)
14. *Eileen M. McLane, Fairfax County Zoning Administrator v. Ana Caballero*, Case No. CL-2007-0001746 (Fx. Co. Cir. Ct.) (Providence District)
15. *Jane W. Gwinn, Fairfax County Zoning Administrator v. John Charles Lozinyak*, In Chancery No. 146692 (Fx. Co. Cir. Ct.) (Mason District)
16. *Eileen M. McLane, Fairfax County Zoning Administrator v. Douglas L. Card*, Case No. CL-2007-0010592 (Fx. Co. Cir. Ct.) (Mount Vernon District)
17. *Eileen M. McLane, Fairfax County Zoning Administrator v. Andrea Ventura and Isabel Blanco*, Case No. CL-2007-0010664 (Fx. Co. Cir. Ct.) (Providence District) (Strike Team Case)
18. *Eileen M. McLane, Fairfax County Zoning Administrator v. John B. Ziegler and Deborah L. Ziegler*, Case No. CL-2007-0011234 (Fx. Co. Cir. Ct.) (Providence District)

19. *Eileen M. McLane, Fairfax County Zoning Administrator v. Anthony Jackson and Amy Jackson*, Case No. CL-2007-0010591 (Fx. Co. Cir. Ct.) (Providence District)
20. *Eileen M. McLane, Fairfax County Zoning Administrator v. Simone M. Wyvell*, Case No. CL-2007-0009865 (Fx. Co. Cir. Ct.) (Dranesville District)
21. *Eileen M. McLane, Fairfax County Zoning Administrator v. Nelson Hernandez and Reina Villalobos*, Case No. CL-2007-0012868 (Fx. Co. Cir. Ct.) (Lee District) (Strike Team Case)
22. *Eileen M. McLane, Fairfax County Zoning Administrator v. Pedro E. Gonzalez*, Case No. CL-2007-0009990 (Fx. Co. Cir. Ct.) (Mason District)
23. *Eileen M. McLane, Fairfax County Zoning Administrator v. Rina Hernandez and Nelson Torrico*, Case No. CL-2007-0006824 (Fx. Co. Cir. Ct.) (Braddock District)
24. *Eileen M. McLane, Fairfax County Zoning Administrator v. Wilfredo Pena and Elsa Marina Lopez*, Case No. CL-2007-0012257 (Fx. Co. Cir. Ct.) (Lee District) (Strike Team Case)
25. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Joseph L. Williams*, Case No. CL-2007-0012566 (Fx. Co. Cir. Ct.) (Mount Vernon District)
26. *Eileen M. McLane, Fairfax County Zoning Administrator v. Jose A. Rodriguez and Doris Garcia Cordova*, Case No. CL-2006-0002673 (Fx. Co. Cir. Ct.) (Lee District)
27. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Judith Rae Evans*, Case No. CL-2007-0012671 (Fx. Co. Cir. Ct.) (Mount Vernon District)
28. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Laurence P. Wheeler and Susie A. Wheeler*, Case No. CL-2007-0012667 (Fx. Co. Cir. Ct.) (Dranesville District)

29. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Beltran Sanchez Carbajal, Sulma Patricia Flores de Sanchez, and Evelin Y. Mendoza, Case No. CL-2007-0013442 (Fx. Co. Cir. Ct.) (Mason District)*
30. *Eileen M. McLane, Fairfax County Zoning Administrator v. Fernando Sejas Teran, Eulalia T. Paredes, and Nancy B. Terceros, Case No. CL-2007-0013121 (Fx. Co. Cir. Ct.) (Providence District)*
31. *Eileen M. McLane, Fairfax County Zoning Administrator v. Jarbin R. Guevara Paz, Case No. CL-2007-0012972 (Fx. Co. Cir. Ct.) (Lee District)*
32. *Eileen M. McLane, Fairfax County Zoning Administrator v. Tom A. Rogers and Patricia A. Rogers, Case No. CL-2007-0013123 (Fx. Co. Cir. Ct.) (Providence District)*
33. *Eileen M. McLane, Fairfax County Zoning Administrator v. Tariq Ahmad and Ata Ul Qayyum, Case No. CL-2007-0012973 (Fx. Co. Cir. Ct.) (Lee District)*
34. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. TWG Huntington, LLC, Case No. CL-2007-0013577 (Fx. Co. Cir. Ct.) (Lee District)*
35. *Eileen M. McLane, Fairfax County Zoning Administrator v. Phuong M. La, Case No. CL-2007-0009450 (Fx. Co. Cir. Ct.) (Providence District)*
36. *Eileen M. McLane, Fairfax County Zoning Administrator v. Lydia C. Redding, et al., Case No. CL-2007-0013239 (Fx. Co. Cir. Ct.) (Providence District)*
37. *Eileen M. McLane, Fairfax County Zoning Administrator v. Paula R. Brassfield, Case No. CL-2007-0013238 (Fx. Co. Cir. Ct.) (Dranesville District)*
38. *Board of Supervisors of Fairfax County, Virginia, v. Parvis Azarmi-Por, et al., At Law No. CL-2007-0012345 (Fx. Co. Cir. Ct.) (Springfield District)*

