

**FAIRFAX COUNTY  
BOARD OF SUPERVISORS  
DECEMBER 3, 2007**

**AGENDA**

9:00	<b>Done</b>	Presentations
10:00	<b>Adopted w/amendment</b>	Board Adoption of the 2008 Legislative Program for the Virginia General Assembly and Approval of the County's 110 <sup>th</sup> Congress Federal Appropriations Requests for FY 2009
10:15	<b>Done ADMINISTRATIVE ITEMS</b>	Items Presented by the County Executive
1	<b>Approved</b>	Authorization for the Fairfax County Fire and Rescue Department to Donate a Surplus Fire Pumper to the Mount Vernon Estate Fire Brigade (Mount Vernon District)
2	<b>Approved</b>	Extension of Review Periods for 2232 Review Applications (Braddock, Dranesville, Hunter Mill, Mason, Mount Vernon, Providence, Springfield and Sully Districts)
3	<b>Approved</b>	Authorization to Advertise a Public Hearing to Obtain Input for the Department of Community and Recreation Services' Grant Application to the Commonwealth of Virginia for Three Replacement Vehicles
4	<b>Pulled</b>	Authorization to Advertise Public Hearings on a Proposed Zoning Ordinance Amendment Re: Affordable Dwelling Units - Amended Covenants Regarding Control Term
5	<b>Approved</b>	Installation of "No Parking" Signs on the North Side of Leesburg Pike Service Road from Rio Drive to the Easternmost Entrance of the Lafayette Park Condominiums (Mason District)
6	<b>Approved</b>	Streets into the Secondary System (Hunter Mill, Mason, and Springfield Districts)
7	<b>Approved</b>	Supplemental Appropriation Resolution AS 08080 for Various Fairfax Agencies to Accept Department of Homeland Security Urban Area Security Initiative Sub-Grant Awards from the District of Columbia Office of the Deputy Mayor for Public Safety and Justice Through the State Administrative Agency for the National Capital Region
8	<b>Approved</b>	Supplemental Appropriation Resolution AS 08077 for the Health Department to Accept Grant Funding from the United States Department of Agriculture Through the Virginia Department of Health for the Women, Infants, and Children Grant

**FAIRFAX COUNTY  
BOARD OF SUPERVISORS  
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**ADMINISTRATIVE  
ITEMS  
(CONTINUED)**

- |    |                 |   |
|----|-----------------|---|
| 9  | <b>Approved</b> | Authorization to Advertise a Public Hearing to Expand the Hillside Community Parking District (Springfield District)  |
| 10 | <b>Approved</b> | Authorization to Advertise a Public Hearing to Establish the Runnymede Community Parking District (Lee District)  |
| 11 | <b>Approved</b> | Authorization to Advertise a Public Hearing to Consider Adopting an Ordinance Expanding the Oakton Residential Permit Parking District, District 19 (Providence District)     |
| 12 | <b>Approved</b> | Authorization to Advertise a Public Hearing to Consider Adopting an Ordinance Expanding the Chantilly Residential Permit Parking District, District 29 (Springfield District) |
| 13 | <b>Approved</b> | Authorization to Advertise a Public Hearing to Consider Adopting an Ordinance Expanding the Annandale Residential Permit Parking District, District 14 (Braddock District)    |

**ACTION ITEMS**

- |   |                                       |  |
|---|---------------------------------------|--|
| 1 | <b>Approved</b>                       | Sale of General Obligation Public Improvement Bonds, Series 2008 A   |
| 2 | <b>Approved</b>                       | Approval to Revise the Affordable Housing Partnership Program Guidelines to Incorporate a Policy Supporting Universal and Accessible Design and Construction of Affordable Housing for Persons with Disabilities                   |
| 3 | <b>Approved</b>                       | Approval of Amendment to Service Agreement Among Fairfax County, the Fairfax County Solid Waste Authority, and Covanta Fairfax, Inc. Relating to the Generation and Sale of Electricity in Excess of 80 MW (Mount Vernon District) |
| 4 | <b>Approved</b>                       | Approval of a Resolution for the Implementation of the Comprehensive Community Corrections Act, the Pretrial Services Act and the Fairfax Community Criminal Justice Board   |
| 5 | <b>Approved</b><br>(item was revised) | Approval of Letter with Fairfax County's Commitments to the Virginia Air Quality State Implementation Plan (SIP) for Fine Particulate Matter (PM 2.5)  |

**FAIRFAX COUNTY  
BOARD OF SUPERVISORS  
DECEMBER 3, 2007**

**ACTION ITEMS  
(CONTINUED)**

- |   |                                 |   |
|---|---------------------------------|---|
| 6 | <b>Approved</b>                 | Approval of a Financing Plan for the Olley Glen Senior Housing Development and Submission of Applications to the Virginia Small Business Financing Authority, Virginia Housing Development Authority, U.S. Department of Housing and Urban Development and the Federal Housing Administration |
| 7 | <b>Approved</b>                 | Approval of Funding for Temporary Parking During the Construction of the Huntington Metrorail Station Parking Garage  |
| 8 | <b>Approved<br/>w/amendment</b> | Endorsement of Design Plans for the Richmond Highway Public Transportation Initiative, Including Pedestrian Access and Safety Improvements (Mount Vernon and Lee Districts)   |
| 9 | <b>Approved<br/>w/amendment</b> | Endorsement of the Chief Administrative Officers Task Force's Comments Regarding the Preliminary FY 2009 Virginia Railway Express Budget (Braddock, Lee, Mason, Mount Vernon, and Springfield Districts)  |

**INFORMATION  
ITEMS**

- |       |              |  |
|-------|--------------|--|
| 1     | <b>Noted</b> | Contract Awards and Approval of Street Acceptance Items During the Period Between the December Board Meeting and the First Board Meeting in January                                  |
| 2     | <b>Noted</b> | Contract Award – Professional Auditing Services  |
| 3     | <b>Noted</b> | Contract Award to KCI Technologies, Inc. - Development of Dogue Creek, Belle Haven and Four Mile Run Watershed Management Plan (Dranesville, Lee, Mason, and Mount Vernon Districts) |
| 4     | <b>Noted</b> | Presentation of the Fiscal Year 2007 Comprehensive Annual Financial Report (CAFR)  |
| 5     | <b>Noted</b> | Contract Award – Architectural/Engineering Design Services for the Herndon Monroe Parking Garage - Remedial Work (Hunter Mill District)  |
| 10:45 | <b>Done</b>  | Matters Presented by Board Members   |
| 11:35 | <b>Done</b>  | Closed Session   |

**FAIRFAX COUNTY  
BOARD OF SUPERVISORS  
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**PUBLIC  
HEARINGS**

3:00	<b>Approved</b>	Special Meeting of the Fairfax County Solid Waste Authority to Approve Amendment to Service Agreement Among Fairfax County, the Fairfax County Solid Waste Authority, and Covanta Fairfax, Inc. Relating to the Generation and Sale of Electricity in Excess of 80 MW
3:00	<b>Approved</b>	Board Decision to Vacate Portions of a Sanitary Sewer Easement Located at 3717 Tollgate Terrace, Falls Church (Mason District)
3:30	<b>Approved</b>	Public Hearing on a Proposal to Implement Cut-Through Measures on Morningside Lane as Part of the Residential Traffic Administration Program (Mount Vernon District)
3:30	<b>Approved</b>	Joint Public Hearing on the Proposed Six-Year Virginia Department of Transportation Secondary System Construction Program for Fiscal Years 2009 Through 2014
4:00	<b>Approved</b>	Public Hearing on Proposed Policy Plan Amendment S07-CW-3CP on Air Quality and Green Building Practices
4:00	<b>Approved</b>	Public Hearing to Propose an Amendment to Chapter 4 of the Fairfax County Code that Amends and Readopts Section 4-10-5 Relating to the Separate Classification and Taxation of Certain Commercial and Industrial Property in Fairfax County for Transportation Purposes
4:00	<b>Approved</b>	Public Comment from Fairfax County Citizens and Businesses on Issues of Concern



*Fairfax County, Virginia*  
**BOARD OF SUPERVISORS**  
**AGENDA**

**Monday**  
**Dec. 3, 2007**

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9:00 a.m.

PRESENTATIONS

1. CERTIFICATE – To recognize Mary Jo Tandy for her years of service on the Consumer Protection Commission. Requested by Supervisor Hyland.
2. CERTIFICATE – To recognize Bob Gray for his years of service in the Springfield community. Requested by Supervisor Kauffman.
3. CERTIFICATE – To recognize Ryan Speier for his achievements with the Colorado Rockies. Requested by Supervisor McConnell.
4. CERTIFICATE – To commend the Greater McLean Republican Women's Club for its sponsorship of programs for older adults. Requested by Supervisor DuBois.
5. CERTIFICATE – To recognize Michael Cash for his years of service to Fairfax County. Requested by Supervisor Gross.
6. CERTIFICATE – To recognize Merni Fitzgerald for being named the PR Professional of the Year in a Nonprofit/Association by PR News magazine. Requested by Chairman Connolly.
7. CERTIFICATE – To recognize Wanda Gibson for being recognized by Government Technology magazine as one of the most influential female CIOs in the nation involved in government. Requested by Chairman Connolly.
8. CERTIFICATE – To recognize the Virginia 2007 Committee and authors of "Fairfax County Stories 1607- 2007" for contributing to the publication and success of the book. 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  
December 3, 2007

10:00 a.m.

Board Adoption of the 2008 Legislative Program for the Virginia General Assembly and Approval of the County's 110<sup>th</sup> Congress Federal Appropriations Requests for FY 2009

ISSUE:

Board adoption of a legislative program for the 2008 Session of the Virginia General Assembly and Board approval of items identified for FY 2009 federal appropriations requests for the 110<sup>th</sup> Congress.

TIMING:

Immediate. On November 19, 2007, the Board of Supervisors held a public hearing on the 2008 Legislative Program. This program will be presented at the Board's annual breakfast meeting with the members of the Fairfax County Delegation to the Virginia General Assembly on December 11, 2007. The Board will continue its advocacy of County initiatives and positions at a Board-hosted reception on February 19, 2008.

Board action is also requested at this time in order to formally submit requests to Fairfax County's Congressional Delegation for the 110<sup>th</sup> Congress. County staff will begin the process of completing formal applications for each request as required by the House and Senate Appropriations Committees. The Chairman of the Board will present the requests to individual members of the Fairfax County Delegation at a series of scheduled meetings on Capitol Hill.

BACKGROUND:

The draft State legislative program has been developed over the past several months by the Legislative Committee of the Board. The program contains the Committee's recommended legislative initiatives and positions for the County at the 2008 Session of the Virginia General Assembly; an issue paper on human services needs is included as an addendum to this program. In preparing this package, the Committee has considered the County's legislative needs and opportunities and has endeavored to maintain a program of priority legislative requests. The Legislative Committee will continue to meet, generally on a weekly basis, throughout the Session to monitor legislation and recommend positions for adoption at regular Board meetings.

The draft Federal appropriations request were also developed as part of the Legislative Committee process, and were discussed at the October 12, 2007 and November 2, 2007 Legislative Committee meetings. Staff recommendations were presented to the

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Committee focused on areas determined to be of strategic importance to the County, including transportation, Base Realignment and Closure (BRAC), affordable housing, public safety, historic preservation, the environment, and homeland security. Specifics on general budget items as well as the County's appropriations requests will be reported periodically to the Board as the federal appropriations process progresses.

ENCLOSED DOCUMENTS:

Attachment 1 -- Draft Fairfax County Legislative Program for the 2008 Virginia General Assembly

Attachment 2 – 2008 Draft Human Services Issue Paper

Attachment 3 – Draft FY 2009 Federal Appropriations Funding Requests to the 110<sup>th</sup> Congress

STAFF:

Anthony H. Griffin, County Executive

Susan E. Mittereder, Legislative Director

Katharine D. Ichter, Director, Fairfax County Department of Transportation

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10:15 a.m.

Items Presented by the County Executive

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ADMINISTRATIVE - 1

Authorization for the Fairfax County Fire and Rescue Department to Donate a Surplus Fire Pumper to the Mount Vernon Estate Fire Brigade (Mount Vernon District)

ISSUE:

The Mount Vernon Estate Fire Brigade (MVFB) has requested from the Fairfax County Fire and Rescue Department (FRD) the donation of a surplus fire pumper. This donation will consist of a vehicle which has been identified for removal from the FRD fleet through either trade-in or auction.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors approve the donation of a surplus fire pumper to the Mount Vernon Estate Fire Brigade.

TIMING:

Board action is requested on December 3, 2007.

BACKGROUND:

Through the past 40 years the FRD has been able to nurture and cultivate a relationship of mutual assistance with the MVFB through the donation of equipment and various services. This brigade, comprised of 13 estate employees, is primarily responsible for fire and emergency medical services first response on the grounds of, and in the immediate area of, George Washington's Mount Vernon Estate & Gardens.

Most recently in 1998 the FRD coordinated, and the Board of Supervisors approved, the donation of a surplus fire pumper to the MVFB. Since that time this vehicle, a 1981 Duplex pumper, has reached the end of its usable service life and is in need of costly repairs which the brigade is unable to finance. Through an official request from Chief James C. Simms the MVFB is once again asking for the donation of a vehicle.

In an effort to continue this positive relationship the FRD has identified a candidate vehicle:

V-7051  
1994 EONE Protector  
VIN – 4ENRAAA85R1004227  
91,000 miles

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FISCAL IMPACT:

The subject vehicle has been scheduled for replacement and past practices have the county either trading the vehicle in on the replacement or sending it to auction; this would typically have a \$10,000 – \$15,000 impact.

ENCLOSED DOCUMENTS:

Attachment I: Request from Chief James Simms

STAFF:

Robert A. Stalzer, Deputy County Executive  
Chief Ronald L. Mastin, Fire and Rescue Department  
Assistant Chief Daryl L. Louder, Business Service Bureau  
Deputy Chief Andrew D. Snead, Support Services Division  
Captain II Brian P. Rooney, Apparatus Section

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## ADMINISTRATIVE – 2

### Extension of Review Periods for 2232 Review Applications (Braddock, Dranesville, Hunter Mill, Mason, Mount Vernon, Providence, Springfield and Sully Districts)

#### ISSUE:

Extension of the review periods for specific 2232 Review applications 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 periods for the following applications: application FSA-D97-41-1 to February 7, 2008; application FSA-M96-62-1 to February 15, 2008; applications FS-P07-54 and FS-S07-56 to February 24, 2008; applications FS-B07-55 and FS-V07-57 to February 25, 2008; application FS-H07-39 to March 1, 2008; application FSA-M98-13-1 to March 3, 2008; and applications 2232-S07-10, 2232-M07-12, 2232-MD07-14, 2232-Y07-16, and FS-V07-60 to June 2, 2008.

#### TIMING:

Board action is required on December 3, 2007, to extend the review periods of the applications noted above before their expirations.

#### 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 periods for applications 2232-S07-10, 2232-M07-12, 2232-MD07-14, 2232-Y07-16, and FS-V07-60, which were accepted for review by the Department of Planning and Zoning (DPZ) between June 11, 2007, and November 1, 2007. These applications are for public facilities, and thus are not subject

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to the State Code provision for extending the review periods by no more than sixty additional days.

The Board also should extend the review periods for applications FS-H07-39, FS-P07-54, FS-B07-55, FS-S07-56, FS-V07-57, FS-V07-60, FSA-D97-41-1, FSA-M96-62-1, and FSA-M98-13-1, accepted for review by DPZ between September 7, 2007, and October 5, 2007. These applications are for telecommunications facilities, and thus are subject to the State Code provision that the Board may extend the time required for the Planning Commission to act on these applications by no more than sixty additional days.

- |              |  |
|--------------|--|
| 2232-S07-10  | Dominion Virginia Power<br>New transformer addition to existing electric substation<br>13100 Moore Road<br>Springfield District  |
| 2232-M07-12  | Columbia Crossroads LP<br>East County Human Services Center (PPEA proposal)<br>5837 Columbia Pike<br>Mason District  |
| 2232-MD07-14 | Fairfax Water<br>Water line relocations related to widening of I-495 for HOT Lanes<br>I-495 between Braddock Road and Chain Bridge Road<br>Braddock, Mason, and Providence Districts |
| 2232-Y07-16  | Upper Occoquan Sewage Authority<br>Replacement of approximately 25,000 feet of sanitary sewer line<br>Cub Run Stream Valley Park<br>Sully District                                   |
| FS-H07-39    | Mobile Satellite Ventures<br>Rooftop antennas<br>1760 Reston Parkway<br>Hunter Mill District   |
| FS-P07-54    | Verizon Wireless<br>Antenna colocation on existing radio broadcasting tower<br>7330 Ronald Street<br>Providence District   |

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- FS-B07-55 Verizon Wireless  
Antenna colocation on existing tower  
7171 Wimsatt Road  
Braddock District
- FS-S07-56 Verizon Wireless  
Antenna colocation on existing transmission tower  
8900 Burke Road  
Springfield District
- FS-V07-57 T-Mobile Northeast LLC  
Antenna colocation on existing transmission tower  
8400 Durga Place  
Mount Vernon District
- FS-V07-60 Fairfax County Park Authority  
Four existing diamond athletic fields and support facilities  
5390 Pole Road (McNaughton Fields Park)  
Mount Vernon District
- FSA-D97-41-1 Sprint-Nextel  
Replace rooftop antennas and add new equipment cabinets  
1350 Beverly Road  
Dranesville District
- FSA-M96-62-1 Sprint-Nextel  
Replace rooftop antennas and add new equipment cabinet  
3800 Powell Lane  
Mason District
- FSA-M98-13-1 Sprint-Nextel  
Replace dish antenna on existing monopole  
3601 Firehouse Lane  
Mason District

FISCAL IMPACT:  
None

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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 - 3

Authorization to Advertise a Public Hearing to Obtain Input for the Department of Community and Recreation Services' Grant Application to the Commonwealth of Virginia for Three Replacement Vehicles

ISSUE:

To obtain public input regarding the Board's approval for the Department of Community and Recreation Services to submit a grant application in the amount of \$156,000 to the Commonwealth of Virginia. If the application is approved, funds will allow FASTRAN to purchase three wheelchair lift-equipped replacement vehicles. The public hearing is a requirement of the application process.

