

**FAIRFAX COUNTY
BOARD OF SUPERVISORS
MARCH 31, 2008**

AGENDA

9:00	Done	Presentations
10:00	Done	Presentation of the Volunteer Fire Commission Report
10:15	Done	Appointments to Citizen Boards, Authorities, Commissions, and Advisory Groups
10:15	Done	Items Presented by the County Executive

ADMINISTRATIVE ITEMS

1	Approved	Additional Time to Commence Construction for Special Exception SE 2002-SU-039, Dennis O. and Karen M. Hogge (Sully District)
2	Approved w/amendment	Extension of Review Periods for 2232 Review Applications (Braddock, Lee, Mason, Mount Vernon, Providence, and Springfield Districts)
3	Approved w/amendment	Authorization to Advertise Proposed Amendments to Chapter 119 (Grass or Lawn Area) of <i>The Code of the County of Fairfax, Virginia</i> RE: Notices of Violation and the Appeal Process
4	Approved	Authorization to Advertise a Public Hearing for the Enlargement/De-Creation/Re-Creation of Small and Local Sanitary Districts for Refuse/Recycling and/or Leaf Collection Service (Dranesville District)
5	Approved	Streets into the Secondary System (Lee, Mount Vernon, and Sully Districts)
6	Approved w/amendment	Installation of Yield to Pedestrians in Crosswalk \$100–\$500 Violation Fine Signs
7	Approved	Authorization to Advertise a Public Hearing to Establish the Somerset Community Parking District (Springfield District)
8	Approved	Authorization to Advertise a Public Hearing to Establish the Sully Station Community Parking District (Sully District)
9	Approved	Authorization to Advertise a Public Hearing to Expand the Landsdowne Community Parking District (Lee District)

**FAIRFAX COUNTY
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**ADMINISTRATIVE
ITEMS (CONTINUED)**

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|----|-----------------|--|
| 10 | Approved | Approval of a Multi-Way Stop as Part of the Residential Traffic Administration Program (Providence District) |
| 11 | Approved | Authorization for the Fairfax County Fire and Rescue Department to Apply for and Accept an Assistance to Firefighters Grant from the U.S. Department of Homeland Security |
| 12 | Approved | Authorization to Advertise a Public Hearing for the Continued Leasing of County-Owned Property Known as the Hollin Hall Facility Located at 1500 Shenandoah Road, to A Child's Place (Mount Vernon District) |
| 13 | Approved | Authorization to Advertise a Public Hearing for the Continued Leasing of County-Owned Property at 8333 Richmond Highway to The Royal Embassy of Saudi Arabia d/b/a the Islamic Saudi Academy (Mount Vernon District) |
| 14 | Approved | Authorization to Advertise a Public Hearing to Consider Amendments to <i>The Code of the County of Fairfax, Virginia</i> – Chapter 109.1, Solid Waste Management |

ACTION ITEMS

- | | | |
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| 1 | Approved | Approval of the Disease Carrying Insects Program |
| 2 | Approved | Amendment to the Agreement with St. Mary of Sorrows Catholic Church to Provide Temporary Public Commuter Parking During Construction of the Burke Centre Virginia Railway Express (VRE) Parking Garage (Braddock District) |
| 3 | Approved
w/amendment | Approval of the Implementation Plan to Prevent and End Homelessness in the Fairfax-Falls Church Community |
| 4 | Approved | Approval of Resolution and Letter with Fairfax County's Commitments to the National Capital Region's Cool Capital Challenge |
| 5 | Approved | Approval of 2008 Zoning Ordinance Amendment Work Program |

**FAIRFAX COUNTY
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**ACTION ITEMS
(CONTINUED)**

- 6 **Approved** Industrial Development Authority Health Care Revenue Refunding Bonds

INFORMATION ITEMS

- 1 **Noted** Planning Commission Action on Application 2232-D07-13, NewPath Networks, LLC and New Cingular Wireless PCS, LLC by AT&T Mobility Corporation Its: Manager (Dranesville District)
- 2 **Noted** Contract Award – Stream Stabilization of Turkeycock Run at Green Spring Gardens (Mason District)
- 3 **Noted** Consolidated Plan Certification for the Fairfax County Redevelopment and Housing Authority Public Housing and Housing Choice Voucher Annual Plan Update for FY 2009
- 4 **Noted** Rate Reductions for Electric Service Provided by Northern Virginia Electric Cooperative Effective February 1, 2008 Through January 31, 2011
- 5 **Noted** Disposition of 1447 Woodacre Drive
- 6 **Noted** Contract Award – Professional Audit Services
- 7 **Noted** Contract Award – Medical Detoxification Services
- 8 **Noted** 2007 Virginia Pollutant Discharge Elimination System Permit Annual Report for Fairfax County, Virginia
- 9 **Noted** Contract Award – Little River Turnpike (Route 236) Beauregard Street Intersection Improvements (Mason District)
- 10 **Noted** Contract Award – Cub Run Stream Valley Connector Trails (Sully District)
- 11 **Noted** Contract Award – Accotink Stream Valley Trail, Lake Accotink to Hunter Village Drive (Braddock, Lee, and Springfield Districts)
- 12 **Noted** Contract Award – Royal Lake Spillway Rehabilitation Project (Braddock District)

**FAIRFAX COUNTY
BOARD OF SUPERVISORS
MARCH 31, 2008**

10:45 **Done** Matters Presented by Board Members

11:35 **Done** Closed Session

PUBLIC HEARINGS

3:00 **Approved** Public Hearing on SEA 89-S-072 (T-Mobile Northeast LLC/Northern Virginia, Electric Cooperative/Smartpole, Inc., & New Cingular Wireless PCS, LLC) (Springfield District)

3:00 **Approved** Public Hearing on PCA 1998-BR-073 (Steuart-Burke Centre Shopping Center, L.L.C.) (Braddock District)

3:00 **Approved** Public Hearing on PCA 75-8-036-2 (Steuart-Burke Centre Shopping Center, L.L.C.) (Braddock District)

3:00 **Approved** Public Hearing on DPA C-546-23 (Steuart-Burke Centre Shopping Center, L.L.C.) Braddock District

3:00 **Approved** Public Hearing on PRC C-546 (Steuart-Burke Centre Shopping Center, L.L.C) (Braddock District)

3:00 **Public hearing held.
Decision deferred.
Record held open.** Public Hearing on Proposed Amendments to *The Code of the County of Fairfax, Virginia*, Chapter 84.1, Public Transportation, Regarding Issuance and Renewal Fees for Licenses

3:00 **Public hearing held.
Decision deferred.
Record held open.** Public Hearing on Proposed Amendments to Chapter 61, Building Provisions, and Chapter 62, Fire Protection, of *The Code of the County of Fairfax, Virginia*, Regarding Fire Marshal Fees

3:00 **Public hearing held.
Decision deferred.
Record held open.** Public Hearing on Proposed Amendments to Chapter 4 of *The Code of the County of Fairfax, Virginia*, Regarding Transport By County Emergency Medical Service Vehicles

3:00 **Public hearing cancelled** Public Hearing on a Proposal to Abandon Part of the Right-of-Way of Peniwill Drive (Mount Vernon District)

3:30 **Public hearing held.
Decision deferred.
Record held open.** Public Hearing for a Sewer Ordinance Amendment to Revise the Sewer Service Charges and the Availability Fees

3:30 **Public hearing held.
Decision deferred.
Record held open.** Public Hearing to Establish a Rate for the Transportation Tax on Certain Commercial and Industrial Properties