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3:30 p.m.

Public Hearing for the Creation/Enlargement of Small and Local Sanitary Districts for Refuse/Recycling and/or Leaf Collection Service (Dranesville and Mason Districts)

ISSUE:

Board approval of the Creation/Enlargement of Small and Local Sanitary Districts for refuse/recycling and/or leaf collection service.

RECOMMENDATION:

The County Executive recommends that the Board approve the proposed petitions within Dranesville and Mason Districts.

The actions listed below will result in a net increase of 22 refuse/recycling customers and 1 leaf customer.

<u>Sanitary District</u>	<u>Action</u>	<u>Service</u>	<u>Recommendation</u>
Local District 1A12 Within Small District 1 Within Dranesville District (1450 Kirby Road)	Enlarge 1 Unit	Refuse & Recycling	Approve
Small District 14 Within Dranesville District (Natahoa Court)	Create 20 Units	Refuse & Recycling	Approve
Small District 4 Within Mason District (6471 Overlook Drive)	Enlarge 1 Unit	Refuse/Recycling & Leaf	Approve

TIMING:

The Board authorized to advertise on October 15, 2007, for a Public Hearing on November 19, 2007, at 3:30 p.m.

BACKGROUND:

The administrative responsibility for the Creation/Enlargement/De-Creation/Re-Creation

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of Small and Local Sanitary Districts in the County of Fairfax for refuse/recycling and/or vacuum leaf collection is with the Department of Public Works and Environmental Services. The establishment of sanitary districts is accomplished through the action of the Board of Supervisors at public hearings.

The submitted petitions have been reviewed, and it is recommended that the submitted petitions be approved.

FISCAL IMPACT:

None

ENCLOSED DOCUMENTS:

Attachment 1: Summary Sheet

Attachment 2: Data Sheet with Resolution and Map

STAFF:

Jimmie D. Jenkins, Director, Department of Public Works and Environmental Services (DPWES)

Howard J. Guba, Deputy Director, DPWES

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3:30 p.m.

Public Hearing on the Acquisition of Certain Land Rights Necessary for the Construction of the Hunter Mill Road Walkway Project (Providence District)

ISSUE:

Public hearing on the acquisition of certain land rights necessary for the construction of Project 4YP020 – Hunter Mill Road Walkway, in Fund 304, Transportation Improvements.

RECOMMENDATION:

The County Executive recommends that the Board adopt the attached resolution authorizing the acquisition of the necessary land rights.

TIMING:

On October 15, 2007, the Board authorized advertisement of a public hearing to be held on November 19, 2007, commencing at 3:30 p.m.

BACKGROUND:

This project consists of constructing a pedestrian walkway, curb and gutter on the northeast side of Hunter Mill Road approximately 681 feet from Chain Bridge Road to the Fairfax County Park Authority property, and approximately 500 feet of proposed pavement along a portion of the pedestrian walkway.

The construction of this project requires the acquisition of a deed of dedication and various easements and/or agreements covering sidewalk and grading agreement and temporary construction easements on seven properties in the Providence District. The Land Acquisition Division has been negotiating to acquire the land rights since May 2006. The land rights on one property are still outstanding.