RECOMMENDATION:

The County Executive recommends that the Board authorize a public hearing to obtain input for the Department of Community and Recreation Services' Grant Application to the Commonwealth of Virginia. Award of the grant will allow FASTRAN to replace three high-mileage vehicles at a substantially reduced cost to the County.

TIMING:

Board action is requested on December 3, 2007, to provide sufficient time to advertise the proposed public hearing on January 7, 2008, at 4:30 p.m.

BACKGROUND:

The County has the opportunity to apply for FTA Section 5310 funds, through the Commonwealth of Virginia, to purchase three wheelchair lift-equipped vehicles that will replace high-mileage FASTRAN vehicles at a total estimated cost of \$156,000. Of this total, the county will receive \$124,800 in funding to cover 80 percent of the cost of the vehicles. The remaining 20 percent, or \$31,200, in required Local Cash Match will be absorbed within the budget for the Department of Community and Recreation Services. No additional county funding is required. These vehicles will be used to provide an estimated 19,291 annual rides for senior citizens and people with disabilities. Since 1994, the county has purchased 27 replacement vehicles through this grant program.

The current FASTRAN authorized bus fleet inventory totals 115 buses. The expected operating life for these vehicles is 8 to 10 years. Factoring this life cycle into replacement planning efforts, the FASTRAN Division anticipates the need to replace 11

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to 15 buses each year. The factors utilized to determine the need to replace buses include age, mileage, and historical maintenance records.

Funding for replacement of FASTRAN buses is contained within Fund 503, Department of Vehicle Services. FASTRAN (through the General Fund) contributes to Fund 503 on an annual basis to maintain the ability to purchase replacement buses as needed. The Federal Transportation Administration (FTA) Section 5310 grant from the Virginia Department of Rail and Public Transportation provides FASTRAN the opportunity to purchase three replacement buses (of the 11 to 15 needed each year) at a significantly reduced net cost to the County. The award of this grant will allow the FASTRAN replacement fund to save \$124,800. Previous year grant awards have resulted in similar savings to the County and have allowed FASTRAN to keep its annual contributions to the replacement fund at a manageable level.

FISCAL IMPACT:

If the application is approved, the FTA grant will provide 80 percent funding, or \$124,800, of the total purchase cost of \$156,000. The balance of 20 percent, or \$31,200, in required Local Cash Match will be absorbed within the budget for the Department of Community and Recreation Services. No additional county funding is required.

ENCLOSED DOCUMENTS:

Attachment 1 : FTA Section 5310 - General Program Information

Attachment 2: Advertisement of a Public Hearing and Review and Comment on the Proposed Use of Funds Received Under the Federal Transit Administration Section 5310 Grant Program

STAFF:

Verdia L. Haywood, Deputy County Executive

Patricia D. Franckewitz, Director, Department of Community and Recreation Services

Matthew A. Spruill, Director, FASTRAN, Department of Community and Recreation Services

Al-Hassan Koroma, Transportation Planner, FASTRAN, Department of Community and Recreation Services

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ADMINISTRATIVE - 4

Authorization to Advertise Public Hearings on a Proposed Zoning Ordinance  
Amendment Re: Affordable Dwelling Units - Amended Covenants Regarding Control  
Term

ISSUE:

The proposed Zoning Ordinance amendment will revise Sect. 2-812 of the Zoning Ordinance to allow for an extension of the period of time during which the owner of an existing individual for-sale Affordable Dwelling Unit (ADU) or an owner of a rental ADU with recorded ADU covenants setting forth a 50-year control term may record amended and restated ADU covenants to reduce the control term to 15 years for for-sale ADUs (with a 30-year renewable term if the ADU is resold within the 15-year term) or 20 years for rental ADUs, with a beginning date of March 31, 1998. These amended ADU covenants will otherwise incorporate the provisions used for ADUs sold or rented after February 28, 2006 to reflect current provisions of the ADU Program.

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 December 3, 2007, to provide sufficient time to advertise the proposed Planning Commission public hearing on January 24, 2008, and proposed Board of Supervisors' public hearing on February 25, 2008, at 4:00 p.m.

BACKGROUND:

The Affordable Dwelling Unit (ADU) Program was amended in March 1998 to change the term of price and other controls ("control term") for for-sale ADUs from 50 years to 15 years and from 50 years to 20 years for rental units, with a beginning date for the revised covenants of March 31, 1998, the effective date of that amendment. With that amendment, there was no time limit for homeowners with previously recorded covenants to record an amendment to the covenants setting forth the amended control term. On February 28, 2006, a subsequent amendment was adopted by the Board of Supervisors (Board) to increase the control term for for-sale ADUs from 15 years to 30 years, with a renewable term upon resale during the control term, and the control term for rental ADUs from 20 years to 30 years. This amendment included a provision that set forth that any ADU owner who had not recorded an amended covenant by the

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effective date (February 28, 2006) to take advantage of the 15- or 20-year control term, as calculated beginning on March 31, 1998, could henceforth only record an amended covenant to implement the 30-year control term.

Staff has conducted an evaluation of the existing ADUs that still have a 50-year control term and has discovered that 146 individual ADU owners and 3 rental developments did not record an amended covenant before the 2006 Zoning Ordinance amendment. Staff believes that, for a variety of reasons, a substantial number of these owners may not have understood the imminent need to record an amended covenant, may not have been provided the opportunity to record, and, in two cases, staff did not record the amended covenant in the land records. In the case of one entire for-sale development, the original covenants were improperly recorded by the initial declarant and approximately 30 individual ADU owners may not have been specifically notified that they had the opportunity to record an amended covenant regarding the control term.

Staff believes additional time should be afforded for these ADU owners to record amended ADU covenants that will allow the current owners to establish a 15-year term for for-sale ADUs, with a 30-year renewable term for any resale that occurs within the 15-year term for for-sale units, or to establish a 20-year term for rental developments, with a beginning date for the amended covenants of March 31, 1998. These amended ADU covenants will otherwise incorporate the provisions used for ADUs sold or rented after the February 28, 2006 date to reflect current provisions of the ADU Program, including that one half of the net sale proceed in excess of the control price will be paid upon the first sale after the end of the control price to the Fairfax County Housing Trust Fund. The proposed amendment grants that additional time through December 31, 2008.

A more detailed discussion of the proposed amendment is set forth in the attached Staff Report.

REGULATORY IMPACT:

The amendment will allow the owner of certain existing ADUs an extended period of time in which they can elect to record amended ADU covenants to reduce the term of price control from 50 years to 15 years for for-sale units, with a renewable 30-year term for units resold before the end of such 15 year period, or to 20 years for rental units, with a beginning date for the amended covenants of March 31, 1998.

FISCAL IMPACT:

None.

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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  
Donna Pesto, Senior Assistant to the Zoning Administrator, DPZ

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ADMINISTRATIVE - 5

Installation of “No Parking” Signs on the North Side of Leesburg Pike Service Road from Rio Drive to the Easternmost Entrance of the Lafayette Park Condominiums (Mason District)

ISSUE:

Board approval for the County installation of “No Parking” signs on the north side of Leesburg Pike Service Road from Rio Drive to the easternmost entrance of the Lafayette Park Condominiums.

RECOMMENDATION:

The County Executive recommends that the Board adopt the attached resolution (Attachment I) restricting parking on the above-referenced street. The County Executive further recommends that staff be directed to install these signs at the earliest possible date.

TIMING:

Routine.

BACKGROUND:

Mason District residents requested that “No Parking” signs be placed on the north side of Leesburg Pike Service Road, a state secondary road, from Rio Drive to the easternmost entrance of Lafayette Park Condominiums. Residents are concerned that, among other things, emergency vehicles access is hampered by the cars and trucks that are parked on the north side of the service road. Staff reviewed the roadway and determined that the parked vehicles along the service road do create a safety hazard for the motorists traveling along this road.

Section 82-5-37 of *The Code of the County of Fairfax, Virginia*, provides that the Board of Supervisors may designate, by resolution, areas for restricted parking upon any part of the secondary road system within the County if the Board finds that any of the following conditions exist:

1. That parking along any secondary road is damaging property/and or landscaping within the right-of-way limits; or

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2. That parking along local residential streets is so restricting the primary purpose of the road as to interfere with that purpose; or
3. That parking along any secondary road creates a safety hazard for pedestrians, cyclists, or motorists entering or exiting the roadway from driveways or for pedestrians, cyclists, or motorists traveling along that road; or
4. That statutory parking violations pursuant to Fairfax County Code section 82-5-1 occur with frequency in a particular location and compliance with section 82-5-1 will be facilitated by the installation of "No Parking" signs; or
5. That, in the case of any street which serves as a boundary between an area zoned for residential use and an area zoned for non-residential use on which parking is restricted on the residential side of the street pursuant to Fairfax County Code section 82-5-7, the prohibition of parking of commercial vehicles, as defined by section 82-5-7, on the side of that street which is zoned for a use other than residential would further the residential character of the abutting residential community, would facilitate the free and unrestricted vehicular travel along that street, and would promote the health, safety and general welfare of the abutting residential community.

In accordance with subsection (3) referenced above, staff believes that parking along the north side of Leesburg Pike Service Road from Rio Drive to the easternmost entrance of the Lafayette Park Condominiums is creating a safety hazard for motorists, and parking should be prohibited 24 hours a day.

FISCAL IMPACT:

The cost of installing the signs is estimated at \$350 to be paid out of Department of Transportation funds.

ENCLOSED DOCUMENTS:

Attachment I: Proposed Restricted Parking Resolution

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  
Tad Borkowski, FCDOT  
Hamid Majdi, FCDOT

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ADMINISTRATIVE – 6

Streets into the Secondary System (Hunter Mill, Mason, and Springfield 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>
Crippen's Corner, Section 3	Hunter Mill	Hunter Gate Way (Route 10450)
		Murray Downs Way
		Grovehampton Court
		Welbury Court
		Leesburg Pike (Route 7) (Additional Right-of-Way (ROW) only)
Ridges at Edsall	Mason	Edsall Road (Route 648) (Additional ROW only)
Lee Chapel Ridge	Springfield	Lee Chapel Road (Route 643) (Additional ROW only)

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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 - 7

Supplemental Appropriation Resolution AS 08080 for Various Fairfax Agencies to Accept Department of Homeland Security Urban Area Security Initiative Sub-Grant Awards from the District of Columbia Office of the Deputy Mayor for Public Safety and Justice Through the State Administrative Agency for the National Capital Region

ISSUE:

Board approval of Supplemental Appropriation Resolution AS 08080 for various Fairfax Agencies to accept grant funding in the amount of \$10,554,969 from the Department of Homeland Security (DHS) for funding for the FY 2007 Urban Area Security Initiative (UASI) Sub-Grant Awards from the State Administrative Agency (SAA). These funds are made available by DHS through the District of Columbia which is serving as the SAA. DHS provides financial assistance to address the unique planning, training, equipment, and exercise needs of high-threat, high-density urban areas to assist them in building an enhanced and sustainable capacity to prevent, respond to, and recover from acts of terrorism. No Local Cash Match or in-kind match is required. The grant periods for the FY 2007 sub-grant awards are retroactive from July 1, 2007 through June 30, 2009.

RECOMMENDATION:

The County Executive recommends that the Board approve Supplemental Appropriation Resolution AS 08080 in the amount of \$10,554,969. These funds will be used by various County agencies to enhance security and overall preparedness by implementing the projects summarized in Attachment 1. All projects will be implemented in accordance with the program guidance documents. No Local Cash or in kind match is required.

TIMING:

Board approval is requested on December 3, 2007, as funding is available immediately.

BACKGROUND:

The Urban Area Security Initiative (UASI) provides Homeland Security Grant program (HSGP) funds from the Department of Homeland Security (DHS) as financial assistance to high risk urban areas, as defined in legislation, in order to address the unique planning, equipment, training, and exercise needs of those areas. These funds can also be used to build or sustain an enhanced capacity to prevent, respond to, and recover from acts of terrorism. These funds, however, may not be used to supplant ongoing, routine public safety activities, the hiring of staff for operational activities, or the construction and/or renovation of facilities. Fairfax County is one of 12 jurisdictions that currently comprise the National Capital Region (NCR) as defined in the HSGP guidelines.

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The UASI funding allocations are determined by a formula based on credible threat, presence of critical infrastructure, vulnerability, population and other relevant criteria. Grant awards are made to the identified urban area authorities through State Administrative Agencies (SAA). The NCR process for allocation of the UASI funds included the development of concept papers that were vetted and endorsed by the Metropolitan Washington Council of Governments (MWCOG) Regional Emergency Support Function (RESF) committees, review of proposals by the Chief Administrative Officers (CAO) committee, preparation and submission of project proposals and application documents by the RESF's, prioritization of proposals by the CAO's and ultimately the development of funding recommendations by the CAO's. The Senior Policy Group (SPG) then renewed and recommended proposals and forwarded selected proposals to the SAA for awards.

Funded projects are typically regional in nature with benefits to multiple jurisdictions. In order to effectively implement these projects, a single jurisdiction is being identified to act as a recipient of a sub-grant award to handle all of the financial management, audit, procurement and payment provision of the sub-grant award and grant program. Several Fairfax County agencies including the Office of Emergency Management, Office of Public Affairs, Police Department, Department of Information Technology and Fire and Rescue Department are expected to act as sub-grantees for these funds. A listing of all the sub-grant awards being requested for acceptance is attached along with a project synopsis. Individual awards are also attached to support requested acceptance.

FISCAL IMPACT:

Grant funding in the amount of \$10,554,969 is available in the DHS UASI grant funds through the District of Columbia. These funds will be used to enhance capabilities in emergency management, police, fire service, and interoperable communications. This action does not increase the expenditure level in Fund 102, Federal/State Grant Fund, as funds are held in reserve for unanticipated grant awards in FY 2008. Indirect costs are only recoverable for those awards where positions have been created.

CREATION OF NEW POSITIONS:

Approval of this grant will provide for the continuation of the NIMS Compliance Officer and the Training & Exercise Officer grant positions. The County has no obligation to continue funding these positions when the grant period ends.

ENCLOSED DOCUMENTS:

Attachment 1 – Grant Award Summary

Attachment 2 – Excerpt, Grant Award Documents

Attachment 3 – Supplemental Appropriation Resolution AS 08080

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STAFF:

Robert A. Stalzer, Deputy County Executive

Roy Shrout, Acting Coordinator, Office of Emergency Management

Ronald Mastin, Chief, Fire and Rescue Department

David Rohrer, Chief, Police Department

Wanda M. Gibson, Director, Department of Information Technology

Merni Fitzgerald, Director, Office of Public Affairs

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ADMINISTRATIVE – 8

Supplemental Appropriation Resolution AS 08077 for the Health Department to Accept Grant Funding from the United States Department of Agriculture Through the Virginia Department of Health for the Women, Infants, and Children Grant

ISSUE:

Board approval of Supplemental Appropriation Resolution AS 08077 for the Health Department to accept a grant in the amount of \$174,231 from the United States Department of Agriculture through the Virginia Department of Health for funding to continue services under the Women, Infants, and Children (WIC) Grant for Fiscal Year 2008. This amount is in addition to funding of \$1,487,990 approved by the Board of Supervisors on October 15, 2007 under AS 08050. Each year the State uses a formula to distribute Federal dollars. The formula is based on average WIC participation and Maternity participation over the last 12 months. The increase will allow the Health Department to continue funding positions created during the year as a result of 13 percent participation growth during FY 2007 in addition to related travel, training and supplies. Participant growth is attributed to the general increase in the population and a rise in the number of maternity clients. The grant will allow the Health Department to continue to certify eligible families for WIC food packages provide counseling to at-risk and high risk families and continue lactation promotion activities.

RECOMMENDATION:

The County Executive recommends that the Board approve Supplemental Appropriation Resolution AS 08077 for the Health Department to accept funding from the United States Department of Agriculture through the Virginia Department of Health in the amount of \$174,231 for the WIC Grant.