**FAIRFAX COUNTY
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**PUBLIC HEARINGS
(CONTINUED)**

3:30	Approved	Public Hearing on SE 2007-SU-033 (Enterprise Leasing Company A Maryland Corporation D/B/A Enterprise/Centreville Square Project, L.P.) (Sully District)
3:30	Public hearing deferred to 4/28/08 at 3:30 p.m.	Public Hearing on SEA 01-M-010 (Skyline Amoco, LLC Trading as Discount Gas) (Mason District)
3:30	Approved	Public Hearing on PCA 91-W-023-03 (Fairfax County Board of Supervisors) (Providence District)
3:30	Approved	Public Hearing on FDPA 91-W-023-02 (Fairfax County Board of Supervisors) (Providence District)
4:00	Approved	Public Hearing on SEA 88-V-006 (Michael Macnair) (Mount Vernon District)
4:00	Approved	Public Hearing on SEA 90-P-031 (St. Philips Catholic Church C/O Bishop of Arlington) (Providence District)
4:00	Public hearing held. Decision deferred. Record held open.	Public Hearing on the Draft Proposed Consolidated Plan One-Year Action Plan for FY 2009
4:00	Approved	Public Hearing on a Proposal to Vacate Unnamed Right-of-Way in the Shirley Gate Park Subdivision (Braddock District)
4:00	Approved	Public Hearing on a Proposal to Vacate and Abandon a Portion of Potomac Avenue (Route 1501) (Mount Vernon District)
4:00	Approved	Public Hearing to Consider Adopting an Ordinance to Establish the Herndon-Monroe Temporary Residential Permit Parking District, District T-HM (Hunter Mill District)
4:30	Approved	Public Hearing on PRC B- 846-02 (JBG Rockwood Gateway, Land LLC) (Hunter Mill District)
7:00	Public hearing continued to 4/1/07 at 6:00 p.m.	Public Hearing on the County Executive's Proposed FY 2009 Advertised Budget Plan, the Advertised Capital Improvement Program for Fiscal Years 2009 - 2013 (CIP) (With Future Fiscal Years to 2018) and the Current Appropriation in the FY 2008 Revised Budget Plan



Fairfax County, Virginia
BOARD OF SUPERVISORS
AGENDA

Monday
March 31, 2008

9:00 a.m.

PRESENTATIONS

1. PROCLAMATION – To designate April 2008 as Parents Who Host Lose the Most Month in Fairfax County. Requested by Chairman Connolly.
2. RESOLUTION – To recognize Oakton High School for its 40th anniversary. Requested by Chairman Connolly and Supervisors Frey, Hudgins and Smyth.
3. PROCLAMATION – To designate April 13-19, 2008, as Public Safety Telecommunications Week in Fairfax County. Requested by Supervisor Gross.
4. PROCLAMATION– To designate April as Childhood Immunization Month in Fairfax County. Requested by Chairman Connolly.
5. PROCLAMATION – To designate April 2008 as Donate Life Month in Fairfax County. Requested by Chairman Connolly.
6. PROCLAMATION – To designate April 7-13, 2008, as Public Health Week in Fairfax County. Requested by Chairman Connolly.
7. PROCLAMATION – To recognize the League of Women Voters of the Fairfax Area for its 60th anniversary and proclaim April 15, 2008, as League of Women Voters of the Fairfax Area Day in Fairfax County. Requested by Chairman Connolly.
8. PROCLAMATION – To designate April 12, 2008, as Invasive Plant Removal Day in Fairfax County. Requested by Chairman Connolly.

STAFF:

Merni Fitzgerald, Director, Office of Public Affairs
Bill Miller, Office of Public Affairs

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10:00 a.m.

Presentation of the Volunteer Fire Commission Annual Report

ENCLOSED DOCUMENTS:

None. Report delivered under separate cover.

PRESENTED BY:

Tim Fleming, Chief, Franconia VFD, the Chair of the Volunteer Fire Commission

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Board Agenda Item
March 31, 2008

10:15 a.m.

Appointments to Citizen Boards, Authorities, Commissions, and Advisory Groups

ENCLOSED DOCUMENTS:

Appointments to be Heard March 31, 2008

STAFF:

Nancy Vehrs, Clerk to the Board of Supervisors

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Board Agenda Item
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10:15 a.m.

Items Presented by the County Executive

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Board Agenda Item
March 31, 2008

ADMINISTRATIVE - 1

Additional Time to Commence Construction for Special Exception SE 2002-SU-039, Dennis O. and Karen M. Hogge (Sully District)

ISSUE:

Board consideration of additional time to commence construction for SE 2002-SU-039, pursuant to the provisions of Sect. 9-015 of the Zoning Ordinance.

RECOMMENDATION:

The County Executive recommends that the Board approve twenty-three months additional time for SE 2002-SU-039, to July 4, 2009.

TIMING:

Routine

BACKGROUND:

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

On August 4, 2003, the Board of Supervisors approved Special Exception SE 2002-SU-039 for a vehicle light service establishment and fast food restaurant with drive-through window, subject to development conditions. The special exception application was filed in the name of Dennis O. and Karen M. Hogge, for the property located at Tax Map 54-4 ((1)) 65-68 (see Locator Map in Attachment 1). Concurrent with the special exception, the Board of Supervisors approved Rezoning RZ 2002-SU-034, to the C-6 District, subject to proffers. The SE plat and development conditions for SE 2002-SU-039 and the proffers for RZ 2002-SU-034 are included with the Clerk to the Board's letters contained in Attachment 2. SE 2002-SU-039 was approved with a condition that the use shall be established or construction shall be commenced and diligently prosecuted within 30 months of the approval date, unless the Board grants additional time.

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On March 27, 2006, the Board of Supervisors approved eighteen months additional time to commence construction for Special Exception SE 2002-SU-039 in the name of Dennis O. and Karen M. Hogge until August 4, 2007 (Attachment 3).

On August 2, 2007, the Department of Planning and Zoning (DPZ) received a letter dated August 1, 2007, from John C. McGranahan, Jr., agent for Ann's Second L.L.C., successor in interest to the applicants, requesting eighteen months additional time to commence construction for the project. Mr. Granahan states that delays have been due to circumstances involved in obtaining tenants and users for the site, including coordination of the financial commitments required for site improvements. Subsequent to receipt of the original request for additional time, the applicant entered into negotiations with the owner of the property across Old Centreville Road to share costs for the provision of right-of-way improvements to Old Centreville Road. An agreement was reached between the two parties. The additional time request was scheduled for Board consideration and deferred on January 28, 2008, and February 11, 2008, in order to allow time for execution of the documents. Due to the amount of time required for the execution of the documents and for the implementation of the improvements related to the agreement, on March 12, 2008, Mr. Granahan submitted a revised request for twenty-three months additional time. The applicant anticipates the additional time will allow for the commencement of construction of the approved special exception use. The letters of request are included as Attachment 4.

Staff has reviewed Special Exception SE 2002-SU-039 and has established that, as approved, it is still in conformance with all applicable provisions of the Fairfax County Zoning Ordinance for a vehicle light service establishment and a fast food restaurant with drive-through window. Further, staff knows of no change in land use circumstances which affect the compliance of SE 2002-SU-039 with the special exception standards applicable to this use, or which should cause the filing of a new special exception application and review through the public hearing process. The Comprehensive Plan recommendation for this site has not changed since the SE was approved. Finally, the conditions associated with the Board's approval of SE 2002-SU-039 are still appropriate and remain in full force and effect. Staff recommends that twenty-three months additional time be approved.

FISCAL IMPACT:

None

ENCLOSED DOCUMENTS:

Attachment 1: Locator Map

Attachment 2: Letter dated August 28, 2003, to Keith C. Martin, agent for the applicant, from Patti M. Hicks, Deputy Clerk to the Board of Supervisors, which sets forth the conditions for approval of SE 2002-SU-039; and letter dated August 29, 2003, to Keith C. Martin, agent for the applicant, from Patti M. Hicks, Deputy Clerk to the Board of

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Supervisors, stating the Board's approval of RZ 2002-SU-034 subject to proffers
Attachment 3: Letter dated March 30, 2006, to Francis A. McDermott, agent for the applicant, from Nancy Vehrs, Clerk to the Board of Supervisors, which sets forth the Board's approval of eighteen months additional time to August 4, 2007
Attachment 4: Letters dated August 1, 2007, and March 12, 2008, from John C. McGranahan, Jr., agent for the applicant, to the Department of Planning and Zoning, requesting additional time

STAFF:

Robert A. Stalzer, Deputy County Executive
James P. Zook, Director, Department of Planning and Zoning (DPZ)
Regina C. Coyle, Director, Zoning Evaluation Division (ZED), DPZ
Fred Selden, Director, Planning Division, DPZ
Kevin Guinaw, Chief, Special Projects Applications/Management Branch, ZED, DPZ
Carrie Lee, Staff Coordinator, ZED, DPZ

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ADMINISTRATIVE – 2

Extension of Review Periods for 2232 Review Applications (Braddock, Lee, Mason, Mount Vernon, Providence, and Springfield 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 2232-V07-19 to June 5, 2008; application FS-M07-52 to June 7, 2008; application FS-L08-1 to June 8, 2008; application FS-P08-4 to June 21, 2008; application FSA-S06-21-1 to June 26, 2008; and application FS-B08-6 to September 22, 2008.