In order to commence construction of this project on schedule, it may become necessary for the Board to utilize quick-take eminent domain powers. These powers are conferred upon the Board by statute, namely, Va. Code Ann. Sections 15.2-1904 and 15.2-1905 (Supp. 2007). Pursuant to these provisions, a public hearing is required before property interests can be acquired in such an accelerated manner.

FISCAL IMPACT:

This project was approved by the Board and funding is available for Project 4YP020 –

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Hunter Mill Road Walkway in Fund 304, Transportation Improvements. No additional funding is being requested from the Board for land acquisition.

ENCLOSED DOCUMENTS:

Attachment A - Project Location Map

Attachment B – Resolution with Fact Sheet on each affected parcel with plat showing interests to be acquired (Attachments 1 through 1A)

STAFF:

Jimmie D. Jenkins, Director, Department of Public Works and Environmental Services (DPWES)
Howard J. Guba, Deputy Director, DPWES

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3:30 p.m.

Public Hearing on the Acquisition of Certain Land Rights Necessary for the Construction of the Kenmore Subdivision Sanitary Sewer Extension and Improvement Project (Dranesville District)

ISSUE:

Public hearing on the acquisition of certain land rights necessary for the construction of Project X00826 (E103) – Kenmore Subdivision Sanitary Sewer Extension and Improvement, Fund 402, Sewer Construction Improvements.

RECOMMENDATION:

The County Executive recommends that the Board adopt the attached resolution authorizing the acquisition of the necessary land rights.

TIMING:

On October 15, 2007, the Board authorized advertisement of a public hearing to be held on November 19, 2007, commencing at 3:30 p.m.

BACKGROUND:

This project consists of the installation of approximately 2,600 linear feet of sanitary sewer service and associated appurtenances. These improvements will serve 19 lots on Lyons Street, Vernon Drive and Kenmore Drive.

The construction of this project requires the acquisition of sanitary sewer easements on six properties in the Dranesville District. The Land Acquisition Division has been negotiating to acquire the land rights since November 2006. The land rights on one property are still outstanding.

In order to commence construction of this project in the spring of 2008, and due to the urgency to correct a potential health hazard within the area, it will be necessary for the Board of Supervisors to utilize quick-take eminent domain powers. These powers are conferred upon the Board by statute, namely, Va. Code Ann. Sections 15.2-1904 and 15.2-1905 (Supp. 2007). Pursuant to these provisions, a public hearing is required before property interests can be acquired in such an accelerated manner.

Board authorization for condemnation of the outstanding land rights will allow the project

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to move forward to construction. The properties to be served by the Kenmore Subdivision Sanitary Sewer Extension and Improvement project are within an approved sanitary sewer service area. The easements, pipes, and service are located within the approved sanitary sewer service area.

FISCAL IMPACT:

Funding is available in the amount of \$914,000.00 in Project X00826 (E103) – Kenmore Subdivision Sanitary Sewer Extension and Improvement, Fund 402, Sewer Construction Improvements. No additional funding is being requested from the Board for land acquisition.

ENCLOSED DOCUMENTS:

Attachment A - Project Location Map

Attachment B – Resolution with Fact Sheet on each affected parcel with plats showing interests to be acquired (Attachments 1 through 1A)

STAFF:

Jimmie D. Jenkins, Director, Department of Public Works and Environmental Services (DPWES)
Howard J. Guba, Deputy Director, DPWES

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3:30 p.m.

Public Hearing to Establish the Old Centreville Community Parking District (Sully District)

ISSUE:

Public hearing to consider a proposed amendment to Appendix M of *The Code of the County of Fairfax, Virginia* (Fairfax County Code) to establish the Old Centreville Community Parking District (CPD).

RECOMMENDATION:

The County Executive recommends that the Board adopt the amendment to the Fairfax County Code shown in Attachment I to establish the Old Centreville CPD in accordance with existing CPD restrictions.

TIMING:

The public hearing was authorized on October 15, 2007, for November 19, 2007, at 3:30 p.m.