TIMING:

Board action is requested on December 3, 2007, as funds were available October 1, 2007.

BACKGROUND:

WIC is a federally-funded nutrition program for pregnant and post partum women, infants, and children up to age 5. Participants must meet medical and financial criteria. If eligible, they receive nutrition counseling and vouchers for specific foods (e.g., milk, juice, and cheese). Participants are certified every six months and receive vouchers every three months. The Health Department has been providing WIC service for over 20 years. WIC has over 14,500 active participants.

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FISCAL IMPACT:

The Health Department will receive a total of \$1,662,221 of which \$1,487,990 was approved by the Board of Supervisors on October 15, 2007, under AS 08050. No Local Cash Match is required. Acceptance of this grant does not increase the appropriation level of Fund 102, Federal/State Grant Fund, as funds are held in reserve for anticipated grant awards in FY 2008. Indirect cost recovery is not available under this grant.

CREATION OF NEW POSITIONS:

In FY 2008, funding is sufficient to continue to support a total 22/22.0 SYE existing grant positions. Funding will also support necessary limited-term staff, as well as related travel and educational supplies. The County has no obligation to continue funding these positions if grant funding is discontinued.

ENCLOSED DOCUMENTS:

Attachment 1: Supplemental Appropriation Resolution AS 08077

Attachment 2: Award letter from State Health Department

Attachment 3: Spread sheet from State Health Department indicating award amount

STAFF:

Verdia L. Haywood, Deputy County Executive

Gloria Addo-Ayensu, MD, MPH, Director of Health

Esther Walker, MCH Coordinator, Health Department

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ADMINISTRATIVE - 9

Authorization to Advertise a Public Hearing to Expand the Hillside Community Parking District (Springfield District)

ISSUE:

Board authorization to advertise a public hearing to consider a proposed amendment to Appendix M of *The Code of the County of Fairfax, Virginia* (Fairfax County Code) to expand the Hillside Community Parking District (CPD).

RECOMMENDATION:

The County Executive recommends that the Board authorize advertisement of a public hearing for January 7, 2008, at 4:30 p.m. (Attachment III) to consider adoption of a Fairfax County Code amendment (Attachment I) to expand the Hillside CPD in accordance with current CPD restrictions.

TIMING:

The Board should take action on December 3, 2007, to provide sufficient time for advertisement of the public hearing on January 7, 2008, at 4:30 p.m.

BACKGROUND:

Fairfax County Code Section 82-5B-2 authorizes the Board to expand 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 expand a CPD if: (1) the Board receives a petition requesting

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such an expansion and such petition contains the names and signatures of 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 Hillside CPD expansion is proposed to be in effect seven days per week, 24 hours per day.

FISCAL IMPACT:

The cost of sign installation is estimated at \$700 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 Hillside CPD Expansion  
Attachment III: Notice of Public Hearing

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  
Tad Borkowski, FCDOT  
Maria Turner, FCDOT

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ADMINISTRATIVE - 10

Authorization to Advertise a Public Hearing to Establish the Runnymede Community Parking District (Lee District)

ISSUE:

Board authorization to advertise a 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 Runnymede Community Parking District (CPD).

RECOMMENDATION:

The County Executive recommends that the Board authorize advertisement of a public hearing for January 7, 2008, at 4:00 p.m. (Attachment III) to consider adoption of a Fairfax County Code amendment (Attachment I) to establish the Runnymede CPD in accordance with current CPD restrictions.

TIMING:

The Board should take action on December 3, 2007, to provide sufficient time for advertisement of the public hearing on January 7, 2008, at 4:00 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

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such an establishment and such petition contains the names and signatures of 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 Runnymede 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 \$1000 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 Runnymede CPD Establishment  
Attachment III: Notice of Public Hearing

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  
Tad Borkowski, FCDOT  
Maria Turner, FCDOT

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ADMINISTRATIVE - 11

Authorization to Advertise a Public Hearing to Consider Adopting an Ordinance Expanding the Oakton Residential Permit Parking District, District 19 (Providence District)

ISSUE:

Board authorization to advertise a public hearing for Monday, January 7, 2008, at 4:00 p.m., to consider a proposed amendment to Appendix G, of *the Code of the County of Fairfax, Virginia*, to expand the Oakton Residential Permit Parking District (RPPD), District 19.

RECOMMENDATION:

The County Executive recommends that the Board authorize advertisement of a public hearing for Monday, January 7, 2008, at 4:00 p.m., to consider adopting an amendment (Attachment I) to Appendix G, of *The Code of the County of Fairfax, Virginia*, to expand the Oakton RPPD, District 19.

TIMING:

The Board should take action on December 3, 2007, to advertise a public hearing for January 7, 2008, at 4:00 p.m.

BACKGROUND:

Section 82-5A-4(a) of *The Code of the County of Fairfax, Virginia*, authorizes the Board to establish RPPD restrictions encompassing an area within 2,000 feet walking distance from the pedestrian entrances of a high school if: (1) the Board receives a petition requesting the establishment or expansion of such a District, (2) such petition contains signatures representing at least 60 percent of the eligible addresses of the proposed District and representing more than 50 percent of the eligible addresses on each block face of the proposed District, and (3) the Board determines that 75 percent of the land abutting each block within the proposed District is developed residential. In addition, an application fee of \$10 per address is required for the establishment or expansion of an RPPD. In the case of an amendment expanding an existing District, the foregoing provisions apply only to the area to be added to the existing District.

Petitions requesting expansion of the RPPD were received on September 14, 2007, and September 24, 2007. The proposed District expansion includes the following street

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block: Tipperary Pass (Route 5161) from Blake Lane (Route 655) to the end.

The signatures on the petitions represent more than 60 percent of the eligible addresses of the proposed District expansion and represent more than 50 percent of the eligible addresses on each block face of the proposed District expansion, thereby satisfying Code petition requirements. More than 75 percent of the land abutting each block of the proposed District expansion is developed residential, thereby satisfying Code land use requirements. The required application fees were submitted on September 14, 2007, and September 24, 2007, thereby satisfying Code fee requirements.

Therefore, it is recommended that the Board authorize the proposed advertisement (Attachment III) of a public hearing to consider expanding the Oakton RPPD.

FISCAL IMPACT:

The cost of printing notices and letters, decals, and installing the RPPD signs is approximately \$800. These funds are currently available in the Department of Transportation's budget.

ENCLOSED DOCUMENTS:

Attachment I: Proposed Amendment to *the Code of the County of Fairfax, Virginia*  
Attachment II: Map Depicting Proposed Limits of RPPD Expansion  
Attachment III: Notice of Public Hearing

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  
Tad Borkowski, FCDOT  
Hamid Majdi, FCDOT

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ADMINISTRATIVE - 12

Authorization to Advertise a Public Hearing to Consider Adopting an Ordinance Expanding the Chantilly Residential Permit Parking District, District 29 (Springfield District)

ISSUE:

Board authorization to advertise a public hearing for Monday, January 7, 2008, at 4:00 p.m., to consider a proposed amendment to Appendix G, of *the Code of the County of Fairfax, Virginia*, to expand the Chantilly Residential Permit Parking District (RPPD), District 29.

RECOMMENDATION:

The County Executive recommends that the Board authorize advertisement of a public hearing for Monday, January 7, 2008, at 4:00 p.m., to consider adopting an amendment (Attachment I) to Appendix G, of *The Code of the County of Fairfax, Virginia*, to expand the Chantilly RPPD, District 29.

TIMING:

The Board should take action on December 3, 2007, to advertise a public hearing for January 7, 2008, at 4:00 p.m.

BACKGROUND:

Section 82-5A-4(b) of *The Code of the County of Fairfax, Virginia*, authorizes the Board to establish an RPPD in any residential area of the County if: (1) the Board receives a petition requesting establishment or expansion of an RPPD that contains signatures representing at least 60 percent of the eligible addresses of the proposed District and representing more than 50 percent of the eligible addresses on each block face of the proposed District, (2) the proposed District contains a minimum of 100 contiguous on-street parking spaces, unless the subject area is to be added to an existing district, (3) 75 percent of the land abutting each block within the proposed District is developed residential, and (4) 75 percent of the total number of on-street parking spaces of the petitioning blocks are occupied, and at least 50 percent of those occupied spaces are occupied by nonresidents of the petitioning blocks, as authenticated by a peak-demand survey. In addition, an application fee of \$10 per address is required for the establishment or expansion of an RPPD. In the case of an amendment expanding an existing District, the foregoing provisions apply only to the area to be added to the existing District.

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A petition requesting expansion of the RPPD was received on September 28, 2007. The proposed District expansion includes the following street block: Plaza Lane (Route 5412) from Poplar Tree Road (Route 4831) to Point Hollow Lane (Route 5413).

The signatures on the petition represent more than 60 percent of the eligible addresses of the proposed District expansion and represent more than 50 percent of the eligible addresses on each block face of the proposed District expansion, thereby satisfying Code petition requirements. More than 75 percent of the land abutting each block of the proposed District expansion is developed residential, thereby satisfying Code land use requirements. The required application fees were submitted on September 24, 2007 thereby satisfying Code fee requirements.

On September 20, 2007, staff conducted a peak parking demand survey for Plaza Lane. This survey verified that more than 75 percent of the total number of on-street parking spaces of the petitioning block were occupied by parked vehicles, and more than 50 percent of those occupied spaces were occupied by nonresidents of the petitioning block, thereby satisfying Code parking requirements.

Therefore, it is recommended that the Board authorize the proposed advertisement (Attachment III) of a public hearing to consider expanding the Chantilly RPPD.

FISCAL IMPACT:

The cost of printing notices and letters, decals, and installing the RPPD signs is approximately \$900. These funds are currently available in the Department of Transportation's budget.

ENCLOSED DOCUMENTS:

Attachment I: Proposed Amendment to *the Code of the County of Fairfax, Virginia*  
Attachment II: Map Depicting Proposed Limits of RPPD Expansion  
Attachment III: Notice of Public Hearing

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  
Tad Borkowski, FCDOT  
Hamid Majdi, FCDOT

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ADMINISTRATIVE - 13

Authorization to Advertise a Public Hearing to Consider Adopting an Ordinance Expanding the Annandale Residential Permit Parking District, District 14 (Braddock District)

ISSUE:

Board authorization to advertise a public hearing for Monday, January 7, 2008, at 4:00 p.m., to consider a proposed amendment to Appendix G, of *the Code of the County of Fairfax, Virginia*, to expand the Annandale Residential Permit Parking District (RPPD), District 14.

RECOMMENDATION:

The County Executive recommends that the Board authorize advertisement of a public hearing for Monday, January 7, 2008, at 4:00 p.m., to consider adopting an amendment (Attachment I) to Appendix G, of *The Code of the County of Fairfax, Virginia*, to expand the Annandale RPPD, District 14.

TIMING:

The Board should take action on December 3, 2007, to advertise a public hearing for January 7, 2008, at 4:00 p.m.

BACKGROUND:

Section 82-5A-4(a) of *The Code of the County of Fairfax, Virginia*, authorizes the Board to establish RPPD restrictions encompassing an area within 2,000 feet walking distance from the pedestrian entrances of a high school if: (1) the Board receives a petition requesting the establishment or expansion of such a District, (2) such petition contains signatures representing at least 60 percent of the eligible addresses of the proposed District and representing more than 50 percent of the eligible addresses on each block face of the proposed District, and (3) the Board determines that 75 percent of the land abutting each block within the proposed District is developed residential. In addition, an application fee of \$10 per address is required for the establishment or expansion of an RPPD. In the case of an amendment expanding an existing District, the foregoing provisions apply only to the area to be added to the existing District.

Petitions requesting expansion of the RPPD were received on September 13, 2007, and September 27, 2007. The proposed District expansion includes the following street

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blocks: Heritage Drive (Route 2630) from Killebrew Drive (Route 2797) to Erie Street (Route 2629) and Maris Court (Route 3623) from Heritage Drive to the end.

The signatures on the petitions represent more than 60 percent of the eligible addresses of the proposed District expansion and represent more than 50 percent of the eligible addresses on each block face of the proposed District expansion, thereby satisfying Code petition requirements. More than 75 percent of the land abutting each block of the proposed District expansion is developed residential, thereby satisfying Code land use requirements. The required application fees were submitted on October 3, 2007, thereby satisfying Code fee requirements.

Therefore, it is recommended that the Board authorize the proposed advertisement (Attachment III) of a public hearing to consider expanding the Annandale RPPD.

FISCAL IMPACT:

The cost of printing notices and letters, decals, and installing the RPPD signs is approximately \$1300. These funds are currently available in the Department of Transportation's budget.

ENCLOSED DOCUMENTS:

Attachment I: Proposed Amendment to *the Code of the County of Fairfax, Virginia*  
Attachment II: Map Depicting Proposed Limits of RPPD Expansion  
Attachment III: Notice of Public Hearing

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  
Tad Borkowski, FCDOT  
Hamid Majdi, FCDOT

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ACTION – 1

Sale of General Obligation Public Improvement Bonds, Series 2008 A

ISSUE:

Board approval of a resolution (Attachment I) to authorize the sale of General Obligation Public Improvement Bonds on or about January 15, 2008.

RECOMMENDATION:

The County Executive recommends approval of the sale of General Obligation Public Improvement Bonds in the amount which will generate \$250.0 million to fund construction of capital facilities and infrastructure as previously approved by the Board.

The Board should take the following action:

Approve the resolution authorizing the issuance of the General Obligation Bonds, which also authorizes the execution and delivery of a Continuing Disclosure Agreement. This resolution delegates to the County Executive and Deputy County Executive /Chief Financial Officer authority to award the bonds to the lowest responsive bidder. Bond Counsel has advised that this form of authorization is acceptable and consistent with previous bond sales. This resolution also approves the form of the notice of sale and the Official Statement, and authorizes the Chairman to sign the Official Statement.

TIMING:

Board action is requested on December 3, 2007.

BACKGROUND:

Staff is presenting the Board with the necessary documents to proceed with the new money bond sale. The sale is expected to occur on or about January 15, 2008, in accordance with the schedule of events (Attachment 2). It should be noted that the actual date of the sale will be determined by market conditions.

A winter sale is proposed to meet capital project funding requirements. Although interest rates have been volatile since the third quarter of 2007, driven in part by fall out in the sub-prime mortgage market, in the past, January has proven to be a good time to sell bonds. Historically, the supply of municipal bonds sold in January is low relative to

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other months of the year. When supply is low, interest rates are typically driven lower as well. Therefore, a January bond sale is being planned.

The General Obligation Bond sale of \$250.0 million includes an amount of \$144.28 million for school facilities and \$105.72 million for general County projects including: \$53.6 million for County and regional park projects, \$41.47 million for transportation projects, \$4.65 million for public safety projects, \$3.0 million for library facilities projects, and \$3.0 million for public safety capital renewal. Staff has structured the size of this sale to the level necessary that will support the capital construction program over the next 12 to 18 months, without altering any of the schedules of the projects previously approved by the Board of Supervisors. The Schedule of Bond Purposes is attached as Attachment 3. The School Board resolution requesting the sale of bonds on behalf of the School system is included as Attachment 4. As the Board will recall, the sale of school bonds was previously authorized in the amount of \$144.28 million due to the impact of the advance sale of school bonds for the construction of the South County High School in 2003. When viewed in conjunction with the impact of the South County High School bonds, the total bonds allocated to the Schools for this fiscal year equals \$155.0 million. This is the last year of the adjustment for South County High School.

This sale of \$250.00 million is within the adjusted total maximum sales in the revised Ten Principles of Sound Financial Management. The FY 2008 Adopted Budget Plan states that the annual sale of bonds will be \$275 million or \$1.375 billion over a five-year period, with a technical limit not to exceed \$300 million in a single year. Including the impact of the South County High School adjustment noted previously, the total impact of the combined sales is \$260.72 million. Consistent with previous bond sales, the County's Resolution (Attachment I) includes a provision which would permit the County Executive and Deputy County Executive/Chief Financial Officer to award the bonds to the best responsive bidder within the guidelines established by the Board. In addition, staff will use the electronic bidding system to receive bids and participate in providing on-line public access to the Notice of Sale (Attachment 5), and Preliminary Official Statement (Attachment 6). The sale will again utilize the book-entry-only system for the handling of principal and interest payments.

It should be noted that Attachments 2 through 6 may be subject to minor changes to satisfy final legal review. Any material changes will be noted and forwarded to the Board of Supervisors for approval on January 7, 2008.

FISCAL IMPACT:

Assuming market conditions as of December 2007, the FY 2008 impact for the Bond Sale is zero dollars as the first interest and principal payments will begin in FY 2009.

The estimated debt service cost for the sale is \$10.1 million for County and \$13.9 million for Schools and will be included in the FY 2009 Advertised Budget Plan.

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The County has held a Aaa rating from Moody's since 1975, a AAA rating from Standard and Poor's since 1978 and a AAA rating from Fitch Ratings in 1997. As of October 25, 2007, seven states, 22 counties, and 23 cities have a Triple-A bond rating from the three major rating agencies. As a result of the County's excellent Triple-A bond rating altogether, the County has saved over \$346.31 million from County bond and refunding sales.