TIMING:

Board action is required on March 31, 2008, 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 period for application FS-B08-6, which was accepted for review by the Department of Planning and Zoning (DPZ) on February 20, 2008. This application is for a public facility, and thus is not subject to the State Code provision for extending the review period by no more than sixty additional days.

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The Board also should extend the review periods for applications 2232-V07-19, FS-M07-52, FS-L08-1, FS-P08-4, and FSA-S06-21-1, which were accepted for review by DPZ between January 7, 2008, and January 28, 2008. 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-V07-19	Verizon Wireless 118-foot tall monopole (tree pole) 8229 Riverside Road Mount Vernon District
FS-M07-52	Airband Rooftop antennas 6402 Arlington Boulevard Mason District
FS-L08-1	FiberTower Antenna colocation on existing monopole 6700 Springfield Center Drive Lee District
FS-P08-4	Fairfax County Office of Public Affairs Antenna on new wood pole for Highway Advisory Radio system 10304 Lynnhaven Parkway (Oakton Library) Providence District
FS-B08-6	Fairfax County Park Authority Park master plan revision 4420 Belden Street (Fairfax Villa Park) Braddock District
FSA-S06-21-1	FiberTower Additional dish antenna colocations on existing tower 4618 West Ox Road Springfield District

The need for the full time of these extensions may not be necessary, and is not intended to set a date for final action.

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FISCAL IMPACT:
None

ENCLOSED DOCUMENTS:
None

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

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Board Agenda Item
March 31, 2008



ADMINISTRATIVE - 3

Authorization to Advertise Proposed Amendments to Chapter 119 (Grass or Lawn Area) of *The Code of the County of Fairfax, Virginia* RE: Notices of Violation and the Appeal Process

ISSUE:

Board authorization to advertise public hearings on proposed amendments to Chapter 119 (Grass or Lawn Area) of *The Code of the County of Fairfax, Virginia*. The proposed amendments address issues related to the definition of "grass or lawn area," serving notices of violation, the appeal process, and editorial changes.

RECOMMENDATION:

The County Executive recommends that the Board authorize the advertisement of the proposed amendments to Chapter 119 as set forth in the Staff Report dated March 31, 2008.

TIMING:

Board action is requested on March 31, 2008, to provide sufficient time to advertise a public hearing on April 28, 2008, at 4:30 p.m., before the Board.

BACKGROUND:

In response to Board and citizen concerns about ensuring an efficient and effective response to overgrown grass, particularly in residential neighborhoods, staff of the Department of Public Works and Environmental Services (DPWES) in concert with the County Attorney's Office reviewed the existing provisions of Chapter 119 and the County's current enforcement program. A presentation was made to the Board's Development Process Committee on January 14, 2008, on the results of this review and several recommendations for future actions were provided. Subsequently, in a January 28, 2008, Board Matter, the Board directed staff to.

- Bring amendments back to the Board for public hearing no later than April 28, 2008.
- In addition to the amendments, provide detailed information to the Board on enforcement program improvements that do not require code amendments but will improve the response time for enforcement.
- Provide the Board with the staffing implications of the proposed amendments and enforcement program improvements.

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The proposed amendments and information provided herein are in response to the Board's directive. Staff is recommending both substantive and housekeeping changes to Chapter 119. All proposed changes are presently authorized under existing state enabling authority. The substantive changes are intended to aid in a more efficient response to complaints regarding overgrown grass. In addition to the proposed ordinance changes which should streamline the enforcement process, staff is initiating several programmatic changes which should also expedite the process.

PROPOSED AMENDMENTS:

- 1) The first staff-recommended change is to Section 119-2-1 (Definitions). Sub-section (a) of this provision presently excludes "[t]rees, shrubs, ornamental grasses, ferns, fruits, and vegetable, herb, spice, flower, and other beds. . ." from the definition of grass or lawn area. Staff recommends the following language:

(a) *Grass or Lawn Area*: The words "grass or lawn area" shall include an area of ground covered with grass and/or associated growth. Trees, shrubs, ~~ornamental grasses, cultivated areas, including, but not limited to beds of ornamental grasses,~~ ferns, fruits, ~~and vegetables,~~ herbs, spices, flowers, or wildflowers ~~and other beds~~ are specifically excluded from this definition.

Staff has encountered challenges in implementing and enforcing the provisions of the ordinance due, in part, to the broad definition of, and exclusions in the definition of, "grass or lawn area." In some cases involving very poor long-term maintenance, property owners have allowed other vegetation, including small tree saplings, wildflowers, or other plant material, to grow in their grass areas and have attempted to use the exclusions in the current definition of grass or lawn area to avoid enforcement. The proposed changes to the definitions section should help further clarify and improve enforcement by limiting the exclusions for such growth to situations where the growth is specifically cultivated in defined areas, such as beds or in well-defined or bordered areas. Further clarifying this definition will enable staff to ensure that overgrown grass or lawn areas, even if they contain other volunteer vegetation, are subject to proper enforcement action and cut if enforcement actions are unsuccessful. One practical exception would be small trees that have been specifically planted with mulch or supporting guys or are of large enough caliper that a mower could not effectively remove them. In those instances it has been staff's practice to allow those small trees to remain and staff will continue this practice.

- 2) The second change staff is recommending is a housekeeping change to Section 119-3-2 (Reports of violation of Section 119-3-1). The present language requires that reports of grass violations be reported to the Environmental Facilities and Inspections Division of the Office of Site Development Services. The proposed

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language requires that reports of grass violations be reported to the Code Enforcement Branch of Land Development Services.

- 3) The next substantive change is to Section 119-3-3 (Inspection and notice of violation). The proposed language for Section 119-3-3 would modify the existing language as follows:

After inspection of a site, if a violation exists, the inspector shall serve a notice of violation on the owner by delivering the notice of violation in person, by sending the notice of violation by registered mail, or by posting the notice of violation in a conspicuous place upon the land or premises. If the inspector is informed or has reason to believe that the owner of record does not reside on the subject property, or if the subject property is unoccupied, the notice of violation shall also be sent by registered mail to the owner of record's last known address as shown on the Fairfax County Tax Records. by one of the following methods: (1) in person to the owner of the property; or (2) by certified or registered mail to the last known address of the owner of the property. In cases involving occupied developed residential property, if the notice of violation cannot be served in person or by certified or registered mail, then it can be served by posting a copy of the notice of violation on the front door of the residential structure on the property in violation and mailing a copy of said notice to the owner by both certified mail and regular mail. The notice of violation shall direct the owner to cut or cause to be cut the grass or lawn area in violation within 14 days of service of the notice of violation such reasonable time as specified in the notice. After such notice of violation is sent served on the owner and such violation has not ceased within 14 days of service of the notice of violation such reasonable time as specified in the notice of the violation, the Director may proceed to remedy the violation as provided in Section 119-3-4, unless the notice of violation has been appealed under Section 119-3-6.

The proposed language change is the first step in streamlining the notice of violation process. By specifying 14 days, this language provides clarity as to the time within which the violation must be abated by the property owner. In addition, the language allows for the immediate posting of the violation in those cases where the property is owner-occupied. Due process concerns regarding "reasonable notice" are addressed by requiring that the notice of violation be sent to the owner of record's last known address by registered mail if the property is unoccupied or the inspector is informed or has reason to believe that the owner of record does not reside at the location of the violation.