BACKGROUND:

Fairfax County Code Section 82-5B-2 authorizes the Board to establish a CPD for the purpose of prohibiting or restricting the parking of watercraft; boat trailers; motor homes; camping trailers and any other trailer or semi-trailer; any vehicle with three or more axles; any vehicle that has a gross vehicle weight rating of 12,000 or more pounds except school buses used on a current and regular basis to transport students; any vehicle designed to transport 16 or more passengers, including the driver, except school buses used on a current and regular basis to transport students; and any vehicle of any size that is being used in the transportation of hazardous materials as defined in Virginia Code § 46.2-341.4 on the streets in the district. No such Community Parking District shall apply to (i) any commercial vehicle when discharging passengers or when temporarily parked pursuant to the performance of work or service at a particular location or (ii) utility generators located on trailers and being used to power network facilities during a loss of commercial power or (iii) restricted vehicles temporarily parked on a public street within any such District for a maximum of 48 hours for the purpose of loading, unloading, or preparing for a trip. Pursuant to Fairfax County Code Section 82-5B-3, the Board may establish a CPD if: (1) the Board receives a petition requesting such an establishment and such petition contains the names and signatures of

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petitioners who represent at least 60 percent of the addresses or other real property within the proposed district, and represent more than 50 percent of the eligible addresses on each block of the proposed district, (2) the proposed district includes an area in which 75 percent of each block within the proposed district is zoned, planned or developed as a residential area, and (3) the Board receives an application fee of \$10 for each petitioning property address in the proposed district.

Staff has verified that the requirements for a CPD have been satisfied.

The parking prohibition identified above for the Old Centreville CPD establishment is proposed to be in effect seven days per week, 24 hours per day.

FISCAL IMPACT:

The cost of sign installation is estimated at \$300 to be paid out of Fairfax County Department of Transportation (FCDOT) funds. This assumes a one-time installation of CPD signs. No funding exists for future maintenance of the signs.

ENCLOSED DOCUMENTS:

Attachment I: Amendment to the Fairfax County Code, Appendix M (CPD Restrictions)
Attachment II: Area Map of Proposed Old Centreville CPD Establishment

STAFF:

Katharine D. Ichter, Director, Fairfax County Department of Transportation (FCDOT)
Ellen Gallagher, Division Chief, Capital Projects and Operations, FCDOT
Tad Borkowski, FCDOT
Maria Turner, FCDOT

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3:30 p.m.

Public Hearing to Vacate Portions of a Sanitary Sewer Easement Located at 3717 Tollgate Terrace, Falls Church (Mason District)

ISSUE:

Public hearing to vacate portions of a sanitary sewer easement located at 3717 Tollgate Terrace, Falls Church, Tax Map 61-3 ((14)) lot 48.

RECOMMENDATION:

The County Executive recommends that the Board adopt the attached Resolution to vacate portions of a sanitary sewer easement at 3717 Tollgate Terrace, Falls Church.

TIMING:

On October 15, 2007, the Board of Supervisors authorized the advertisement of a public hearing to be held on November 19, 2007, at 3:30 pm.

BACKGROUND:

By Order Vesting Title dated March 18, 1943, and recorded on April 1, 1943, among the Fairfax County land records in Deed Book 403, at Page 503, a sanitary sewer easement over 1.7 miles long and of varying widths, either 50 feet wide or 100 feet wide, was established on many parcels, including the land that would later become the Lake Barcroft Subdivision (Attachment A). This sanitary sewer easement was initially acquired by the United States of America and was later transferred to the Board of Supervisors.

In 1944, a 27-inch sanitary sewer line was constructed within a portion of this easement right-of-way on property that would later be subdivided in July 1950 into approximately 107 lots in a subdivision known as Section One, Lake Barcroft. The property that is the subject of this sanitary sewer easement vacation request, 3717 Tollgate Terrace, is Lot 48 on this subdivision plat. The sanitary sewer easement is 50 feet wide where it crosses approximately through the middle of Lot 48. In addition to the 27-inch sanitary sewer pipe, an 8-inch sanitary sewer line was also constructed within the same easement on Lot 48 in 1951.