The County's last bond sale in the amount of \$234.6 million occurred on January 18, 2007. Fairfax County sold General Obligation bonds to Merrill Lynch & Company at the interest rate of 4.115 percent. This interest rate was the fifth lowest interest rate achieved by Fairfax County since the first Aaa was awarded by Moody's Investors Service in 1975 and was approximately 9 basis points lower than the Bond Buyer's 20-Bond Index. The combination of positive market conditions and the continued strength of the County's financial management resulted in such a low interest rate. The reception of Fairfax County bonds in the market continues to compare favorably both nationally and locally.

The attached Proposed Bond Sale Schedule (Attachment 2) indicates a sale date the week of January 14, 2008, although this is subject to market conditions. The closing date is scheduled for the week of January 28, 2008.

ENCLOSED DOCUMENTS:

- Attachment 1: 2007A County Public Improvement Bond Resolution
- Attachment 2: Bond Sale Schedule of Events
- Attachment 3: Schedule of Bond Purposes
- Attachment 4: School Board Resolution Requesting Sale of Bonds (School Board Approval Set for November 29, 2007)
- Attachment 5: Notice of Sale
- Attachment 6: Draft of the Preliminary Official Statement (Separate from package for Board Members) (Available for review in the Office of the Clerk to the Board)

STAFF:

Edward L. Long, Jr., Deputy County Executive  
Robert L. Mears, Director, Department of Finance  
Leonard P. Wales, County Debt Manager

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ACTION – 2

Approval to Revise the Affordable Housing Partnership Program Guidelines to Incorporate a Policy Supporting Universal and Accessible Design and Construction of Affordable Housing for Persons with Disabilities

ISSUE:

Approval by the Fairfax County Board of Supervisors (the Board) to revise the guidelines of the Affordable Housing Partnership Program (AHPP) to incorporate a policy supporting universal and accessible design in all new construction projects and, wherever feasible, in rehabilitation projects.

RECOMMENDATION:

The County Executive recommends that the Board approve revising the AHPP guidelines to incorporate policy supporting universal and accessible design in all new construction projects and, wherever feasible, in rehabilitation projects.

TIMING:

Approval by the Board is requested on December 3, 2007.

BACKGROUND:

The AHPP was established in 2001 to facilitate public/private partnerships and provide a resource for nonprofit developers and other organizations actively engaged in the development of affordable homeownership and rental housing units. On March 8, 2007, the Fairfax County Redevelopment and Housing Authority (FCRHA) adopted a policy supporting the universal and accessible design of affordable housing for persons with disabilities. The resolution adopted at that time recommended that the Board amend the AHPP in support of the policy. The AHPP provides funding from The Penny for Affordable Housing Fund (One Penny), Home Investment Partnerships Program (HOME), the Fairfax County Housing Trust Fund, and Community Development Block Grant (CDBG) program for the preservation and development of affordable housing by non-profit and for-profit developers.

Board approval is requested to amend the AHPP as follows:

1. Require applicants for funding through the AHPP to meet the accessibility guidelines of Section 504 of the Rehabilitation Act for new construction and,

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wherever feasible, for substantial rehabilitation.

2. Provide certifications from a licensed professional that (1) the accessibility guidelines are met in the plans; and (2) that the accessibility guidelines have been carried out after construction is complete.
3. Award bonus points of between 5 – 10 points in its Threshold Analysis to applicants who provide accessibility using the concept of universal design principles exceeding those that are required in the accessibility guidelines.

FISCAL IMPACT:

None

ENCLOSED DOCUMENTS:

Attachment 1: Brief Summary of Section 504 of the Rehabilitation Act

STAFF:

Verdia L. Haywood, Deputy County Executive

Paula C. Sampson, Director, Department of Housing & Community Development, HCD

John Payne, Acting Deputy Director, Real Estate and Development, HCD

Aseem K. Nigam, Director, Real Estate Finance & Grants Management Division, HCD

Louise Milder, Associate Director, REFGM Division, HCD

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ACTION - 3

Approval of Amendment to Service Agreement Among Fairfax County, the Fairfax County Solid Waste Authority, and Covanta Fairfax, Inc. Relating to the Generation and Sale of Electricity in Excess of 80 MW (Mount Vernon District)

ISSUE:

Fairfax County Board of Supervisors and Solid Waste Authority (SWA) must consent to any amendments of the Power Purchase and Operating Agreement (PPOA) between Covanta Fairfax, Inc. (Covanta) and Dominion Virginia Power. The Service Agreement Amendment sets forth the conditions precedent to that consent and other necessary changes to the Service Agreement.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors approve the Amendment to the Service Agreement relating to the generation and sale of electricity in excess of 80 megawatt (MW).

TIMING:

Immediate. The Service Agreement Amendment must be approved by the Fairfax County Board of Supervisors and Solid Waste Authority as one of several approvals Covanta must obtain before the amendments to the PPOA become effective. At 3:00 p.m., on December 3, 2007, the Solid Waste Authority will meet to consider this item.

BACKGROUND:

Covanta Fairfax, Inc. (Covanta) (formerly known as Ogden Martin Systems of Fairfax, Inc.) and Virginia Electric and Power Company d/b/a Dominion Virginia Power (Dominion Virginia Power) are parties to the Power Purchase and Operating Agreement dated June 30, 1987, as amended in the 1996 and 2002 PPOA. Pursuant to the PPOA, Dominion Virginia Power purchases dependable electric generating capacity and energy produced by the Energy/Resource Recovery Facility (Facility). Fairfax County and the Fairfax County Solid Waste Authority (together, the County) are express third-party beneficiaries under the PPOA. An Amendment to the PPOA has been negotiated between Covanta and Dominion Virginia Power to allow Covanta to exceed the 80 megawatt (MW) generating limit originally imposed on the Facility. Under the Service Agreement, Covanta cannot amend the PPOA without the written consent of the County.

When the Facility was constructed in the late 1980's, the original PPOA required that the Facility be a Qualifying Facility (QF) under Federal Energy Regulatory Commission (FERC) standards, which limited the output of the Facility to 80 MW.

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Changes in the market for energy sales, a recent relaxation in the relevant FERC standards and regional concerns regarding the availability of sufficient power have combined to leave Covanta with no real advantage in maintaining QF status. Following technical and legal reviews of the matter, Covanta proposes to surrender QF status and generate electricity in excess of 80 MW, and has negotiated an amendment and restatement of its PPOA with Dominion Virginia Power to do the same (the Second Amendment).

Significant provisions of the Service Agreement Amendment include:

- The County's consent to the generation and sale of electricity in excess of 80 MW is subject to the terms and conditions of the Service Agreement Amendment, discussed in more detail below.
- The County will receive 50% of the energy revenues for energy over 80 MW.
- The sale of electricity over 80 MW will not result in an increase to the County in the annual operating and maintenance costs or approved pass-through costs for the Facility.

Significant provisions in the Second Amendment to the PPOA consist of the following:

- Covanta will be authorized to generate in excess of 80 MW and eventually up to 98 MW of electricity, most of which will be sold to Dominion Virginia Power.
- Fairfax County will receive 90% of the energy revenues up to 80 MW (as currently provided in the Service Agreement), and 50% of the revenues for energy over 80 MW. The additional share to Covanta reflects the additional costs incurred by the operator to run the facility as efficiently as possible, and provides an incentive to keep the plant operating at maximum capacity.

Once the Service Agreement Amendment is approved, the following conditions precedent must occur before the Facility can begin operating over 80 MW:

- Covanta must file formal notice with the FERC that it intends to generate more than 80 MW at the Facility and obtain FERC acceptance of the revised PPOA.
- Covanta must receive an operating certificate from the Virginia State Corporation Commission (SCC) in a form satisfactory to Covanta and the County.
- Covanta must furnish a certificate to the County certifying, among other things, that its operation of the Facility as a non-QF will not have a material adverse effect on the remaining service life of the Facility.

It is important to note that the responses from the FERC and SCC may cause the County and/or Covanta to reconsider and/or abandon plans to generate more than 80 MW.

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Benefits that accrue to the County from approval of the Service Agreement Amendment consenting to the Second Amendment include the following:

- Additional energy revenues will help keep the tipping fee low for businesses and residents.
- The Facility will more efficiently recover energy from the waste which the County delivers. Currently the Facility must bleed off some of the steam generated, in order to remain under the 80 MW cap. Being relieved of this constraint will ordinarily allow all of the steam to be used, generating additional electricity.
- It is widely acknowledged that power demands in Northern Virginia are straining the existing electric grid. The distributed generation represented by 80+ MW in Fairfax County will yield some reliability benefits for the County.

In summary, this Service Agreement Amendment allows Covanta to continue working toward relinquishing its QF status and to file applications with the FERC and SCC. Unless all the conditions precedent are met, the County and Covanta can still choose to produce 80 MW or less and remain a Qualifying Facility.

FISCAL IMPACT:

The revenue generated from the sale of electricity in excess of 80 MW will vary, depending upon how much electricity is generated above 80 MW and the price paid (sales over 80 MW are subject to real-time pricing). An estimate of the revenue that could be generated is \$500,000 per year split equally between the County and Covanta. Covanta will apply the revenues as County credits, to reduce the actual tip fee paid at the Facility.

ENCLOSED DOCUMENTS:

Attachment I: Agreement Among the County of Fairfax, Virginia, the Fairfax County Solid Waste Authority, and Covanta Fairfax, Inc. to Amend the Service Agreement Relating to the Generation and Sale of Electricity in Excess of 80 MW

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  
Joyce M. Doughty, Director, Division of Solid Waste Disposal and Resource Recovery, DPWES

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ACTION - 4

Approval of a Resolution for the Implementation of the Comprehensive Community Corrections Act, the Pretrial Services Act and the Fairfax Community Criminal Justice Board

ISSUE:

Board approval of a resolution using current state codes to establish the Fairfax Community Criminal Justice Board and the services required by the Comprehensive Community Corrections Act and the Pretrial Services Act.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors approve the resolution and authorize the County Attorney to transmit the resolution to the City of Fairfax for its approval.

TIMING:

Board action is requested on December 3, 2007.

BACKGROUND:

The Fairfax Community Criminal Justice Board is a multi jurisdictional organization established by Fairfax County and the City of Fairfax from the authorization found in 1995 state legislation which also created and continues to partially fund comprehensive community corrections and pretrial services efforts in Fairfax.

The organizational authority for Community Criminal Justice Board was last renewed in the year 2000. Since that time state codes creating the Board have changed. The State Department of Criminal Justice Services, which is charged with providing the state funding for community corrections and pretrial services, has requested that the Fairfax community corrections, pretrial services and Community Criminal Justice Board authorization be updated to reflect the current state codes.

The role and responsibilities of the Fairfax Community Criminal Justice Board of its members have not changed under this new implementation resolution.

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FISCAL IMPACT:  
None

ENCLOSED:  
Attachment 1: Resolution for the Implementation of the Comprehensive Community Corrections Act for Local Responsible Offenders, the Pretrial Services Act and the Fairfax Community Criminal Justice Board

STAFF:  
Robert A. Stalzer, Deputy County Executive  
Colonel David M. Rohrer, Chief of Police  
Nancy Lake, Clerk of Court, General District Court  
Robert M. Ross, Assistant County Attorney

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ACTION – 5

Approval of Letter with Fairfax County's Commitments to the Virginia Air Quality State Implementation Plan (SIP) for Fine Particulate Matter (PM 2.5)

ISSUE:

Board approval of a letter to Virginia Department of Environmental Quality (see Attachment I) indicating Fairfax County's commitment to the implementation of various voluntary control measures for inclusion into the Virginia portion of the Washington metropolitan region's SIP.

RECOMMENDATION:

The County Executive recommends that the Board approve the attached letter indicating Fairfax County's commitment to implement the following voluntary control measures for inclusion in the Virginia portion of the Washington metropolitan region's SIP:

- Purchase of 5.8 million kWh of wind energy annually, April 2005 – March 2008
- Purchase of 7.25 million kWh of wind energy, April 2008 – March 2009
- Purchase of 11.6 million kWh of wind energy, April 2009 – March 2010
- Use ultra-low sulfur fuel for all off-road and stationary diesel applications, 2007
- Lighting upgrades in county buildings, 9,501,223 kWh energy savings, Completed 2005-2006
- Tree Canopy Requirements and Tree Planting Initiatives, numerous projects, 2006 – 2012
- Green Building Initiatives, numerous projects, 2005 – 2007
- Participate as a Clean Air Partner, 2005 – 2010

TIMING:

Board action is requested on December 3, 2007. The Metropolitan Washington Air Quality Committee (MWAQC) will be considering the revised SIP over the next few months and has asked that local governments provide commitments as soon as possible.

BACKGROUND:

Washington Region Air Quality Planning Process: The Clean Air Act was passed in 1970 to protect public health and welfare. Congress amended the Act in 1990 to establish requirements for areas not meeting the National Ambient Air Quality Standards (NAAQS). The Clean Air Act Amendments of 1990 (CAAA) established a process for evaluating air quality in each region and identifying and classifying nonattainment areas according to the severity of its air pollution problem. The CAAA defines fine particulate matter (PM<sub>2.5</sub>) as a criteria pollutant. In 1997 EPA promulgated the 15 ug/m<sup>3</sup> annual PM<sub>2.5</sub> NAAQS.

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EPA designated the Metropolitan Washington Region as nonattainment for the fine particulate standard, PM<sub>2.5</sub>, in January 2005. To meet the federal annual standard for PM<sub>2.5</sub>, nonattainment areas are required to develop a regional state implementation plan or "SIP," to reduce emissions of PM<sub>2.5</sub> direct as well as the significant precursors NO<sub>x</sub> and SO<sub>2</sub>. The States of Maryland, Virginia and the District of Columbia must submit PM<sub>2.5</sub> SIPs by April 2008.

Under Section 174 of the Clean Air Act Amendments, the governors of Maryland and Virginia and the mayor of the District of Columbia certified the Metropolitan Washington Air Quality Committee (MWAQC) to develop specific recommendations for a regional air quality plan in the Washington, DC-MD-VA nonattainment area. The agreement was renewed in 2004.

Members of MWAQC include elected officials from the Cities of Bowie, College Park, Frederick, Gaithersburg, Greenbelt, Rockville, and Takoma Park in Maryland, and Alexandria, Fairfax and Falls Church, Manassas and Manassas Park in Virginia; the Montgomery and Prince George's county councils; the Montgomery and Prince George's county executives; the mayor of the District of Columbia and representatives of the Council of the District of Columbia; and representatives of Calvert, Charles, and Frederick counties in Maryland, and Arlington, Fairfax, Loudoun, and Prince William counties in Virginia. Representatives of the general assemblies of Maryland and Virginia, the state air management directors, and the state transportation directors, and the chairman of the National Capital Region Transportation Planning Board also are members of MWAQC.

The Metropolitan Washington Council of Governments, in close cooperation with state air quality and transportation agencies provides technical support to the Metropolitan Washington Air Quality Committee. Staff from the local counties and cities provides additional technical support.

MWAQC also has established a public advisory committee, Air Quality Public Advisory Committee (AQPAC), to provide recommendations regarding public participation in the development of the air quality plans. AQPAC members represent academic, business, civic, and environmental groups.

In addition, MWAQC works with the Interstate Air Quality Council (IAQC), a cabinet-level collaboration between the District of Columbia, the state of Maryland and the commonwealth of Virginia that includes the secretaries of the environment and transportation. The purpose of the IAQC is to address issues of interstate transport of air pollutants and to provide a sound process for improving regional air quality.

Once MWAQC approves the air quality attainment plan, it will be forwarded to the Interstate Air Quality Council for approval. The governors and the mayor (or their designees) are then required to submit the air quality State Implementation Plans to EPA to meet the requirements of the CAAA. In Maryland, the plan will be sent from the governor or a designee; in the District of Columbia, by the mayor or a designee; and in Virginia by the Director of the Department of Environmental Quality on behalf of the governor.

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EPA must impose various sanctions if the states or the District of Columbia do not submit a plan; or submit a plan that the EPA does not approve; or fail to implement the plan. These include: withholding federal highway funding; withholding air quality planning grants; and imposing a federal plan ("federal implementation plan."). Failure to submit or implement a plan could have significant consequences.

MWAQC encourages each of the regional members to submit voluntary commitments to be included in a "supplemental control measures" section of the SIP to help the region demonstrate further progress in improving air quality. In 2007, Fairfax County also committed to voluntary commitments for the eight-hour State Implementation Plan for ozone. The commitments made in this submittal are for fine particulate matter (PM<sub>2.5</sub>).

Proposed Voluntary Control Measures:

MWAQC has asked each local jurisdiction to consider committing to voluntary measures that can be included in the SIP as control measures. County staff has reviewed a variety of measures and the County Executive recommends that the Board of Supervisors approve a letter indicating Fairfax County's commitment to implementing the voluntary control measures listed below for inclusion in the Washington metropolitan area SIP (see attachment I for the letter). It should be noted that the Board of Supervisors has previously supported the implementation of many of these measures.