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- 4) The present Section 119-3-4 (Procedure when notice to cut grass or lawn area is not complied with) sub-section (b) requires that "if the grass or lawn area is not cut within the time required by the notice of violation issued pursuant to Section 119-3-3, the Director may proceed by notifying in writing the owner of the non-complying grass or lawn area of the Director's intent to cause to be cut the non-complying grass or lawn area and the owner's right to appeal the Director's decision."

The proposed language for Section 119-3-4 would modify the existing language as follows:

~~(a) If the grass or lawn area is not cut within the time required by the notice of violation issued pursuant to Section 119-3-3, the Director may proceed to have the noncomplying grass or lawn area cut. pursue appropriate court action for imposition of a civil penalty. Upon the imposition of a civil penalty by the court, the Director may cause to be cut the noncomplying grass or lawn area and the cost and expenses thereof shall be chargeable to and paid by the owner of such property. The costs and expenses for the cutting shall be chargeable to and paid by the owner of such property.~~ The cost and expenses may be collected by the County as taxes and levies are collected.

~~(b) As an alternative, if the grass or lawn area is not cut within the time required by the notice of violation issued pursuant to Section 119-3-3, the Director may proceed by notifying in writing the owner of the noncomplying grass or lawn area of the Director's intent to cause to be cut the noncomplying grass or lawn area and the owner's right to appeal the Director's decision. The cost and expenses for the cutting shall be chargeable to and paid by the owner of such property. The cost and expenses may be collected by the County as taxes and levies are collected. If an appeal is filed under Section 119-3-6, the non-complying grass or lawn area shall not be cut within the ten-day appeal period set forth in Section 119-3-6, until a decision has been made by the County Executive or his designee.~~

This change is the second step in streamlining the process. Presently, if the owner fails to abate the violation, the Director is required to notify the owner in *writing* of his intent to have the non-complying grass or lawn area cut. The new language would eliminate this step. Unless the property owner chooses to use his appeal rights, the Director can proceed to have the non-complying grass or lawn area cut without further notification 14 days after service of the notice of violation.

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- 5) The final substantive change to the ordinance is the proposed language for Section 119-3-6 (Appeals). The present language of Section 119-3-6 only allows an appeal by the owner of the property of a decision of the Director to have the non-complying grass or lawn area cut. To balance the streamlining of the process proposed by the new ordinance, the new language allows for both the determination that the grass is overgrown and/or the decision to have the overgrown grass or lawn area cut by the County to be appealed. Further, the new language delays initiation of the process to cut the grass until after the County Executive or his designee makes a decision on the appeal. The proposed language also deletes the appeal to the Board of the County Executive's decision that the grass/lawn area is overgrown and/or that he intends to have the overgrown grass/lawn area cut. Deletion of this step in the appeal process will help shorten the timeframe for getting the overgrown grass/lawn area cut. The proposed language would read as follows:

Any owner who is aggrieved by the decision of the Director that a property is in violation of Section 119-3-1 and/or the notice to cut the non-complying grass or lawn area pursuant to Section 119-3-4(b) may, within ten days of such decision service of the notice of violation, appeal to and have a determination made by the County Executive or his designee by submitting to the Office of the County Executive or his designee and a copy to the Director a written statement setting forth the grounds for the appeal. Any owner who is aggrieved by the decision of the County Executive or his designee may, within ten (10) days of such decision, appeal to and have a determination made by the Board of Supervisors. The County Executive or his designee shall make a finding on the appeal based on the written statement provided by the property owner and information provided by the Director.

During the period of the appeal Until the decision is made by the County Executive or his designee, no action shall be taken pursuant to Section 119-3-4(b).

PROGRAMMATIC CHANGES AND IMPACTS:

In addition to the proposed ordinance changes which should streamline the enforcement process, staff is initiating several programmatic changes which should also expedite the process. As in the past, upon receipt of a complaint, staff will continue the practice of sending letters to property owners who may be in violation of the ordinance. Past experience has demonstrated that property owners will frequently abate a potential violation upon receipt of a letter. Starting this year, staff will also send a letter notifying property owners of lots between a half acre and one acre who may have an overgrown grass/lawn area that we have received a complaint. The letter will request that they cut the portion of the lot which is a grass or lawn area. It should be noted, however, that

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since the County does not regulate lots or parcels that are a half acre or larger these letters will not reference Chapter 119 or any enforcement action, and therefore staff cannot take any further action on these properties once the letters have been sent. Historically, DPWES received approximately 200 to 400 complaints on overgrown grass during a calendar year. These complaints were handled by existing staff. In 2007, the agency received complaints on approximately 900 distinct properties. To respond to this unprecedented increase in complaints, DPWES will be hiring limited term staff using existing personnel funding. These positions will be dedicated solely to the enforcement of the ordinance. This staff will perform the initial inspections on all grass complaints, cite properties determined to be in violation, and re-inspect to determine compliance. Staff will also monitor those properties failing to come into compliance and will initiate the process of having the grass cut. To assist staff in the efficient use of inspection time, GPS (Global Positioning Systems) are being purchased by DPWES to aide staff in responding to the large volume of complaints which are received during the spring and fall growing seasons.

The Maintenance and Stormwater Division of DPWES is responsible for the cutting of those properties which fail to comply with the ordinance. Historically, five or six properties a year require County intervention. Since August 2007, staff of Maintenance and Stormwater has cut approximately 50 properties under the present ordinance. These property owners were billed and only one property owner has paid their bill. Staff will be unable to collect fees or place liens on nine properties which changed ownership during the enforcement process due to foreclosure. Due to the declining economy, the unprecedented number of foreclosures and the extensive period of time properties are remaining on the real estate market, staff is conservatively projecting approximately 100 to 125 properties will require cutting during the 2008 growing season. To meet this demand, staff of The Maintenance and Stormwater Division is considering options that may include hiring contract personnel.

REGULATORY IMPACT:

The proposed amendments will streamline the notice of violation process and in conjunction with programmatic changes will reduce the amount of time that is needed to resolve violations.

FISCAL IMPACT:

The proposed ordinance amendments and programmatic initiatives are likely to significantly increase service requirements which presently are not funded or staffed. Several options for responding to this increased service requirement are being explored, to include diverting in-house staff resources from existing maintenance programs and capital projects to address the ordinance directives. Use of volunteers, contractors, and young people looking for job opportunities during the summer months

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are being considered. Liens on property will eventually recover maintenance costs but only after a sale of the property.

ENCLOSED DOCUMENTS:

Attachment 1 - Staff Report dated March 31, 2008

STAFF:

Robert A. Stalzer, Deputy County Executive

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

Howard J. Guba, Deputy Director, DPWES

James W. Patteson, Director, Land Development Services, DPWES

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ADMINISTRATIVE - 4

Authorization to Advertise a Public Hearing for the Enlargement/De-Creation/Re-Creation of Small and Local Sanitary Districts for Refuse/Recycling and/or Leaf Collection Service (Dranesville District)

ISSUE:

Board authorization to advertise a Public Hearing for the Enlargement/De-Creation/Re-Creation of Small and Local Sanitary Districts for refuse/recycling and/or leaf collection service.

RECOMMENDATION:

The County Executive recommends that the Board authorize advertisement of a public hearing at 4:30 p.m. on Monday, April 28, 2008, to consider the following changes to small and local sanitary districts for refuse, recycling and/or leaf collection service in accordance with the Board's adopted criteria for the Creation/Enlargement/ Withdrawal of Small or Local Sanitary Districts.

The actions listed below will result in a net increase of 12 leaf collection customers and a decrease of 1 refuse/recycling customer.