On September 3, 1958, an area containing approximately 642 square feet of the sanitary sewer easement located on Lot 48 was released and quitclaimed by the Board of Supervisors unto the then owners of the property to permit construction of the home

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that now exists on the property (Attachment B). The concept appears to have been that a rectangular portion of the easement along the northern boundary of the easement closest to Tollgate Terrace would be released from the encumbrance of the easement, which would then permit the footprint of the house to be built upon that land area along with the adjacent portion of the lot that was never subject to the easement. However, a recent survey of Lot 48 performed in conjunction with the sale of the property in August 2007 revealed that the precise location of the 642 square feet of the easement released in September 1958 does not abut the northern edge of the easement boundary. While that portion of the sanitary sewer easement that was released by the Board in 1958 is located under the house, as originally intended, part of the footprint of the house still sits on top of the 1943 sanitary sewer easement and remains encumbered by it (Attachment C). In addition, at the back of the house there is an overhang approximately 8 feet wide across the back wall of the house that is located totally within the area of the sanitary sewer easement. The sanitary sewer lines and the easement existed before the house was constructed. Staff believes the house was originally constructed on top of the easement in error.

The new owners of Lot 48, Elizabeth and David Berry, would like those portions of the 1943 sanitary sewer easement located under the footprint of the house and under the overhang at the back of the house to be vacated and released. Given the unusual history concerning this particular sanitary sewer easement and the fact that part of the easement under the house on Lot 48 has already been released, staff recommends that the portion of the easement residing under the foundation of the house be vacated and released, but that the easement under the overhang at the back of the house remain. At some point in the future, access to that portion of the easement located under and in the vicinity of the overhang may be necessary in order to maintain the 8-inch sanitary sewer pipe located just beyond the overhang.

The area recommended to be vacated is identified as "Area Omitted From Vacation" on Attachment C. This area includes portions of the easement under the house and under a slate patio on the western side of the house. The side boundaries of this area would extend the side boundaries of the easement area released by the Board in 1958. It is also recommended that the vacation be subject to the following conditions:

- The County shall retain its right, title and interest in and to any sanitary sewer pipe that may exist under the house or overhang and within the vacated area and shall further retain the right to reconstruct, alter and maintain the existing or any future sanitary sewer pipe as the County may require, provided that no part of the foundation of the house shall be removed in order to reconstruct, alter or maintain existing or future sanitary sewer pipes.

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- In consideration of the Board granting the vacation of the portion under the house and under the slate patio on the western side of the house, the current property owners shall sign an Agreement whereby they assume for themselves and their successors all liability for any damage that may occur to their property in the future as a result of the sanitary sewer pipes being in use on their property, and that they waive any rights that they and their successors may have to make a claim for damages to the County should there be future damage to their property because of the sanitary sewer pipes.

The proposed agreement would be part of any deed of easement vacation and would be indexed in the land records under the names of the current owners so that it would be binding on future owners.

FISCAL IMPACT:

None

ENCLOSED DOCUMENTS:

Attachment A – Sanitary Sewer Easement 50-Foot Wide Established on Land That Included Future Lot 48, Section One, Lake Barcroft, Recorded April 1, 1943, in Deed Book 403, at Page 503

Attachment B – Part of 50-Foot Wide Sanitary Sewer Easement Released and Quitclaimed on Lot 48, Section One, Lake Barcroft on September 3, 1958, in Deed Book 1783, at Page 81

Attachment C – House Location Plat for Lot 48, Section One, Lake Barcroft, Showing Proposed Vacation Area (August 11, 2007)

Attachment D – Resolution

Attachment E – Tax Map No. 061-3 (part)

STAFF:

Jose A. Comayagua, Director, Facilities Management Department

Jimmie Jenkins, Director, Department of Public Works and Environmental Services

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4:00 p.m.

Public Hearing to Receive Comment from Citizens on the Proposed Legislative Program to be Presented to the 2008 Virginia General Assembly

ENCLOSED DOCUMENTS:

Attachment I -- Draft Fairfax County Legislative Program for the 2008 Virginia General Assembly

Attachment II – Draft Human Services Issue Paper

The proposed Legislative Program and Human Services Issue Paper are available by close of business November 14, 2007 at www.fairfaxcounty.gov/government/board or in the Office of the Clerk to the Board.

STAFF:

Anthony H. Griffin, County Executive

Susan E. Mittereder, Legislative Director

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