- Purchase of wind energy: In 2005 the county entered into a two-year contract to purchase approximately 5 percent of its electricity as wind energy. This included 5.8 million kWh of wind energy each year at a cost of \$92,800 per year. In 2007, the county entered into a new wind energy contract for a three-year period to again purchase at least 5 percent of its county building energy through wind energy. This contract includes 5.8 million kWh of wind energy for 2007 -2008 at a cost of \$130,500; 7.25 million kWh for 2008 - 2009 at a cost of \$163,250; and 11.6 million kWh for 2009 - 2010 at a cost of \$261,000. The total cost is \$554,750 and funding will be included in the annual budget process for the Board of Supervisors consideration. This wind energy purchase will not only help reduce particulate matter but also reduce precursors to the formation of ozone. In addition, this is an action to reduce the production of greenhouse gas emissions which contribute to global warming.
- Use ultra-low sulfur fuel: The county is using ultra-low sulfur fuel for all non-road and stationary diesel applications even though it is not required at this time. By using a low sulfur fuel in these instances, particulate emissions are being significantly reduced.
- Lighting upgrades in county buildings: The county has undertaken an energy efficiency project in its buildings by upgrading the lighting. In 2005 the annual consumption savings was 3,584,277 kWh and in 2006 the annual savings was 5,916,946 kWh. These projects are complete and were funded by the Board.
- Tree Canopy Requirements and Tree Planting Initiatives: In 2006, the Board adopted a 30-year tree canopy goal of 45% that encourages the community to plant approximately 2.6 million trees by 2037. Also in 2006 the county Zoning Ordinance and the Public Facilities Manual require that all site plans proposing 20 or more parking spaces must provide shade trees. The county has numerous tree planting projects planned which will add over 500 trees per year to county owned properties. Staff is also working with the

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Council of Governments on a regional tree conservation plan. An example of one tree planting initiative is increasing the tree canopy at government parking facilities. The Board already approved \$170,000 for this effort in FY06 and an additional \$108,000 in FY08.

- Green Building Initiatives: The Department of Public Works and Environmental Services requires that all new building projects and all major building renovation projects be evaluated for development under the Green Building program. Several green buildings are complete, some are still under construction, and numerous building projects are currently under design. A list of all projects is included on Attachment 2, Summary of Sustainable/Green Building Design Branch. Funding has already been appropriated for these projects.
- Participate as a Clean Air Partner: Fairfax County government has been a member of Clean Air Partners (ENDZONE) since 1998, and has been proactive in efforts to inform county employees and residents about air quality programs and ways to reduce air pollution. The county has included information about air quality issues on its Web site. The county has a notification program that involves the posting of Ozone Action Day forecasts on Fairfax County Government Channel 16, and the county Web site, as well as sending e-mail notifications to all county employees. These messages include appropriate actions to take to reduce contributions to ozone formation. The county also supports Clean Air Partners by participating as a media sponsor and helping to fund their outreach programs to encourage people to take personal voluntary actions to reduce ozone formation. Funding for this is completed in the annual budget process.

FISCAL IMPACT:

Funding has been appropriated for most of these projects. Future projects such as tree initiatives will be funded through the annual budget process. Further information is available in the Background section under Proposed Voluntary Control Measures.

ENCLOSED DOCUMENTS:

Attachment I: Draft letter to David Paylor, Director, Department of Environmental Quality  
Attachment II: Summary of Sustainable/Green Building Design Branch

STAFF:

Verdia L. Haywood, Deputy County Executive  
Robert A. Stalzer, Deputy County Executive  
Gloria Addo-Ayensu, Director, Health Department  
Jose Comayagua, Director, Facilities Management  
James D. Gorby, Director, Department of Vehicle Services  
Jimmie D. Jenkins, Director, Department of Public Works and Environmental Services  
Michael Liberman, Director, Dept. of Cable Communications and Consumer Protection  
Kambiz Agazi, Environmental Coordinator  
Thomas Crow, Director, Division of Environmental Health  
Barbara Hardy, Program Manager, Division of Environmental Health

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ACTION - 6

Approval of a Financing Plan for the Olley Glen Senior Housing Development and Submission of Applications to the Virginia Small Business Financing Authority, Virginia Housing Development Authority, U.S. Department of Housing and Urban Development and the Federal Housing Administration

ISSUE:

Approval by the Fairfax County Board of Supervisors (the Board) to:

- 1) authorize the issuance of tax-exempt and taxable bonds in an amount not to exceed \$14,300,000; and
- 2) submit an application to the Virginia Small Business Financing Authority (VSBFA) for a tax-exempt bond allocation for the purpose of financing the development of Olley Glen at Little River Glen.

Approval by the Board as part of the financing structure to:

- 1) form a limited partnership to own the Olley Glen project;
- 2) submit an application for Low Income Housing Tax Credits to the Virginia Housing Development Authority (VHDA);
- 3) submit a letter of support to VHDA;
- 4) submit an application to Federal Housing Administration ("FHA") Mortgage Insurance under Section 542(c) of the Housing and Community Development Act of 1992 (HUD Risk Sharing Program);
- 5) reimburse real estate taxes for the Olley Glen project;
- 6) reallocate up to \$550,000 from Fund 142, Community Development Block Grant
- 7) reallocate up to \$150,000 from Fund 144, Housing Trust Fund
- 8) make a loan from Fund 319, The Penny for Affordable Housing in an amount not to exceed \$6,300,000; and
- 9) approve using the Fairfax County Redevelopment and Housing Authority's (FCRHA) taxable line of credit to collateralize a portion of the Section 108 loan in the amount of \$2,050,000.

In addition, authorization is requested to submit a Section 108 Loan Application for \$8,350,000 to the U.S. Department of Housing and Urban Development (HUD). Up to \$2.05 million of the \$8.35 million of the Section 108 Loan will fund site work for Olley Glen. In addition, \$6.3 million of the Section 108 Loan is intended to be used in place of an equal amount of One Penny Funds under the Affordable Housing Partnership Program (AHPP) resource available to nonprofit and for-profit developers for eligible costs associated with affordable housing preservation projects (for example site preparation, rehabilitation, and relocation assistance costs). This exchange, between the One Penny for Affordable Housing Fund and a CDBG Section 108 Loan, will be a one time request in order to fill the gap in the permanent financing for this much needed senior facility. Administratively, the exchange of funds represents only an accounting change for this one transaction and will not result in a reduction of funds available

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for the purpose of preserving affordable housing in Fairfax County. In exchange for providing this infusion of funds into the AHPP, \$6.3 million in One Penny Funds would then be used to fill a critically needed gap in the permanent financing for the Olley Glen senior project.

RECOMMENDATION:

The County Executive recommends that the Board approve the actions listed above.

TIMING:

The Section 108 Loan application cannot be submitted to HUD until it has received both FCRHA and Board approval, as well as having been advertised in a local newspaper and been through a 30-day public comment period. The opportunity to comment on the proposed Section 108 Loan application was advertised in a local newspaper, and the public comment period ended at the close of business on November 5, 2007. No public comments on the proposed application were received. The FCRHA authorized submitting the application to HUD, subject to approval of the Board and comments received during the public comment period, at its September 20, 2007 meeting. Following Board approval, the application will be submitted to HUD for approval and subsequent drawdown of funds for closing on this Project. The application to VSBFA will be submitted on January 2, 2008 and the application to VHDA is anticipated to be submitted December 28, 2007.

BACKGROUND:

Olley Glen (The Project) will be the third phase of the Little River Glen campus. Currently, the campus consists of 1) Little River Glen, a 120-unit low income independent elderly facility, which includes an attached Senior Center and was completed in 1990; and 2) Braddock Glen Assisted Living at Little River Glen, a 60-unit assisted living facility and an Adult Day Care Center, which was completed in 2006.

Phase Three, the Olley Glen Project, is the new construction of 90 units that will be affordable to low income elderly able to live independently. (The last phase of the project is proposed to consist of an additional 60 units for low income independent elderly and additional space for Senior Center activities. In addition, this last phase may also contain Magnet Housing, and office space for senior housing management staff.) When all four phases are completed, the Little River Glen campus will include 270 units for independent elderly, 60 units for assisted-living elderly, two Senior Centers and an Adult Day Care Center. All units will be affordable to low income elderly. There is no timetable for the development of Phase Four at this point.

Project Description

Olley Glen is similar in design to Little River Glen. The Project will consist of 90 units located in three two-story buildings with elevators. Each building will have a common kitchen and family room on the first floor. All units will have washers and dryers, and the units that are large enough, will have dishwashers. Food service for lunches will be provided to those residents who wish to avail themselves of this service at the Senior Center located in the Little

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River Glen facility. There will be a 400 square foot office in each of the three buildings to provide community and social services for the residents.

Accessibility

All units will have universal design plus five units (5.5%) will be fully handicapped accessible.

Affordability

At this time, it is estimated that 87% of the units will be affordable to households with incomes at 50% or below the Area Median Income (AMI). All of the remaining units (13% or 12 units) will be affordable to households with incomes at 60% or below AMI. The rents are based on the rents currently paid at Little River Glen with a \$30 increase for the washers and dryers included in the units. The Project pays all utilities. The final income mix will be determined after the market study is completed and may also be modified to ensure the Project scores sufficiently for an award of tax credits.

Unit Size	# of Units	Proposed Rent	Gross Rent	% AMI
1 BR – A	36	\$759	\$759	50%
1 BR – C	42	\$883	\$883	50%
1 BR – D	12	\$1,063	\$1,063	60%
Total Units	90			

Construction

The construction is expected to take 18 to 24 months and is expected to commence in the spring of 2008.

Financing Plan

By financing the Project with tax-exempt bonds, the Project can receive 4% tax credits as long as the application meets the minimum scoring threshold. For tax credit purposes the Project will be owned by a limited partnership, FCHRA Olley Glen LP. The FCRHA will initially serve as the managing general partner with a 0.051% general partner interest and FCRHA Housing Assistance Corporation (HAC) will serve as the co-general partner with a 0.049% partnership interest. Under the initial ownership structure, the FCRHA will also be the 99.9% limited partner and will continue in that capacity until the limited partnership interest is sold to a tax credit investor. Following the admission of the tax credit investor as the limited partner, the following will happen: 1) HAC will withdraw as the co-general partner; 2) the FCRHA will be the managing general partner with a 0.01% partnership interest; and 3) the tax credit investor will be the limited partner with a 99.99% partnership interest.

**Construction Financing**

<b>SOURCES</b>	
Tax-Exempt Bonds - Construction	\$8,500,000
Tax-Exempt Bonds – Permanent	4,525,000
HOME Funds	2,788,471
CDBG Section 108 Loan	2,050,000
Housing Trust Fund	704,129
CDBG	650,000
Penny Fund	2,997,217
<b>Total Sources</b>	<b>\$22,214,817</b>
<b>Uses</b>	
Construction	\$16,918,492
Project Design	956,000
Utilities	807,000
Financing	3,003,375
Reserves	529,950
<b>Total Uses</b>	<b>\$22,214,817</b>

During construction, it is anticipated that the Project will be financed using Tax-Exempt and Taxable Bonds (the Bonds), CDBG, HOME, and Housing Trust Fund funds. The Bonds are anticipated to be interest only during the two-year construction period.

**PERMANENT FINANCING**

<b>SOURCES</b>	
Tax-Exempt Bonds	\$4,525,000
Tax Credit Equity	7,240,880
HOME Funds	2,788,471
CDBG Section 108 Loan	2,050,000
Housing Trust Fund	704,129
CDBG	650,000
Deferred Developer Fee	956,337
Penny Fund	6,300,000
<b>Total Sources</b>	<b>\$25,214,817</b>
<b>USES</b>	
Construction	\$16,918,492
Project Design	956,000
Utilities	807,000
Developer Fee	2,300,000
Financing	3,703,375
Reserves	529,950
<b>Total Uses</b>	<b>\$25,214,817</b>

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The construction bonds are expected to be redeemed by a combination of the Penny for Affordable Housing Fund loan of approximately \$6,300,000 and the 4% tax credit equity estimated to be \$7,240,880. A portion of the bonds will be redeemed following the completion of the project and a portion of the construction bonds will remain outstanding for seven (7) years from the date of issuance. Since in a new construction transaction CDBG funds cannot be used for construction other than funding site work and paying for the land, the overall use of CDBG funds is limited in this transaction. The permanent bonds are expected to have a 35 year amortization. This may be extended to 40 years to maximize the permanent debt on the Project.

On November 7, 2007, the VHDA Board of Commissioners revised the 2008 Qualified Allocation Plan limiting the short term use of tax-exempt bonds. This is an issue for high cost areas such as Northern Virginia that have high construction costs and the low income households being served. To work around this constraint, it is common practice throughout the country to use a portion of the bond debt for a short term and replace it with subsidy like the One Penny. VHDA's decision to prohibit the short term bonds being paid off before 7 years has increased the estimated interest expense by \$700,000 on this project.

In addition, \$6.3 million of the Section 108 Loan is intended to be used in place of an equal amount of One Penny Funds under the Affordable Housing Partnership Program (AHPP) resource available to nonprofit and for-profit developers for eligible costs associated with affordable housing preservation projects (for example site preparation, rehabilitation, and relocation assistance costs). This exchange, between the One Penny for Affordable Housing Fund and a CDBG Section 108 Loan, will be a one time request in order to fill the gap in the permanent financing for this much needed senior facility. Administratively, the exchange of funds represents only an accounting change for this one transaction and will not result in a reduction of funds available for the purpose of preserving affordable housing in Fairfax County. By issuing a Section 108 Loan, an equal amount of CDBG funds could be set-aside for preservation as would be used by the Project from the One Penny fund. This would allow Olley Glen to go forward and still ensure sufficient funds for preservation are maintained. The Section 108 Loan would be comprised of two parts; 1) \$2,050,000 for Project site work and pre-development costs; and 2) \$6,300,000 to be set-aside for preservation.

By way of background, Section 108 is the loan guarantee provision of the Community Development Block Grant (CDBG) program. It provides communities with a source of financing for economic development, housing rehabilitation, public facilities, and large-scale physical development projects. The principal security for the loan guarantee is a pledge by the applicant public entity of its current and future CDBG funds. Additional security requirements will also be required to assure repayment of guaranteed obligations. The maximum repayment period for a Section 108 loan is twenty years. HUD has the ability to structure the principal amortization to match the needs of the Project and the borrower. Each annual principal amount will have a separate interest rate associated with it.

For substantive amendments to the Consolidated Plan, in accordance with the County's Citizen Participation Plan, public notice is to be given before the Board of Supervisors takes

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such actions as described above. The amendment was publicly advertised more than 30 days prior to consideration of this item by the Board of Supervisors to allow time for public comment. The notice for the proposed amendment to the Consolidated Plan was published on October 5, 2005 in the Examiner newspaper.

Construction will not start until all permanent financing sources are in place and approved by both the FCRHA and the Board of Supervisors. The anticipated closing date for this Project is Spring 2008.

#### CREATION OF POSITIONS:

Existing staff will be used in the financing and development of Olley Glen. Given that Little River Glen is currently managed by HCD, it is anticipated that one property management position and one maintenance position will be created to manage the additional 90 units.

#### FISCAL IMPACT:

The two positions created to manage the property will be funded through management fees earned. The estimated annual cost of salary and benefits for the two positions is \$178,704.

Funding in an amount up to \$150,000 will be reallocated from Project 014013, Tier One Predevelopment, Fund 144, Housing Trust Fund to Project 014046, Olley Glen. In addition, funding in an amount up to \$190,000 will be reallocated from Project 014129, Senior Disabled Housing and up to \$360,000 will be reallocated from Project 003899 Contingency Fund in Fund 142, Community Development Block Grant to Project 014046 Olley Glen.

The funding for the Project will be a combination of many sources. Financing with tax-exempt bonds provides the Project with the ability to carry a lower interest rate as well as to receive equity from 4% tax credits. The use of a Section 108 Loan, other CDBG funds, and HOME funds taps federal funds and further reduces the need for County funds. The Section 108 Loan will require collateralization from the FCRHA's taxable line of credit or in some other form. In addition to \$704,129 from the Housing Trust Fund, up to \$6,300,000 will be provided, subject to annual appropriation, from FY 2009, Fund 319, The Penny for Affordable Housing Fund. This exchange, between the One Penny for Affordable Housing Fund and a CDBG Section 108 Loan, will be a one time request in order to fill the gap in the permanent financing for this much needed senior facility. Administratively, the exchange of funds represents only an accounting change for this one transaction and will not result in a reduction of funds available for the purpose of preserving affordable housing in Fairfax County. In exchange for using the Penny funds, a Section 108 Loan will provide the same amount of funding to be used in place of the funds for use through the Affordable Housing Partnership Program (AHPP).

Upon tax credit syndication, the FCRHA will receive a developer's fee of approximately \$2,300,000. This fee is approximately 10.29% of the development costs which is well below the 15% of development costs allowed by VHDA. This fee will be used either for the benefit of the project, should the need arise, or for other FCRHA needs in its mission of providing

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affordable housing for low income households in Fairfax County. Approximately \$956,337 or 41.58% of the developer fee will be deferred. This portion of the fee will be paid to the FCRHA out of the cash flow of the Project over time.