<u>Sanitary District</u>	<u>Action</u>	<u>Service</u>	<u>Recommendation</u>
Local District 1E Within Small District 1 Within Dranesville District (701, 703 & 707 N. West St.)	Enlarge 3 Units	Refuse/Recycling & Leaf	Approve
Local District 1A11 Within Small District 1 Within Dranesville District (Crescent La. Area)	Enlarge 6 Units	Refuse/Recycling & Leaf	Approve
Small District 14 Within Dranesville District (6450 Orland St.)	De-Create/ Re-Create 1 Unit	Refuse & Recycling	Approve

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Small District 7 Within Dranesville District (6524, 6526 & 6528 Roosevelt St.)	Enlarge 3 Units	Refuse/Recycling & Leaf	Approve
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TIMING:

Board authorization to advertise on March 31, 2008, is required for a Public Hearing to be held on April 28, 2008, at 4:30 p.m.

BACKGROUND:

The administrative responsibility for the Creation/Enlargement/De-Creation/Re-Creation of Small and Local Sanitary Districts in the County of Fairfax for refuse/recycling and/or leaf collection is with the Department of Public Works and Environmental Services. The establishment of sanitary districts is accomplished through the action of the Board at public hearings. Prior to any action by the Board on a proposed small or local sanitary district, certain relevant standards and criteria must be met in accordance with the Board of Supervisors' adopted criteria for the Creation/Enlargement/De-Creation/Re-Creation of Small and Local Sanitary Districts.

The submitted petitions have been reviewed, and it has been determined that the petitions meet the Board's Adopted Criteria. Staff recommends that the authorization to advertise a public hearing for the Enlargement/De-Creation/Re-Creation of small and local sanitary districts for refuse/recycling and/or leaf collection areas be approved. If approved, the modifications will become permanent in July 2008.

FISCAL IMPACT:

None

ENCLOSED DOCUMENTS:

Attachment 1: Advertisement

Attachment 2: Summary Sheet

Attachment 3: Data Sheets with Proposed Resolutions and Maps

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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ADMINISTRATIVE – 5

Streets into the Secondary System (Lee, Mount Vernon, and Sully Districts)

ISSUE:

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

RECOMMENDATION:

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

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
Japonica, Section 3	Lee	Japonica Street (Route 1100) (Additional Right-of-Way (ROW) only)
Laurel Hill North	Mount Vernon	South Run View Pohick Creek View Pohick Road (Route 641) (Additional ROW only) Pohick Road (Route 641) (Additional ROW only) Creekside View Lane (Route 10647) (Additional ROW only)
Monacan Estates	Mount Vernon	Monacan Road Monacan Court

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<u>Subdivision</u>	<u>District</u>	<u>Street</u>
Dartmoor Woods Section 4	Sully	Wandabury Road (Route 7049) Pony Ridge Way Wild Horse Drive Tilton Valley Drive (Route 5442)

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 - 6

Installation of Yield to Pedestrians in Crosswalk \$100–\$500 Violation Fine Signs

ISSUE:

Board endorsement for the installation of Yield to Pedestrians in Crosswalk \$100–\$500 Violation Fine signs at 20 locations, as shown in Attachment I.

RECOMMENDATION:

The County Executive recommends that the Board endorse the installation of Yield to Pedestrians in Crosswalk \$100–\$500 Violation Fine signs at the 20 subject locations, as shown in Attachment I.

TIMING:

Board action is requested on March 31, 2008.

BACKGROUND:

Virginia Code Section 46.2-924 and Section 82-9-7 of *The Code of the County of Fairfax, Virginia*, authorize the Board to install and maintain highway signs at marked crosswalks specifically requiring motorists to yield the right-of-way to pedestrians crossing the highway at those signed locations. Any operator of a motor vehicle who fails to yield the right-of-way to pedestrians as required shall be guilty of a traffic infraction punishable by a fine of no less than \$100 or more than \$500.

The Board established the following criteria to be followed in selecting locations for the installation of Yield to Pedestrians in Crosswalk \$100–\$500 Violation Fine signs:

- At marked crosswalks where conditions or experience indicate that failure to yield is likely to result or has resulted in pedestrian injuries. For example these signs could be installed at locations with unexpected crossings, poor sight distances, crosswalks with 35 mph or greater traffic speeds, and/or with a minimum number of 3 pedestrian accidents in the past 5 years.
- At marked crosswalks with a high number of crossings by children, elderly, or persons with disabilities (e.g., at a school zone or designated school crossing, or near elderly housing or a senior center).

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- To make drivers aware that failing to yield to pedestrians in Fairfax County can result in higher fines, at marked crosswalks at selected high profile and/or “gateway” locations on major roadways where there is significant pedestrian traffic.

The 20 subject locations meet one or more of the established criteria.

For the Board’s reference, Attachment II provides a listing of the 414 locations previously approved, with mapped locations and installation status as indicated in Attachment III.

FISCAL IMPACT:

The installation cost of each Yield to Pedestrians in Crosswalk \$100–\$500 Violation Fine sign is approximately \$150 each, usually with four signs per intersection. The cost for signs at the 20 subject locations is approximately \$12,000. These funds are currently available in the Department of Transportation’s budget.

ENCLOSED DOCUMENTS:

Attachment I: Locations Recommended for Yield to Pedestrians in Crosswalk \$100–\$500 Violation Fine Signs

Attachment II: Yield to Pedestrians in Crosswalk \$100–\$500 Violation Fine Sign Locations

Attachment III: Locations Previously Approved for Yield to Pedestrians in Crosswalk \$100–\$500 Violation Fine Signs

STAFF:

Robert A. Stalzer, Deputy County Executive

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

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

Christopher D. Wells, Pedestrian Program Manager, FCDOT

Jeffrey C. Hermann, FCDOT

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ADMINISTRATIVE - 7

Authorization to Advertise a Public Hearing to Establish the Somerset 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 establish the Somerset Community Parking District (CPD).

RECOMMENDATION:

The County Executive recommends that the Board authorize advertisement of a public hearing for April 28, 2008, at 4:30 p.m. (Attachment III) to consider adoption of a Fairfax County Code amendment (Attachment I) to establish the Somerset CPD in accordance with current CPD restrictions.

TIMING:

The Board should take action on March 31, 2008, to provide sufficient time for advertisement of the public hearing on April 28, 2008, at 4:30 p.m.

BACKGROUND:

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

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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 Somerset 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 Somerset CPD
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 - 8

Authorization to Advertise a Public Hearing to Establish the Sully Station Community Parking District (Sully 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 Sully Station Community Parking District (CPD).

RECOMMENDATION:

The County Executive recommends that the Board authorize advertisement of a public hearing for April 28, 2008, at 4:30 p.m. (Attachment III) to consider adoption of a Fairfax County Code amendment (Attachment I) to establish the Sully Station CPD in accordance with current CPD restrictions.

TIMING:

The Board should take action on March 31, 2008, to provide sufficient time for advertisement of the public hearing on April 28, 2008, at 4:30 p.m.

BACKGROUND:

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

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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 Sully Station 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 \$3000 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 Sully Station CPD
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 - 9

Authorization to Advertise a Public Hearing to Expand the Landsdowne 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 expand the Landsdowne Community Parking District (CPD).

RECOMMENDATION:

The County Executive recommends that the Board authorize advertisement of a public hearing for April 28, 2008, at 4:00 p.m. (Attachment III) to consider adoption of a Fairfax County Code amendment (Attachment I) to expand the Landsdowne CPD in accordance with current CPD restrictions.

TIMING:

The Board should take action on March 31, 2008, to provide sufficient time for advertisement of the public hearing on April 28, 2008, at 4:00 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 Landsdowne 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 \$400 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 Landsdowne 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

Approval of a Multi-Way Stop as Part of the Residential Traffic Administration Program (Providence District)

ISSUE:

Board endorsement of a multi-way stop as part of the Residential Traffic Administration Program (R-TAP).

RECOMMENDATION:

The County Executive recommends that the Board approve a multi-way stop at the following intersection:

- Miller Road and South Erin Drive (Providence District)

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

TIMING:

Routine.