Upon issuance of bonds, the FCRHA will also earn an issuer fee on the total bond amount. The estimated issuer fee of \$112,100 will be part of the costs of issuance and will be paid at the time of issuance of the bonds. In addition, the FCRHA will receive an annual monitoring fee of ¼% of the original principal amount of the permanent bonds issued, estimated to be \$11,312 per annum. Fees paid at the Closing and any on-going monitoring fee will be deposited in Fund 940, FCRHA General Operating Fund.

Under the HUD Risk-Sharing Program, the FCRHA will be required to maintain a reserve equal to 1% of the par amount of the bonds. The FCRHA/FHA Reserve account, at mortgage closing, will be funded by the Partnership, as required by HUD. The estimated reserve amount of \$130,250 will be placed in a special reserve account to be used against potential loss under the FCRHA HUD Risk-Sharing Program. The partnership will also be required to pay a 1% loan origination fee to the FCRHA based on the insured permanent mortgage amount, which is estimated at \$130,250 and will be deposited in Fund 940, FCRHA General Operating Fund.

An ongoing FHA Mortgage Insurance Premium of ½% per annum of the outstanding mortgage amount is payable as part of the mortgage loan payments for so long as the mortgage loan is outstanding. This premium is split 50/50 between the FCRHA and FHA. In addition, the FCRHA will retain a mortgage servicing fee of ¼% per annum on the outstanding balance, deducted from the monthly payment remitted to the bond trustee, so long as the mortgage is outstanding.

The annual reimbursement of taxes is estimated to be approximately \$120,000 once the project is completed. Construction is anticipated to begin Spring 2008 and take approximately 24 months to complete and, therefore, construction is anticipated to be complete by April 2010. The real estates taxes will be paid by the FCRHA from the General Fund.

The County will assume a 20-year debt in the amount of \$8.35 million for the Section 108 Loan. A schedule of estimated repayment amounts and dates is provided in Attachment 5 (Section 108 Loan Application). The loan will be repaid using a portion of the County's annual allocation of Community Development Block Grant funds.

ENCLOSED DOCUMENTS:

Attachment 1: Resolution

Attachment 2: Draft Support Letter

Attachment 3: Draft Section 108 Loan Application

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STAFF:

Paula C. Sampson, Director, Department of Housing and Community Development, HCD  
John Payne, Acting Deputy Director, Real Estate and Development, HCD  
Aseem K. Nigam, Director, Real Estate Finance and Grants Management Division, HCD  
Louise Milder, Associate Director, Real Estate Finance and Grants Management Division, HCD  
Audrey Spencer-Horsley, Associate Director, Grants Management, REFGM Division, HCD  
Molly Norris, Senior Real Estate Finance Officer, Real Estate Finance and Grants  
Management Division, HCD

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ACTION – 7

Approval of Funding for Temporary Parking During the Construction of the Huntington Metrorail Station Parking Garage

ISSUE:

Funding is required to lease 924 surface parking spaces at the Huntington Metrorail Station during the last few months of construction of the new parking structure that was approved by the Board in September 2002.

RECOMMENDATION:

The County Executive recommends that the Board approve the use of up to \$475,000 from funds available in Fairfax County's parking surcharge account at the Washington Metropolitan Area Transit Authority (WMATA) for the lease of 924 temporary parking spaces during construction of the new Huntington Metrorail Station Parking Garage.

TIMING:

The Board should act on this item on December 3, 2007, because WMATA's lease agreement with the property owner must be signed by December 15, 2007. Also, the lease is needed to maintain the current number of parking spaces during the construction of the new parking structure at the Huntington Metrorail Station.

BACKGROUND:

In 2002, WMATA entered into an agreement with a developer, Stout and Teague, to build a mixed-use project on the current surface parking lot on the south side of the Huntington Metrorail Station. As part of this agreement, the developer originally agreed to replace the 924 parking spaces in the existing lot with a parking structure. Subsequently, the developer agreed to pay WMATA to build a parking structure to replace the existing 924 spaces in this surface parking lot. To accommodate future growth at this station, WMATA agreed to add 500 more spaces to this garage. The estimated cost of this addition was \$6,282,750. In 2002, WMATA and the County Board of Supervisors approved the use of \$5,082,750 available for this project as part of the WMATA Transit Infrastructure Investment Fund (TIIF), and the use of \$1,200,000 was taken from the Parking Surcharge Revenue Account.

In April 2005, WMATA staff revised the cost of constructing the 1,442 space parking structure from \$19.2 million to \$25.2 million. The additional cost to construct the facility was estimated to be \$6,000,000. WMATA and County staff identified the following additional sources of funding for this project: \$1,500,000 was set aside from the Parking

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Surcharge Revenue Account for the West Falls Church Metrorail Station parking garage project that was not needed and was reallocated to the Huntington project. An additional \$1,500,000 was taken from the Parking Surcharge Revenue Account, as well as an additional \$3,000,000 from the TIIF, to compile the \$6,000,000 needed for this project.

WMATA received final bids for this project that were much higher than projected. The cost increased because of the marine clay, topography, access road requirements, and the inflation of construction materials and labor. Therefore, an additional \$6,000,000 was approved by the Board at the January 9, 2006 meeting, to fully fund this project at \$31.2 million.

Since it has taken longer than expected to complete the new parking structure, it is necessary to lease back the 924 surface parking transferred to the developer based on the timing outlined in the original agreement with Stout and Teague. The developer's contract with WMATA allows the developer to close the 924 spaces to begin their joint development project, but they have agreed to lease the spaces back to WMATA through May 2008, at which time the replacement parking is projected to be completed.

The funds in the Parking Surcharge Revenue Account are generated from parking fees collected at all Fairfax County Metrorail Stations. The majority of these funds are used to pay debt service on the revenue bonds issued to build the two parking garages at the Vienna Metrorail Station and the Huntington Avenue Parking Garage at the Huntington Metrorail Station. TIIF funds are generated by the sale and lease of WMATA property and placed into a development account to be allocated between all of the compact jurisdictions. County and WMATA staff determined that these accounts have sufficient funds for the needs at the Huntington Metrorail Station without impacting previous obligations.

FISCAL IMPACT:

This item requests approval to utilize up to \$475,000 in parking surcharge funds available at WMATA to lease 924 surface parking spaces while the new parking garage at the Huntington Metrorail Station is under construction.

ENCLOSED DOCUMENTS:

None

STAFF:

Robert A. Stalzer, Deputy County Executive  
Katharine D. Ichter, Director, Fairfax County Department of Transportation (FCDOT)  
Tom Biesiadny, Chief, Coordination and Funding Division, FCDOT  
Todd Wigglesworth, Coordination and Funding Section, FCDOT

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ACTION - 8

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:

This item was deferred by the Board at the November 19, 2007 meeting. 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

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implementation of Fairfax County's South County Bus Plan.

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

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Finalize Design, Obtain Public Hearing Approval, and Obtain Authorization to Start Land Acquisition: Winter 2007/2008  
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 - 9

Endorsement of the Chief Administrative Officers Task Force's Comments Regarding the Preliminary FY 2009 Virginia Railway Express Budget (Braddock, Lee, Mason, Mount Vernon, and Springfield Districts)

ISSUE:

Board endorsement of the Chief Administrative Officers (CAO) Task Force's initial recommendations regarding the proposed FY 2009 Virginia Railway Express (VRE) budget.

RECOMMENDATION:

The County Executive recommends that the Board endorse the CAO Task Force's two primary recommendations on the FY 2009 VRE budget. In addition to the regular subsidy payment required, VRE is facing a \$5.3 million budget shortfall for FY 2009. The CAO Task Force recommendations are intended to help offset the projected budget shortfall, as well as address issues with the FY 2009 budget. The recommendations are as follows:

1. Implement a combined fare and local subsidy increase to ensure that funding is available to meet capital match requirements for federal grants and increased operating costs for FY 2009.
2. Use the adopted VRE Master Agreement's allocation formula to determine shares of VRE's total FY 2009 subsidy consistent with the second year phase-in of the formula change adopted by the VRE Operations Board June 15, 2007.

In addition to the CAO Task Force recommendations, County staff also recommends the following:

Based on the approved 2007 General Assembly's HB 3202 Transportation legislation, allocate the \$25 million in funding received from the Northern Virginia Transportation Authority (NVTA) for VRE solely for the benefit of NVTA members.

The CAO Task Force and VRE staff will continue to work together to find other ways to reduce the budget prior to the VRE Operations Board meeting of December 21, 2007.

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TIMING:

The Board should act on this item on December 3, 2007, because this is the last Board meeting before the VRE Operations Board considers adoption of the FY 2009 VRE budget on December 21, 2007.

BACKGROUND:

The VRE Chief Executive Officer presented the preliminary FY 2009 budget to the VRE Operations Board on August 17, 2007. The FY 2009 budget included a deficit of approximately \$5.3 million. The shortfall is mainly attributed to seven factors:

- Due to increased insurance premiums and lowered investment income over a period of years, the balance in the Insurance Trust Fund declined substantially. Two years ago, the state requested that VRE begin paying the full amount of premium and claims costs annually along with an additional contribution to restore the balance in the fund to \$10 million. The required amount in FY 2009 to fulfill this obligation is an increase of \$325,000 above the FY 2008 amount. Costs will decrease in FY 2011, once the fund balance is restored.
- In FY 2008, VRE used capital cost of contracting to subsidize the operating budget. This fiscal year, the funds shift back to the capital budget in the amount of \$1.6 million.
- Fuel costs have risen. There is a \$700,000 additional expense from FY08.
- There are net contract escalation costs for Amtrak to operate the VRE service, offset with the reductions in equipment operations, of \$300,000.
- FY 2009 begins the full debt service payments (approved by the Board of Supervisors in April 2006) for the purchase of 50 new bi-level railcars by VRE from the Sumitomo Corporation of America. This net cost is approximately \$900,000.
- Locomotive maintenance is increased by \$400,000.
- Other operating costs are increasing by \$250,000.

The budget was referred to the local jurisdictions for review and comment. Since August, a staff task force, organized by CAOs of the VRE jurisdictions, has reviewed the preliminary budget and met with VRE staff to discuss it in detail.

The CAO Task Force is preparing a final report summarizing its review of the FY 2009 budget and offering recommendations. The Task Force and VRE staff met on November 13, 2007, and discussed recommendations. The Task Force met again on November 26, 2007, to finalize their recommendations. The CAOs will meet on December 6, 2007, to officially review the Task Force's recommendations and receive the VRE staff response. VRE staff are now preparing final revisions to the FY 2009 budget in preparation for the December 21, 2007, VRE Operations Board meeting.

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Although the Task Force's report is not finalized, it will contain two primary recommendations for the budget. The recommendations are as follows:

1) Increase Fares and Local Subsidy

The CAO Task Force recommends a combined fare and jurisdictional subsidy increase to ensure that funding is available to meet VRE's capital match requirements and increased operating costs mentioned above. If jurisdictional subsidies alone were used to address the \$5.3 million increase in the budget from FY 2008, it would result in an approximate 34 percent increase. For informational purposes, a two percent fare increase could generate approximately \$450,000 to help offset the increase in the budget. Until VRE completes an analysis to see the impact on the state formula funds on the budget gap and consequently what VRE will receive from the state, the deficit shares between fare increases and subsidy increases will not be known. The analysis will be complete and provided by December 6, 2007. In the interim, VRE is continuing to review the budget for additional expenditure savings.

2) Use VRE Master Agreement Allocation Formula to Fund Operating Costs

The CAO Task Force recommends that expenditures by VRE for operating costs be allocated using the Master Agreement Allocation Formula consistent with the second year phase-in of the formula change adopted by the VRE Operations Board June 15, 2007, and not other means such as NVRTA funds which VRE has recommended. Doing so would set a precedent of using another unfair funding source to provide for costs bourn by the VRE system as a whole at the expense of some and not all jurisdictions which use VRE.

The third recommendation by County Staff is to use NVRTA funds for NVRTA jurisdictions. The staff recommends that revenues that are raised in the NVRTA jurisdictions be used solely by those jurisdictions for transportation projects and purposes that benefit the counties and cities embraced by NVRTA as specified in the law. These funds should not be used as another source to pay for projects or services of jurisdictions not a part of the NVRTA, and not raising these revenues.

FISCAL IMPACT:

The preliminary FY 2009 VRE budget includes an estimated total jurisdictional subsidy of \$17,902,606, which includes major increases for insurance costs, diesel fuel, operational expenses, capital costs, and debt service payments for the purchase of 50 new bi-level railcars. Based on the most recent ridership survey results (October 2007), and the proportionate share of the recommended subsidy increase, Fairfax County's portion of the total local subsidy is approximately \$5,687,663. This is approximately a 21 percent increase over the County's FY 2008 VRE subsidy payment of \$4,700,508.

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While an increase, the impact of VRE increases on Fairfax County is significantly reduced under the new formula allocation plan adopted by the Board of Supervisors in April 2007 and the VRE Operations Board June 15, 2007. FY 2009 represents the second year of a four year phase in plan to eliminate the weight allocated to population and to emphasize ridership. Further, NVTA is currently waiting for a decision from the Virginia Supreme Court, regarding the NVTA bond validation case. The case is scheduled to be heard in January 2008. If it is a favorable ruling for NVTA, then the NVTA will allocate \$25 million for VRE capital and operating costs to support VRE expenses of its members, as adopted by NVTA on July 12, 2007. Once this occurs, an adjustment may be made to the FY 2008 VRE budget to apply anticipated FY 2008 NVTA revenue and also will be made to the FY 2009 VRE budget. The application of this \$25 million to the FY 2009 VRE budget would result in a much smaller increase in the Fairfax County FY 2009 subsidy share. In addition, County staff expects a minor adjustment in the local contribution number cited above before the Northern Virginia Transportation District Commission (NVTC) and Potomac Rappahannock Transportation Commission (PRTC) approve the FY 2009 VRE budget in January 2008.

The County Executive will include the current estimate of the Fairfax County subsidy requirement, \$5,687,663, in the FY 2009 Advertised Budget Plan. The current estimate is an increase of \$987,155 over the *FY 2008 Revised Budget Plan*. Subsequent adjustments to the County FY 2009 budget, as a result of VRE decisions regarding the application of the \$25 million in NVTA funds and other adjustments approved in January, will be made as part of the FY 2009 Add On process. The Board is not being asked to approve Fairfax County's FY 2009 VRE subsidy at this time.

ENCLOSED DOCUMENTS:

None

STAFF:

Robert A. Stalzer, Deputy County Executive

Katharine D. Ichter, Director, Fairfax County Department of Transportation (FCDOT)

Tom Biesiadny, Chief, Coordination and Funding Division, FCDOT

Michael R. Lake, Senior Transportation Planner, Coordination and Funding Division, FCDOT

Carl Winstead, Transportation Planner, Coordination and Funding Division, FCDOT

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INFORMATION – 1

Contract Awards and Approval of Street Acceptance Items During the Period Between the December Board Meeting and the First Board Meeting in January

Current Board policy requires that the County Executive obtain Board authorization to award construction, professional and consultant contracts in excess of \$100,000 unless a severe emergency occurs (flood, sewer main breaks, etc.). Since December 15, 1980, the Board of Supervisors has authorized the County Executive or the appropriate Deputy County Executive to award miscellaneous construction and professional and consultant contracts during the period between the December meeting and the first meeting in January. In addition, since September 24, 1984, the Board also has authorized the County Executive or the appropriate Deputy to approve requests for roads to be accepted into the State Secondary System, and similar matters without Board action during the period between the December meeting and the first meeting in January.

Unless otherwise directed, the County Executive or the appropriate Deputy County Executive will continue to approve street acceptance items and award contracts during the period between the December meeting and the first meeting in January. Whenever a contract exceeds the estimate by 10 percent, it will be discussed with the Board Member in whose district the project is located and the Chairman of the Board before action is taken. The Board will receive a copy of all contracts awarded.

ENCLOSED DOCUMENTS:

None

STAFF:

Catherine A. Chianese, Assistant to the County Executive

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## INFORMATION – 2

### Contract Award – Professional Auditing Services

The Code of Virginia (Code) Section 15.2-2511 requires localities to have all their accounts and records, including all accounts and records of their constitutional officers, audited annually as of June 30 by an independent certified public accountant in accordance with the specifications furnished by the Auditor of Public Accounts. Further, the Code requires that every locality shall contract for the performance of the annual audit not later than April 1 of each fiscal year.

On May 3, 2007, the Department of Purchasing and Supply Management issued a Request for Proposal (RFP07-916277-40), soliciting qualified firms to provide Professional Auditing Services for the County. The solicitation notice was sent to 155 firms; three firms responded with a proposal by the closing date of June 13, 2007.

The Selection Advisory Committee, established to evaluate the proposals against the criteria set forth in the RFP, unanimously agreed to award the contract to KPMG LLP, based on the following considerations:

- Relevant local government and Virginia experience was considered stronger, particularly in terms of the specific personnel assigned to the engagement. KPMG is highly familiar with the audit requirements of the Auditor of Public Accounts.
- Audit approach reflects their full understanding of the complexities of Fairfax County and also is the most cost-effective. The audit approach considered the County's expanding e-Government and heavy reliance on automation.
- KPMG, one of the "Big Four" accounting firms, has a national reputation, the resources, and the technical expertise to audit large, complex governments.

Upon completion of negotiations with the top ranked offeror, the recommended award of the contract is to KPMG LLP.

As required by the Fairfax County Purchasing Resolution, the Department of Tax Administration has verified that KPMG LLP holds a current Fairfax County Business, Professional, and Occupational License.

### FISCAL IMPACT:

The all-inclusive audit fees for the audit of fiscal year 2008 have been negotiated for no more than \$1,033,572. The annual fee increases will be indexed to the Robert Half Accounting Salary Survey, as published by Robert Half International, Inc., for succeeding

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fiscal years 2009 through 2012. This contract provides three annual renewal options starting in fiscal year 2013, to be mutually agreed upon.

ENCLOSED DOCUMENTS:

Attachment 1 – List of Offerors for RFP07-916277-40

STAFF:

Edward L. Long, Jr., Deputy County Executive

Robert L. Mears, Director, Department of Finance

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

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### INFORMATION - 3

#### Contract Award to KCI Technologies, Inc. - Development of Dogue Creek, Belle Haven and Four Mile Run Watershed Management Plan (Dranesville, Lee, Mason, and Mount Vernon Districts)

The Board of Supervisors' Environmental Agenda, Environmental Excellence for Fairfax County – A 20-Year Vision, adopted in 2004 commits the County to protecting and enhancing our watersheds and natural streams. Beginning in Fiscal Year 2006, the Board dedicated one penny of the real estate tax rate to implement Stormwater projects and programs in accordance with the Water Quality goals stated in the Environmental Agenda. In the last two years, the dedicated penny was equated to over \$40,000,000 being dedicated to improving the County's Stormwater program, with a goal focused on protecting and restoring our natural environment.

The environmental plan specifically identifies the preparation and implementation of watershed management plans and stream protection strategies. In accordance with this goal, the Department of Public Works and Environmental Services (DPWES) is in the process of developing watershed management plans for all of the County's watersheds. Approximately 50% of the County area has plans mostly completed and adopted by the Board of Supervisors. DPWES selected three consultant firms to work on developing the second round of watershed plans to complete plans for the entire County by 2010. Two firms, F.X. Browne and PBS&J, were awarded contracts on August 6, 2007. KCI Technologies, Inc. was awarded the Accotink Creek contract on September 10, 2007. This contract award to KCI Technologies, Inc. will enable all remaining watershed plans for the County to be completed.

Consultant services are required to provide A/E design services for the watershed management plan for Dogue Creek, Belle Haven and Four Mile Run, DC9000, in Fund 318, Stormwater Management Program, which is funded by the dedicated one penny of the real estate tax.

In accordance with the Fairfax County Purchasing Resolution, it is proposed that the County enter into contractual agreements with the firm of KCI Technologies, Inc. to provide consulting engineering services for the development of a watershed management plan for Dogue Creek, Belle Haven and Four Mile Run.

The Department of Tax Administration has verified that KCI Technologies, Inc. (located in Hunt Valley, MD) is not required to have a Fairfax County Business, Professional and Occupational License.

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In FY 2006, the ongoing watershed planning effort was formally evaluated at the request of the Board. The evaluation provided an in-depth review of existing watershed planning processes and included recommendations for improvement for the completion of the remaining watershed plans. As a result of this watershed evaluation, the following program modifications are underway:

1. Decreased the detailed project scoping from 25 years to 10 years
  - Plans will still identify prioritized opportunities over a 25 year horizon. However, detailed scoping will be carried out for the 10-year plan projects only.
  - The initial number of conceptual projects and total watershed plan implementation costs will decrease.
  - Updates based on technology and policy advances will support more detailed evaluation of long range projects in later years.
  - More detail will be obtained on higher priority projects to enhance implementation efforts upon completion of the watershed plan.
2. Technical sections will be separated from the final watershed plan to create a smaller “reader friendly” version for the public.
3. Improved characterization and prioritization of problem areas to better target effective solutions.
4. Revised modeling scope that will result in improved consistency between watersheds, improvements in floodplain management, and benefit from contracting efficiencies.

The revised watershed program supports the Board’s desire to pursue an expedited planning schedule, resulting in all 30 watersheds being in an active planning stage and under contract by fall 2007. This expedited schedule also ensures that Fairfax County meets its commitment to the Chesapeake Bay 2000 Agreement by completing the watershed planning process by the year 2010.

In order to implement and support the modified watershed planning program and to get the desired consistency amongst watershed plans, the watershed program support services contract is being utilized to complete several key components of the planning effort. In essence, most of the watershed characterization, modeling, GIS support, and consistency review support will be done by one firm, Tetra Tech. Their efforts support the work of County staff with individual watershed consultants (AMEC, F.X. Brown, KCI, and PBS&J) who will perform tasks such as watershed field reviews, identification of problem areas and candidate sites, watershed committee coordination/public outreach, project development, and watershed report preparation. It is believed that separating the work in this way will result in meeting the goals of the aforementioned expedited schedule.

The proposed contract with KCI Technologies, Inc. for the Dogue Creek, Belle Haven and

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Four Mile Run Watershed Management Plan comprises the remaining land area of the County to undergo watershed management planning. The services requested for this Watershed Management Plan will include the following:

- a review of previous studies and watershed information
- the implementation of a public involvement campaign for the watershed
- the development of hydrological and water quality models
- creation of floodplain maps to support a limited detailed FEMA study
- the analysis of structural and non-structural solutions
- the development of the final watershed plan document

The proposed contract consists of a core set of required tasks, necessary to complete the watershed plan, as well as optional tasks and subtasks. These include updating the Stream Physical Assessments (for up to 25% of stream reaches), additional technical and public advisory group meetings and development of "Immediate Action Plans" to expedite the implementation process. The optional tasks may be executed through the terms of the contract if authorized by the County. The contract is scheduled to be completed within two years.

Unless otherwise directed by the Board of Supervisors, the Department of Public Works and Environmental Services will proceed to award a contract for the Dogue Creek, Belle Haven and Four Mile Run Watershed Management Plan in the amount of \$995,000 to the firm of KCI Technologies, Inc.

FISCAL IMPACT:

Funding in the amount of \$995,000 is necessary to award this contract. Funding in the amount of \$1,300,000 in project DC9000, Dogue Creek, Belle Haven and Four Mile Run Watershed Study is available in Fund 318, Stormwater Management Program, which is funded by the dedicated one penny of the real estate tax.

ENCLOSED DOCUMENTS:

Attachment 1: List including awardee and other firms interviewed.

Attachment 2: Map of watersheds

(Contract copies 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 – 4

Presentation of the Fiscal Year 2007 Comprehensive Annual Financial Report (CAFR)

Annually, pursuant to the *Code of Virginia* (Code), Section 15.2-2511, as amended, Fairfax County's financial statements are audited by an independent certified public accountant. This audit is conducted in accordance with auditing standards generally accepted in the United States of America; the standards applicable to financial audits contained in the Government Auditing Standards issued by the Comptroller General of the United States; and the Specifications for Audits of Counties, Cities, and Towns issued by the Auditor of Public Accounts of the Commonwealth of Virginia. The Code also requires that an independent certified public accountant present a detailed written report to the local governing body at a public session by December 31. The County's financial statements for fiscal year 2007 have been audited by KPMG LLP (KPMG), and KPMG's unqualified opinion with respect thereto is presented on page 1 of the Financial Section of the County's CAFR. A representative from KPMG will be attending the Board meeting.

In addition to meeting the requirements of the Code, the audit was designed to meet the requirements of the U.S. Office of Management and Budget Circular A-133, Audits of States, Local Governments, and Non-Profit Organizations and the related Circular A-133 Compliance Supplement. Known as the Single Audit, this is a special type of compliance audit applicable to specific federal grant programs. The requirements of the Single Audit are established by federal legislation and regulation and are very stringent. KPMG's reports related specifically to this audit activity are included in a separate Single Audit Act Report.

Auditing standards generally accepted in the United States of America require that the auditors communicate all significant deficiencies, including material weaknesses, in writing to those charged with governance. In a letter addressed to the Board of Supervisors, KPMG reports that no material weaknesses were noted. This has been the case for the past 14 consecutive years, which is quite an achievement considering the size and complexity of the County's financial operations.

Matters involving the internal control over financial reporting and other operational matters of the County that do not warrant inclusion in the above described letter are communicated by KPMG in a separate management letter addressed to the Director of Finance. For the fiscal year ended June 30, 2007, KPMG had four comments related to internal control over financial reporting and other operational matters. Responses to these comments from County management also are included in the management letter.

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A comprehensive package was delivered directly to the offices of each member of the Board of Supervisors on or before November 19, 2007. The package included:

- The Fiscal Year 2007 Comprehensive Annual Financial Report.
- KPMG's required communications letter pertaining to the conduct of the audit addressed to the Board.
- KPMG's management letter addressed to the Director of Finance.
- KPMG's letter reporting no material weaknesses addressed to the Board.
- The Single Audit Act Report.

In compliance with the Code, a copy of the Fiscal Year 2007 CAFR is being provided to the Clerk to the Board of Supervisors where it shall remain open to public inspection. The CAFR also is being made available for public use in the reference sections of the County's regional and community libraries as well as on Fairfax County's Web site.

ENCLOSED DOCUMENTS:

None. A comprehensive package has been delivered to the office of each member of the Board of Supervisors.

STAFF:

Anthony H. Griffin, County Executive  
Edward L. Long, Jr., Deputy County Executive  
Robert L. Mears, Director, Department of Finance  
Victor L. Garcia, Deputy Director, Department of Finance  
Ronald F. Franks, Chief, Financial Reporting Division, Department of Finance  
Erin E. Summers, Financial Reporting Manager, Department of Finance  
Sioni Cockrell, Senior Accountant, Department of Finance

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INFORMATION - 5

Contract Award – Architectural/Engineering Design Services for the Herndon Monroe Parking Garage - Remedial Work (Hunter Mill District)

Consultant services are needed to provide architectural and engineering design services for the Herndon Monroe Parking Garage - Remedial Work, Project 009527, in Fund 303, County Construction. The services are required to provide full design and construction administration services for structural repairs at the Herndon Monroe Parking Garage. This project is being implemented on an expedited basis and, as such, is not included in the FY 2008 – FY 2012 Adopted Capital Improvement Program.

It is proposed that the County enter into a contractual agreement with the firm of Walker Parking Consultants which was selected in accordance with the Fairfax County Purchasing Resolution. The Department of Tax Administration has verified that Walker Parking Consultants does not have, and is not required to have a Fairfax County Business, Professional and Occupational License.

Unless otherwise directed by the Board of Supervisors, the Department of Public Works and Environmental Services will proceed to award this contract to Walker Parking Consultants in the amount of \$475,000.

FISCAL IMPACT:

Funding will be reallocated within Fund 303, County Construction, from Project CG0046, Contingency to Project 009527, Herndon Monroe Parking Garage - Remedial Work in order to fully fund the award of this contract in the amount of \$475,000.

ENCLOSED DOCUMENTS:

Attachment 1- List of Awardee and Other Firms Considered  
(Copy of Contract 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 & Environmental Services (DPWES)  
Howard J. Guba, Deputy Director, DPWES

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10:45 a.m.

Matters Presented by Board Members

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11:35 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. *Mary Parker v. Fairfax County Department of Family Services*, Record No. 1000-07-4 (Va. Ct. of Appeals)
  - 2. *Eugenia B. White v. Fairfax County Department of Family Services*, Court No. 1:07cv696 (E. D. Va.)
  - 3. *Jeffrey M. Goldstein v. Jack Dale, Ruth Ghobadi, Fairfax County School District, Fairfax County Board of Supervisors, and Fairfax County*, Case No. 1:07cv976 (U.S.D.C. Alex.)
  - 4. *Linda J. Solomon v. Fairfax County Police Department*, Court No. 07-23154 (Fx. Co. Gen. Dist. Ct.)
  - 5. *Phillip Luther Moore, II v. Fairfax County, Virginia, Officer Ivancic, Officer Smuck, Officer Shugart, Officer Ankers, and David M. Rohrer, Chief of Police*, Case No. 1:07cv410 (U.S.D.C. Alex.)
  - 6. *Debra Chiles – Notice of Wrongful Death Claim*
  - 7. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Norman Mesewicz*, Case No. CL-2007-0008884 (Fx. Co. Cir. Ct.) (Braddock District)

8. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Marco A. Rocabado Tapia, Also Known as Marco A. Rocabado, Case No. CL-2007-0008624 (Fx. Co. Cir. Ct.) (Lee District) (Strike Team Case)*
9. *Eileen M. McLane, Fairfax County Zoning Administrator v. Ghulam M. Ahmadzai and Noorsama Ahmadzai, Case No. CL-2007-0009988 (Fx. Co. Cir. Ct.) (Providence District)*
10. *Eileen M. McLane, Fairfax County Zoning Administrator v. Jose S. Gonzalez, et al., Case No. CL-2007-0006664 (Fx. Co. Cir. Ct.) (Sully District)*
11. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Elsa M. Aguilera, Case No. CL-2007-0008621 (Fx. Co. Cir. Ct.) (Lee District)*
12. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Deutsche Bank National Trust Company, Trustee, Case No. CL-2007-0013317 (Fx. Co. Cir. Ct.) (Lee District)*
13. *Eileen M. McLane, Fairfax County Zoning Administrator v. Elizabeth Sanchez, Case No. CL-2007-0013787 (Fx. Co. Cir. Ct.) (Providence District)*
14. *Eileen M. McLane, Fairfax County Zoning Administrator v. Mery Raquel Vilcapoma Inga, Case No. CL-2007-0013788 (Fx. Co. Cir. Ct.) (Mason District) (Strike Team Case)*
15. *Board of Supervisors v. W.L. Homes, L.L.C., et al., Case No. CL-2007-0001127 (Fx. Co. Cir. Ct.) (Lee District)*

Board Agenda Item  
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3:00 p.m.

Special Meeting of the Fairfax County Solid Waste Authority to Approve Amendment to Service Agreement Among Fairfax County, the Fairfax County Solid Waste Authority, and Covanta Fairfax, Inc. Relating to the Generation and Sale of Electricity in Excess of 80 MW

ISSUE:

Fairfax County Solid Waste Authority (SWA) and Board of Supervisors must consent to any amendments of the Power Purchase and Operating Agreement (PPOA) between Covanta Fairfax, Inc. (Covanta) and Dominion Virginia Power. The Service Agreement Amendment sets forth the conditions precedent to that consent and other necessary changes to the Service Agreement.

RECOMMENDATION:

The Executive Director of the Fairfax Solid Waste Authority recommends that the Fairfax County Solid Waste Authority approve the Amendment to the Service Agreement relating to the generation and sale of electricity in excess of 80 megawatts (MW).

TIMING:

Immediate. The Service Agreement Amendment must be approved by the Fairfax County Board of Supervisors and Solid Waste Authority as one of several approvals Covanta must obtain before the amendments to the PPOA become effective.

BACKGROUND:

Covanta (formerly known as Ogden Martin Systems of Fairfax, Inc.) and Virginia Electric and Power Company d/b/a Dominion Virginia Power are parties to the Power Purchase and Operating Agreement dated June 30, 1987, as amended in the 1996 and 2002 PPOA. Pursuant to the PPOA, Dominion Virginia Power purchases dependable electric generating capacity and energy produced by the Energy/Resource Recovery Facility (Facility). Fairfax County and the Fairfax County Solid Waste Authority (together, the County) are express third-party beneficiaries under the PPOA. An Amendment to the PPOA has been negotiated between Covanta and Dominion Virginia Power to allow Covanta to exceed the 80 MW generating limit originally imposed on the Facility. Under the Service Agreement, Covanta cannot amend the PPOA without the written consent of the County. When the Facility was constructed in the late 1980's, the original PPOA required that the Facility be a Qualifying Facility (QF) under Federal Energy Regulatory Commission (FERC) standards, which limited the output of the Facility to 80 MW.

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Changes in the market for energy sales, a recent relaxation in the relevant FERC standards, and regional concerns regarding the availability of sufficient power have combined to leave Covanta with no real advantage in maintaining QF status. Following technical and legal reviews of the matter, Covanta proposes to surrender QF status and generate electricity in excess of 80 MW, and has negotiated an amendment and restatement of its PPOA with Dominion Virginia Power to do the same (the Second Amendment).

Significant provisions of the Service Agreement Amendment include:

- The County's consent to the generation and sale of electricity in excess of 80 MW is subject to the terms and conditions of the Service Agreement Amendment, discussed in more detail below.
- The County will receive 50% of the energy revenues for energy over 80MW.
- The sale of electricity over 80 MW will not result in an increase to the County in the annual operating and maintenance costs or approved pass-through costs for the Facility.

Significant provisions in the Second Amendment to the PPOA consist of the following:

- Covanta will be authorized to generate in excess of 80 MW and eventually up to 98 MW of electricity most of which will be sold to Dominion Virginia Power.
- Fairfax County will receive 90% of the energy revenues up to 80 MW (as currently provided in the Service Agreement), and 50% of the revenues for energy over 80 MW. The additional share to Covanta reflects the additional costs incurred by the operator to run the facility as efficiently as possible, and provides an incentive to keep the plant operating at maximum capacity.