BACKGROUND:

The R-TAP allows for installation of multi-way stops in local residential neighborhoods at intersections consisting of a through cross street connected to adjacent intersections. In addition, the following criteria must be met, as contained in the Virginia Department of Transportation (VDOT) "Policy on Multi-way Stops in Residential Communities":

- The street has 100% residential frontage on both sides and is classified as a local or collector street.
- The street has a posted legal speed limit of 25 mph.
- No potential safety problems would be created.
- The intersection geometrics and spacing to adjacent intersections have been determined to be acceptable.
- There would be minimal impact on traffic flow for neighboring streets.

Staff and VDOT have authorized the multi-way stop requested. On, March 3, 2008, the Department of Transportation received written verification from the appropriate local

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supervisor confirming community support.

The Board should be aware, however, of the potential negative impacts of multi-way stops. These include delay in travel time, reduced motorist compliance with regulatory signs, difficulty of police enforcement, parking restrictions within 30 feet of stop signs, and increased air and noise pollution.

FISCAL IMPACT:

The estimated cost of \$500 is to be paid out of the VDOT secondary road construction budget.

ENCLOSED DOCUMENTS:

None

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
William P. Harrell, Transportation Planner, FCDOT
Steven K. Knudsen, Transportation Planner, FCDOT

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ADMINISTRATIVE - 11

Authorization for the Fairfax County Fire and Rescue Department to Apply for and Accept an Assistance to Firefighters Grant from the U.S. Department of Homeland Security

ISSUE:

Board approval for the Fairfax County Fire and Rescue Department (FRD) to apply for and accept funding, if received, from the U.S. Department of Homeland Security (DHS) in the amount of \$308,310, including the required 20 percent Local Cash Match of \$61,662 for the Assistance to Firefighters Grant Program. The program period is typically one year from the date of the award.

RECOMMENDATION:

The County Executive recommends that the Board authorize the Fire and Rescue Department to apply for and accept funding, if received, from the DHS FY 2008 Assistance to Firefighters Grant Program in the amount of \$308,310, including \$61,662 in Local Cash Match. If the actual award received or required Local Cash Match is significantly different from the application amount, another item will be submitted to the Board requesting appropriation of grant funds. Otherwise, staff will process the award administratively per Board policy.

TIMING:

Board approval is requested on March 31, 2008. Applications are due April 4, 2008.

BACKGROUND:

The Assistance to Firefighters Grant (AFG) program was originally authorized under the Defense Authorization Bill of 2001, Public Law 106-398, which amended Section 33 of the Federal Fire Prevention and Control Act of 1974, 15 U.S.C. 2201 et seq. This program supports the country's National Preparedness Goal to prevent, protect, respond and recover from both terrorist attacks and catastrophic natural disasters. Congress has appropriated \$560 million to carry out the activities of the FY 2008 AFG program.

AFG's purpose is to provide financial assistance directly to fire departments to enhance the health and safety of the public and firefighting personnel against fire and fire-related

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hazards. FRD is the recipient of three AFG awards totaling \$675,149 to support the Risk Watch program, Rapid Intervention Training, and purchase of a driver simulator.

Flashover Simulator:

Funding in the amount of \$98,000 is requested to purchase a flashover simulator for the Fairfax County Fire and Rescue Department Training Academy. The federal share, if awarded, will be \$78,400 and the required 20 percent Local Cash Match for this project will be \$19,600. The cost of the flashover simulator project includes an attached smoke scrubber, unit construction, delivery, installation, and instructor training.

The flashover fire phenomenon occurs when a relatively small fire heats all furnishings within a burning structure simultaneously. Rapid heat increase results in eruption of the room into severe fire conditions and zero visibility. Today, furnishings are typically made with synthetic material, which burns hotter and quicker than natural materials, multiplying fire scene flashover situations. Flashover can trap firefighters, preventing escape. Since temperatures can exceed 1000 degrees, the rate of survival is relatively low, regardless of protective gear worn.

Because flashover conditions cannot be recreated with a conventional burn building there is currently no hands-on training available to Fairfax County firefighters for this phenomenon. The key to survival in a flashover is early detection by the firefighter. A simulator will replicate realistic flashover conditions, in a controlled environment so that firefighters may learn to recognize all stages of flashover. This training has the potential to save firefighter lives and prevent significant burn injuries. If awarded, flashover training will be incorporated into the recruit firefighter training curriculum and field training for incumbent firefighters and officers.

Regional Incident Management Team:

Funding in the amount of \$210,310 is requested in order to continue the development and training of the National Capital Region Incident Management Team (NCR IMT). The federal share, if awarded, will be \$168,248 and the required 20 percent Local Cash Match for this project will be \$42,062.

The concept of a regional incident management team was first developed and funded as an Urban Areas Security Initiative (UASI) project. It was recognized that no single jurisdiction had the resources to develop an effective incident management team capable of sustaining itself for the duration of an extended incident. A 2005 UASI grant in the amount of \$786,674 was awarded to oversee the initial development of a regional Type III Incident Management Team (IMT) for the National Capital Region (NCR). A 2007 UASI grant in the amount of \$400,000 was awarded to fund continued team training, exercises, quarterly training and shadowing missions. FRD is requesting

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\$210,310 in AFG funds to complement the existing UASI funded program. Funds will be used to maintain certifications and continue simulation exercises.

The highly trained IMT is capable of providing a cadre of qualified, experienced team members to support jurisdictional command staff during significant and long-term incidents. Incident management of incidents involving weapons of mass destruction, hazardous materials and explosive response operations, intelligence and information sharing, citizen protection, mass care, resource logistics, and critical infrastructure protection are functions of an incident management team. The IMT concept is a national model utilized extensively for the command, control, and coordination of large-scale, multi-jurisdictional and/or complex incidents. The 75 member NCR team, representing jurisdictions throughout the Metropolitan Washington Council of Governments (MWCOG) region, is multi-disciplinary and includes fire and rescue, law enforcement, and public health agencies.

Fairfax County will serve as host applicant for this application. Total project cost is estimated at \$246,310 including \$36,000 for overtime pay, backfill, and shadowing mission expenses for team members. FRD plans to request \$210,310 in AFG funding, representing the amount necessary to provide for the training, exercise, and travel expense of participants. As a contribution to this regional effort, participating jurisdictions have agreed to fund the cost of overtime and backfill for their members to attend training and exercises funded by the grant. The estimated contribution from jurisdictions for overtime and backfill is \$36,000.

To provide team depth and flexibility, funds will be used to train each team member in at least two ICS positions including command staff, general staff and support positions. Along with position-specific training for positions within the command and general staff organization, funds will be used to conduct a full team readiness exercise. The continued development of the IMT benefits the county because team member skills can be utilized on a day-to-day basis for less significant local incidents.

FISCAL IMPACT:

The total amount of these 2008 Assistance to Firefighters Grant proposals is \$308,310, including \$61,662 in required Local Cash Match. If these proposals are successful, the Fire and Rescue Department would receive \$246,648 in federal funding. 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.

The Local Cash Match requirement for fire departments serving populations over 50,000 is 20 percent of project costs. All non-federal matching funds must be in cash; in-kind contributions are not acceptable. The total anticipated Local Cash Match is

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\$61,662. The Local Cash Match is available from the Local Cash Match Reserve in Fund 102, Federal/State Grant Fund.

Within the regional IMT project portion of this application, there is an estimated in-kind contribution from participating jurisdictions in the amount of \$36,000 to cover personnel costs for team member attendance at IMT functions.

CREATION OF NEW POSITIONS:

No new positions will be created by this grant.

ENCLOSED DOCUMENTS:

None

STAFF:

Robert A. Stalzer, Deputy County Executive
Chief Ronald L. Mastin, Fire and Rescue Department
Assistant Chief Daryl L. Louder, Fire and Rescue Department
Assistant Chief John Caussin, Fire and Rescue Department
Cathi Schultz Rinehart, Grants Coordinator, Fire and Rescue Department

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ADMINISTRATIVE 12

Authorization to Advertise a Public Hearing for the Continued Leasing of County-Owned Property Known as the Hollin Hall Facility Located at 1500 Shenandoah Road, to A Child's Place (Mount Vernon District)

ISSUE:

Authorization to advertise a Public Hearing for the continued leasing of a portion of County-owned property known as the Hollin Hall facility located at 1500 Shenandoah Road, (Tax Map No. 102-2 ((1)) -002-A, Mount Vernon District), to A Child's Place for the purpose of operating a day care center.