Once the Service Agreement Amendment is approved, the following conditions precedent must occur before the Facility can begin operating over 80 MW:

- Covanta must file formal notice with the FERC that it intends to generate more than 80 MW at the Facility and obtain FERC acceptance of the revised PPOA.
- Covanta must receive an operating certificate from the Virginia State Corporation Commission (SCC) in a form satisfactory to Covanta and the County.
- Covanta must furnish a certificate to the County certifying, among other things, that its operation of the Facility as a non-QF will not have a material adverse effect on the remaining service life of the Facility.

It is important to note that the responses from the FERC and SCC may cause the County and/or Covanta to reconsider and/or abandon plans to generate more than 80 MW.

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Benefits that accrue to the County from approval of the Service Agreement Amendment consenting to the Second Amendment include the following:

- Additional energy revenues will help keep the tipping fee low for businesses and residents.
- The Facility will more efficiently recover energy from the waste which the County delivers. Currently the Facility must bleed off some of the steam generated, in order to remain under the 80 MW cap. Being relieved of this constraint will ordinarily allow all of the steam to be used, generating additional electricity.
- It is widely acknowledged that power demands in Northern Virginia are straining the existing electric grid. The distributed generation represented by 80+ MW in Fairfax County will yield some reliability benefits for the County.

In summary, this Service Agreement Amendment allows Covanta to continue working toward relinquishing its QF status and to file applications with the FERC and SCC. Unless all the conditions precedent are met, the County and Covanta can still choose to produce 80 MW or less and remain a Qualifying Facility.

FISCAL IMPACT:

The revenue generated from the sale of electricity in excess of 80 MW will vary, depending upon how much electricity is generated above 80 MW and the price paid (sales over 80 MW are subject to real-time pricing). An estimate of the revenue that could be generated is \$500,000 per year split equally between the County and Covanta. Covanta will apply the revenues as County credits, to reduce the actual tip fee paid at the Facility.

ENCLOSED DOCUMENTS:

Attachment I: Agreement Among the County of Fairfax, Virginia, the Fairfax County Solid Waste Authority, and Covanta Fairfax, Inc. to Amend the Service Agreement Relating to the Generation and Sale of Electricity in Excess of 80 MW

STAFF:

Jimmie D. Jenkins, Director, Department of Public Works and Environmental Services (DPWES)  
Howard J. Guba, Deputy Director, DPWES  
Joyce M. Doughty, Director, Division of Solid Waste Disposal and Resource Recovery, DPWES

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November 19, 2007

3:00 p.m.

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

ISSUE:

Board decision 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. At the November 19, 2007 Board Meeting, the Board deferred the decision to December 3, 2007.

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

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of Supervisors unto the then owners of the property to permit construction of the home 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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Board Agenda Item  
December 3, 2007

3:30 p.m.

Public Hearing on a Proposal to Implement Cut-Through Measures on Morningside Lane as Part of the Residential Traffic Administration Program (Mount Vernon District)

ISSUE:

Public hearing on a proposal to implement cut-through measures on Morningside Lane as part of the Residential Traffic Administration Program (R-TAP).

RECOMMENDATION:

The County Executive recommends the Board endorse Morningside Lane for cut-through measures as part of the R-TAP. The proposed cut-through plan includes the installation of one traffic calming device.

TIMING:

On October 15, 2007, the Board authorized advertisement of a public hearing scheduled for December 3, 2007, 3:30 p.m.

BACKGROUND:

On August 1, 2005, the Board of Supervisors adopted a resolution requesting the Virginia Department of Transportation (VDOT) to consider cut-through measures for Morningside Lane. This action was based on a previous request of the Mount Vernon Council of Citizens Associations and the Wellington Heights Civic Association for traffic calming measures on Morningside Lane. Since Morningside Lane exceeded the 4,000 vehicle per day limit for the traffic calming program, the request was transferred into the R-TAP for cut-through traffic mitigation. Subsequently a task force was formed to develop a cut-through plan. Due to the fact that Morningside Lane is a collector street, no access restrictions are being considered, but only traffic calming type measures. The proposed cut-through plan consists of the installation of one traffic calming device.

In order for cut-through measures to be implemented as part of the R-TAP, a public hearing must be held pursuant to the policies and procedures adopted by the Commonwealth Transportation Board contained in the "Policy and Procedures, Control of Residential Cut-Through Traffic" dated May 9, 1996. In addition, a resolution (Attachment I) must be forwarded to the VDOT requesting implementation of cut-through measures.

FISCAL IMPACT:

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The estimated cost of \$6,000 for the implementation of cut-through measures is to be paid out of the VDOT secondary road construction budget.

ENCLOSED DOCUMENTS:

Attachment I: Proposed Resolution for Cut-Through Measures on Morningside Lane

Attachment II: Area Map of Proposed Cut-Through Measures on Morningside Lane

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

Board Agenda Item  
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3:30 p.m.

Joint Public Hearing on the Proposed Six-Year Virginia Department of Transportation Secondary System Construction Program for Fiscal Years 2009 through 2014

ISSUE:

Board consideration and approval of the proposed Six-Year Virginia Department of Transportation (VDOT) Secondary System Construction Program for Fiscal Years (FY) 2009 through 2014.

RECOMMENDATION:

The County Executive recommends that the Board approve the attached Secondary System Construction Program for FY 2009 through 2014 (Attachment I).

TIMING:

The Board should act on this item on December 3, 2007, following the public hearing.

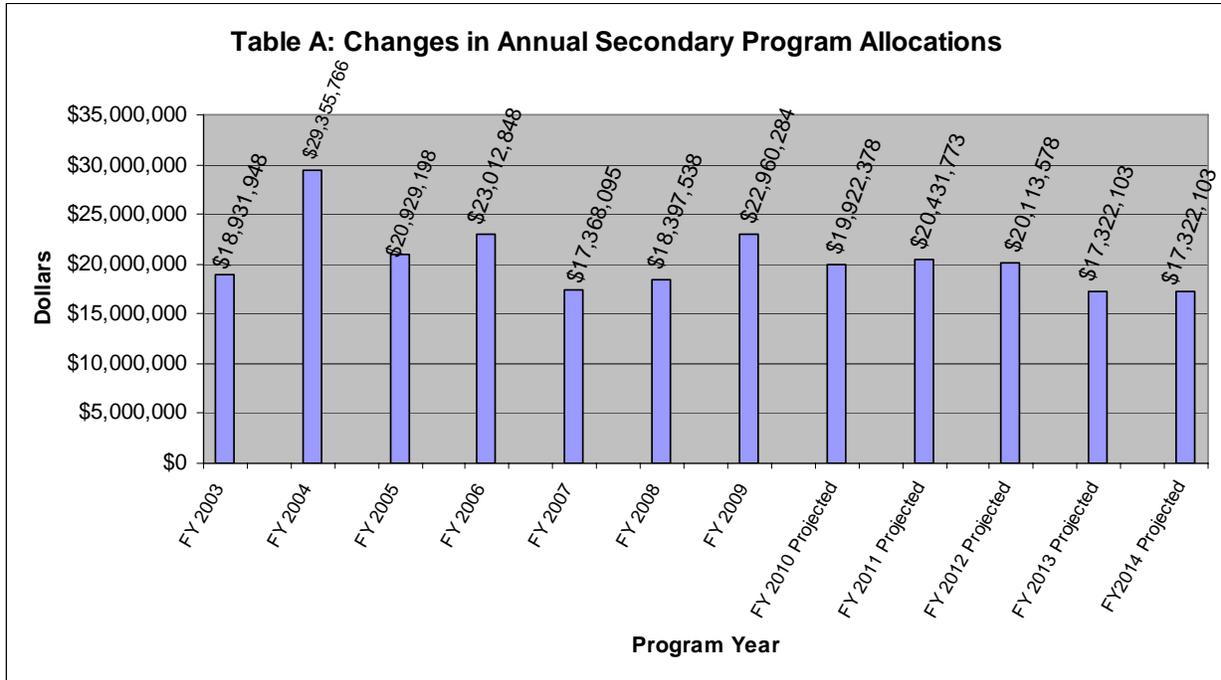
BACKGROUND:

The proposed Secondary System Construction Program has been prepared by VDOT, in coordination with County staff, pursuant to Section 33.1-70.01 of the *Code of Virginia*. This is an update of the previous Program which was the subject of a public hearing before the Board of Supervisors on June 18, 2007. Project schedule information is also included in the Program.

The total FY 2009 through FY 2014 Secondary Road Program is \$118.07 million. This is a 0.9 percent decrease from the FY 2008 to 2013 Secondary Road Program of \$119.1 million approved on June 18, 2007. This reduction reflects the fact that the FY 2008 program included some allocation for one-time appropriations to the Transportation Trust fund.

Table A shows the annual Fairfax County Secondary Road Program from FY 2003 through FY 2014.

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In addition, Table B shows the changes in the total program amounts from the FY 2003 to FY 2009 program through the current program.

Table B: Secondary Program Comparison

2003-2008	\$138,335,526
2004-2009	\$153,442,084
2005-2010	\$113,686,186
2006-2011	\$131,445,086
2007-2012	\$ 78,270,291
2008-2013	\$119,121,972
2009-2014	\$118,072,219

The following changes to the Program are proposed:

- Advanced the Stringfellow Road widening project to four lanes from Route 50 to Fair Lakes Boulevard, which is almost entirely funded with county bonds, including \$21 million included the FY 2007 Bond Referendum. The construction start date is July 2011.
- Added the widening of Pohick Road from Route 1 to I-95 to begin design in FY 2009.

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- Increased funding for several cost center budgets. Over the life of the Program, these include a \$200,000 increase in traffic calming funds; a \$2.18 million increase in traffic services (including the installation of traffic signals); a 0.8 million increase in pedestrian projects; and a \$0.9 million dollar increase in pipe, entrance and drainage to address drainage issues. The cost center for plan review may be used for county projects on both the Primary and Secondary road systems.
- Updated cost estimates and project schedules from the estimates provided in July 2007. A summary of these changes in cost estimates projects between the July 2007 Program and the proposed Program is included as Attachment II.

FISCAL IMPACT:

There is no impact to the Fairfax County budget at this time. The funds associated with this Program are VDOT Secondary System funds or funds from outside sources. At such time as individual projects are constructed, the County may send VDOT any related funds that have been collected for a particular request by the County through proffers or construction escrows.

ENCLOSED DOCUMENTS:

Attachment I: Secondary System Construction Program for FY 2009 through FY 2014

Attachment II: Secondary System Construction Program Schedule and Cost Change Summary

STAFF:

Katharine D. Ichter, Director, Fairfax County Department of Transportation (FCDOT)

Ellen Gallagher, Chief, Capital Projects and Operations Division, FCDOT

Karyn Moreland, Chief Capital Projects Section, FCDOT

Tom Biesiadny, Chief Coordination and Funding Division, FCDOT

Carl Winstead, Coordination and Funding Division, FCDOT

Leonard Siegel, Fairfax Preliminary Engineering Manager, Virginia Department of Transportation

Jan Vaughan, Virginia Department of Transportation

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4:00 p.m.

Public Hearing on Proposed Policy Plan Amendment S07-CW-3CP on Air Quality and Green Building Practices

ISSUE:

Plan Amendment (PA) S07-CW-3CP proposes amending the Policy Plan element of the Comprehensive Plan to revise text related to air quality issues and to add guidance addressing green building practices and energy and water efficiency. Proposed revisions include: updating and expanding upon background text and adding policies within the Air Quality and Energy Conservation portions of the Environment section of the Policy Plan; adding guidance to the Residential Development Criteria within the Land Use section of the Policy Plan; and adding a definition for "Green Building," Energy Conservation, and Energy Efficiency to the glossary within the Policy Plan and Area Plans.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission public hearing was held on November 8, 2007 and decision was deferred to November 15, 2007. On November 15, 2007, the Planning Commission voted 9-0-1 (Commissioner Hall abstaining; Commissioners Alcorn and Lusk absent from the meeting) to recommend the following actions to the Board of Supervisors:

- Adoption of S07-CW-3CP as set forth on pages 16 through 24 of the staff report dated October 24, 2007, with the revisions recommended by staff in the attached memorandum from Fred Selden, dated November 14, 2007, with the following modification:

On page 6 of Mr. Selden's memorandum, under Policy A in the first line, insert "consistent with other Policy Plan objectives" and change the upper case 'E' in the next word to a lower case 'e'.

- Direct staff to continue evaluating green building incentive options (to possibly include potential rebates for water tap, sewer, or other fees; tax credits for new buildings or retrofitting; expedited processing; ongoing evaluation of emergency efficiency and/or performance bonds or escrows), to coordinate with other agencies and the Planning Commission Environment Committee, and to report back to the Board;

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- Direct staff to continue evaluating the issue of creating a green fund to collect monetary contributions as part of the development process to support the County's environmental initiative and to coordinate discussions with the Planning Commission Environment Committee for further review and recommendations; and
- Direct the Planning Commission to continue review of green building issues and to recommend revisions to green building policies, as may be determined by the Commission after discussions with staff, two years after adoption of this Plan amendment (or sooner at the discretion of the Planning Commission).

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors approve the Planning Commission recommendation. The Planning Commission recommended adoption of PA S07-CW-3CP as set forth on pages 16 through 24 of the Staff Report dated October 24, 2007 with revisions recommended by staff in the memorandum dated November 14, 2007 contained in Attachment II and with one additional modification as identified in the Planning Commission verbatim in Attachment III. The Plan Amendment would strengthen air quality guidance in the Plan and would incorporate support for green building practices into the Plan and encourage and promote the application of these practices.

TIMING:

Planning Commission public hearing – November 8, 2007

Planning Commission decision – November 15, 2007

Board of Supervisors' public hearing – December 3, 2007

BACKGROUND:

Since January 2007 the Planning Commission's Environment Committee has held several public meetings to discuss and consider a draft Policy Plan Amendment that would strengthen Comprehensive Plan guidance regarding air quality issues and would incorporate support for green building practices. On July 9, 2007, the Board of Supervisors authorized consideration of a Policy Plan Amendment addressing air quality and green building issues, generally consistent with the proposal that had been under review by the Planning Commission's Environment Committee. The Board also requested that the Environment Committee consider possible ways to promote and encourage green building practices through the Comprehensive Plan and that the proposed Plan Amendment be crafted accordingly. The Environment Committee met several times subsequent to the Board's authorization to consider this matter.

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FISCAL IMPACT:  
None

ENCLOSED DOCUMENTS:

Attachment I – Staff Report for Proposed Plan Amendment S07-CW-3CP  
Attachment II – Proposed revisions to the Air Quality/Green Buildings Plan Amendment  
Attachment III – Planning Commission verbatim and recommendation

STAFF:

James P. Zook, Director, Department of Planning and Zoning (DPZ)  
Fred R. Selden, Director, Planning Division (PD), DPZ  
Pamela G. Nee, Chief, Environment and Development Review Branch, PD, DPZ  
Noel H. Kaplan, Senior Environmental Planner, PD, DPZ

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4:00 p.m.

Public Hearing to Propose an Amendment to Chapter 4 of the Fairfax County Code that Amends and Readopts Section 4-10-5 Relating to the Separate Classification and Taxation of Certain Commercial and Industrial Property in Fairfax County for Transportation Purposes

ISSUE:

Public hearing to consider the amendment and re-adoption of an ordinance for a separate classification of certain commercial and industrial property for transportation taxation pursuant to the 2007 Acts of Assembly, Chapter 896. The sole purpose of the proposed amendment is to amend one reference to a specific section of the Virginia Code.

RECOMMENDATION:

The County Executive recommends that the Board adopt the ordinance amendment as proposed in Attachment 1.

TIMING:

The Board authorized advertisement of a public hearing for December 3, 2007, at 4:00 p.m. on the proposed ordinance amendment.

BACKGROUND:

At its meeting held on September 10, 2007, the Board of Supervisors amended Chapter 4, Taxation and Finance, by enacting and 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 are to 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, enacted during the 2007 Session of the Virginia General Assembly. This legislation addresses 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, contains a new section of the Virginia Code numbered 58.1-3221.2 and authorizes certain localities

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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 with 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 the advertised house-keeping amendment to Fairfax County Code Section 4-10-5 so as 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.

On November 19, 2007, the Board authorized advertisement of the proposed ordinance amendment. The proposed ordinance amendment was advertised in accordance with Virginia law.

FISCAL IMPACT:

None.

ENCLOSED DOCUMENT:

Attachment 1 – Proposed Ordinance Amendment to Section 4-10-5, Fairfax County Code  
Attachment 2 – Pertinent Section of Va. Code Ann. § 58.1-3221.3 (Supp. 2007)

STAFF:

Kevin C. Greenlief, Director, Department of Tax Administration  
Tom Biesiadny, Chief, Coordination and Funding Division, Department of Transportation  
Ellen F. M. Posner, Assistant County Attorney

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4:00 p.m.

Public Comment from Fairfax County Citizens and Businesses on Issues of Concern

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