RECOMMENDATION:

The County Executive recommends that the Board authorize a public hearing for the continued leasing of a portion of County-owned property known as the Hollin Hall facility located at 1500 Shenandoah Road (Tax Map No. 102 -2 ((1)) -002-A, Mount Vernon District) to A Child's Place.

TIMING:

Board action is requested on March 31, 2008, to provide sufficient time to advertise the proposed public hearing on June 2, 2008, at 4:00 p.m.

BACKGROUND:

In 1982, A Child's Place, a private day care provider for approximately 100 children between the ages of 2 to 12, entered into a lease with the Fairfax County School Board to lease a portion of the Hollin Hall Facility located at 1500 Shenandoah Road. In 1985, the Fairfax County Board of Supervisors acquired the Hollin Hall facility from the School Board. Upon transfer of ownership to the County, A Child's Place remained as tenant in the facility and Fairfax County became the new landlord. The County and A Child's Place subsequently entered into new leases for additional lease periods to allow A Child's Place to continue to use the facility.

The leased premises consists of approximately 9,475 square feet of retail space. The current lease with A Child's Place expires on June 30, 2008, and staff recommends that the County enter into a new lease agreement for a five year period beginning on July 1, 2008. In addition, both A Child's Place and the County have agreed that the

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lease shall automatically renew for an additional period of five years, unless notice of termination is given by either party 270 days prior to the end of the lease term.

FISCAL IMPACT:

The annual base rent for this lease is \$176,354.

ENCLOSED DOCUMENTS:

Attachment A – Advertisement

Attachment B – Tax Map No. 102 -2 ((1))-002-A

STAFF:

Edward L. Long, Jr., Deputy County Executive

Jose A. Comayagua, Jr., Director, Facilities Management Department

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ADMINISTRATIVE - 13

Authorization to Advertise a Public Hearing for the Continued Leasing of County-Owned Property at 8333 Richmond Highway to The Royal Embassy of Saudi Arabia d/b/a the Islamic Saudi Academy (Mount Vernon District)

ISSUE:

Authorization to advertise a public hearing for the continued leasing of County-owned property at 8333 Richmond Highway, Tax Map Nos. 101-4 ((1))-005-A, 101-4((1)) 057, 101-4 ((8)) (E) – 001, and 101-4 ((7)) – 001, to The Royal Embassy of Saudi Arabia d/b/a/ the Islamic Saudi Academy for the purpose of operating a private school.

RECOMMENDATION:

The County Executive recommends that the Board authorize the advertisement of a public hearing regarding the proposed continued leasing of County-owned property at 8333 Richmond Highway, Tax Map Nos. 101-4 ((1))-005-A, 101-4((1)) 057, 101-4 ((8)) (E) – 001, and 101-4 ((7)) – 001, to The Royal Embassy of Saudi Arabia d/b/a/ the Islamic Saudi Academy for the purpose of operating a private school.

TIMING:

Board action is requested on March 31, 2008, to provide sufficient time to advertise the proposed public hearing on May 19, 2008, at 3:00 p.m.

BACKGROUND:

Considering the current lease period expires June 30, 2008, the Islamic Saudi Academy has requested to extend the existing lease. Therefore, it is proposed that the County enter into a lease addendum that will permit the Islamic Saudi Academy to continue leasing this site for the period of July 1, 2008, through June 30, 2009. Included in the lease addendum is an option, subject to approval by the County, to extend the lease for two additional one-year periods.

Since 1989, the Islamic Saudi Academy has leased the former Walt Whitman Intermediate School at 8333 Richmond Highway for the operation of a private school. The leased premises consist of approximately 148,000 square feet of rentable space described as the entire main structure and out buildings (exclusive of the Home Economics Building), and the surrounding land (Attachment B). As part of the prior lease arrangements, the Islamic Saudi

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Academy has provided substantial renovation to the facility and has maintained the building and grounds.

FISCAL IMPACT:

The estimated annual rent generated from this lease extension will be approximately \$2.2 million.

ENCLOSED DOCUMENTS:

Attachment A – Advertisement

Attachment B – Tax Map

STAFF:

Edward L. Long, Jr., Deputy County Executive

Jose A. Comayagua, Jr., Director, Facilities Management Department

Board Agenda Item
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ADMINISTRATIVE - 14

Authorization to Advertise a Public Hearing to Consider Amendments to *The Code of the County of Fairfax, Virginia* – Chapter 109.1, Solid Waste Management

ISSUE:

Board authorization to advertise a public hearing to consider amendments to *The Code of the County of Fairfax*, Chapter 109.1, Solid Waste Management.

RECOMMENDATIONS:

The County Executive recommends that the Board authorize advertisement of a public hearing for April 28, 2008, at 5:00 p.m., to consider amendments to *The Code of the County of Fairfax*, Chapter 109.1, Solid Waste Management.

TIMING:

Board action is requested on March 31, 2008, to provide sufficient time to advertise the proposed public hearing on April 28, 2008, at 5:00 p.m.

BACKGROUND:

Chapter 109.1 of *The Code of the County of Fairfax* regulates solid waste collection, transportation and disposal. Staff proposes changes to the Chapter to clarify the intent and applicability of various provisions and to maintain consistency with relevant State and Federal regulations and legal precedents. In addition, one technical change affecting the regulated community is included in the proposed amendments - that waste collectors who use refuse vehicles to also collect recyclables clearly identify refuse vehicles when they are being used for recycling. This change is necessitated as some collectors move toward single-stream recycling collection, where source-separated recyclables are placed in a single can and later collected by a standard trash collection vehicle. Residents are used to seeing different vehicles specifically designed for recycling collect recyclables, and they now are seeing the standard "garbage truck" collect the recyclables. It is desired that these trucks engaged in that activity clearly delineate their role.

Attachment 1 provides a staff report and overview of the changes proposed for the Chapter, and Attachment 2 provides the text of the amendments. The modifications to Chapter 109.1 include:

- Simplifying the definition of brush and moving the description of what must be collected for recycling to a more appropriate Section of the Code.
- Clarifying the applicability of certain recycling requirements to owners of multi-family dwellings in a manner that is consistent with the existing nomenclature and

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processes of the Department of Public Works and Environmental Services, Land Development Services, the County agency which regulates development.

- Clarifying that the mixing of refuse with any source-separated recyclables set out for separate collection is expressly prohibited. It should be noted that this prohibition does not apply to yard waste or Christmas trees outside of the defined season during which these materials should be recycled, nor to communities that operate a County-approved alternative recycling system for their yard waste.
- Clarifying requirements related to permit applications and the life of temporary permits, making it clear that all customers shall be given a Statement of Service, and that the life of temporary permits can be extended where the applicant is delayed in acquiring the required paperwork to finalize a permit application.
- Deleting redundant language related to hazardous and unacceptable wastes.
- Adding the requirement that refuse collection vehicles also used to collect recyclables shall use readily-visible signage or other means acceptable to the County to be clearly identifiable when in use as such.
- Deleting the provision which exempted waste bound for out-of-state disposal from the County's authority to designate disposal sites.
- General editorial changes – modifications to correct spelling and clarification of existing language when intent was unclear.

FISCAL IMPACT:

None

ENCLOSED DOCUMENTS:

Attachment 1 – Staff Report of Proposed Changes to Chapter 109.1, Solid Waste Management

Attachment 2 – Proposed Changes to *The Code of the County of Fairfax*, Chapter 109.1, Solid Waste Management

Attachment 3 – Notice of Public Hearing

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

Jeffrey M. Smithberger, Director, Division of Solid Waste Collection and Recycling

ACTION - 1

Approval of the Disease Carrying Insects Program

ISSUE:

Annual submission of the Disease Carrying Insects Program: (1) West Nile virus (WNV) activities, including disease surveillance, public outreach and education, contract management and research, continue throughout the year. Larvicide treatments for the control of West Nile virus commence with the beginning of the mosquito breeding season in May and continue through October; (2) Tick surveillance, and public outreach and education program to assess Lyme disease activities in the County.

RECOMMENDATION:

The County Executive recommends that the Board direct staff to take the following actions concerning Fairfax County's 2008 Disease Carrying Insects Program:

1. Conduct a proactive West Nile virus surveillance program that includes avian (bird), human, and mosquito surveillance conducted through bird monitoring, human surveillance and mosquito trapping.
2. Conduct a proactive treatment of the storm water catch basins and other mosquito breeding areas in the County using appropriate and approved larvicides, such as *Bacillus sphaericus*, according to established biological criteria in as many rounds during the May to October mosquito season as necessary. Currently the program is planned for three rounds of treatment.
3. Conduct an aggressive community outreach and education program to increase residents' awareness of West Nile virus and Lyme disease as well as their prevention.
4. Monitor and document the number of human WNV infections to determine the effectiveness of the above measures directed at the control of mosquito larvae, prior to the initiation of more aggressive control measures.
5. If deemed necessary to protect public health, authorize the County Executive to take further appropriate control measures. At the time prevention measures are extended beyond current measures, a program report will be made to the Board outlining the status of the virus in the County, detailing the extension of control measures, the geographic areas being targeted, and the public information process.
6. Continue a tick surveillance program to assess Lyme disease activities in the County.

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Board action on this item will cover all Disease Carrying Insects Program activities carried out through June 30, 2009.

TIMING:

Board approval is requested on March 31, 2008, in order to (1) continue FY 2009 mosquito suppression strategies (i.e., surveillance, larviciding mosquito breeding areas, and public outreach) and (2) continue FY2009 tick surveillance program.

BACKGROUND:

The *Code of the County of Fairfax, Virginia* requires the submission of the annual Disease Carrying Insects Program for Board of Supervisors' approval. (Appendix I, Section 7)

West Nile Virus

During 2007 West Nile virus continued to inflict disease and death across the continental United States as it had been predicted by the Centers for Disease Control (CDC). Evidence found in surveillance efforts in the County indicates that the virus was present and widespread throughout most of the County. By the end of the 2007 WNV season (October 2007), the virus had been detected in mosquitoes in many of the stations where mosquitoes were collected in the County. Furthermore one human Neuroinvasive case was recorded in 2007 as well as one (imported) case of WNV fever (compared with 13 in 2002, three in 2003, one in 2004, none in 2005, and three in 2006). The two fatal cases since 2002 underlie the severity of this disease. Many factors have been suggested as influencing the presence of human cases in the County:

1. Viral activity in the mosquito vectors as found in the surveillance efforts;
2. Birds acting as a natural amplifier of the virus;
3. Ambient temperatures which influences the development of the virus within the mosquito;
4. Increased public awareness resulting in increased use of personal protection measures, and;
5. Proactive treatments of the storm drain catch basins with mosquito larvicides.

The DCIP continued to maintain intense surveillance activities in the Huntington area as a follow-up to the flooding of 2006. The results of the surveillance prompted an increase in the rate of catch basin treatments in the area as well as a three mile barrier spray treatment with an adulticide to lower the vector index that was elevated for the second year in a row. The results of these interventions were recognized by the data collected in the daily surveillance activities.

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Based on this information, the Health Department plans to continue the storm drain catch basin larviciding activities as was done in the 2007 mosquito season and will initiate treatment in mid-May and continue in approximately six week intervals for the duration of the season. While there will be an even distribution of larviciding activities throughout most of the County, larviciding will also be done in targeted areas that are identified as a result of the mosquito and disease surveillance activities. As in 2007, avian and mosquito surveillance will be performed by County staff. The County began performing these surveillance activities in 2004 in lieu of contracted services, as County staff could do it more comprehensively and more cost effectively. This WNV season (May to October 2008), County staff will continue to carry out all surveillance activities, including avian, human, and mosquito vectors. The Fairfax County Health Department's Epidemiological Unit will continue with human surveillance as it has in the past. The County's Mosquito Surveillance and Management Subcommittee, a multiple County agency group with representatives from other jurisdictions covered by the program, will meet regularly to ensure an aggressive response to WNV in order to reduce the impact of the virus on County residents.

All insecticides used in this program, including the biological larvicides, will be registered with the U.S. EPA and sanctioned for use by the *Commonwealth of Virginia*. The larvicide that will continue to be used by the County is *Bacillus sphaericus* (VectoLex®), a biological product, since it is one of the most environmentally friendly larvicides available for this purpose.

The Disease Carrying Insects Program will continue to implement its outreach and education strategy. The program will continue to target the major ethnic groups in the County with material in their own language, as well as target older residents who are at greater risk of developing a more serious form of the disease. It is noted that the 2007 Disease Carrying Insects Program outreach included the preparation and reproduction of another 18 month calendar full of educational information that was widely distributed to County residents, as well as the preparation of four new brochures that have been well received by the residents of the County. These brochures are on Mosquitoes and West Nile virus; Ticks and Lyme disease; the Asian tiger mosquito; and the use of repellents.

The Disease Carrying Insects Program's 2007 Report and Comprehensive Plan of Action for 2008 (Attachment 1) reviews the 2007 season activities and presents wide ranging plans for minimizing the impact and risk of mosquito-borne diseases through:

1. County-wide surveillance for the transmission of WNV including mosquito, avian and human surveillance.
2. An integrated approach to mosquito management and control practices which will primarily target those mosquito species that have been shown to be the most probable WNV vectors in the County.
3. An aggressive and intensive community outreach and education program to

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4. increase awareness of the residents of the community.
4. A continuation of the multi-jurisdictional and multi-agency collaboration efforts to identify ways to minimize the risk of WNV transmission.

Tick Borne Disease

During 2007 Lyme disease continued to be a major concern of the residents of the County, and it is the most frequently occurring vector borne disease in the County. Evidence found, in surveillance efforts in the County, indicates that the bacterium that causes Lyme disease was present and widespread throughout most of the County. By the end of the 2007, the bacteria had been detected in deer ticks collected throughout the County. Furthermore, over 192 human cases were recorded in 2007. Some of the factors that are influencing the presence of human cases in the County:

1. Bacterial activity in the deer tick vectors as found in the surveillance efforts;
2. White footed mice acting as natural amplifiers of the bacterium;
3. Very large deer populations that act as a transport system, distributing the ticks throughout the County; and
4. Increased public awareness resulting in increased use of personal protection measures.

Based on this information, the Health Department staff plan to continue to carry out surveillance activities in 2008 including both human and tick vectors.

The Disease Carrying Insects Program will expand its outreach and education strategy to enhance tick prevention and personal protection. It is noted that the 2007 Disease Carrying Insects Program outreach included Lyme disease, ticks and tick prevention methods in the 18 month calendar as well as in the new brochure. The Disease Carrying Insects Program's 2007 Report and Comprehensive Plan of Action for 2008 (Attachment 1) reviews the 2007 season activities and presents wide ranging plans for minimizing the impact and risk of tick-borne diseases through:

1. County-wide surveillance for the transmission of Lyme disease, including tick, deer and human surveillance.
2. An aggressive and intensive community outreach and education program to increase awareness of the residents of the community.
3. A continuation of the multi-jurisdictional and multi-agency collaboration efforts to identify ways to minimize the risk of Lyme disease transmission.

FISCAL IMPACT:

The Disease-Carrying Insects program is primarily funded by a countywide tax levy of \$0.001 per \$100 of assessed value and is budgeted in Fund 116, Integrated Pest Management Program. No additional funding is required as the current FY 2008 funding level of \$1.6 million is sufficient to meet the anticipated program needs.

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ENCLOSED DOCUMENTS:

Attachment 1 - Disease Carrying Insects Program 2007 Report and Comprehensive Plan of Action for 2008

STAFF:

Verdia L. Haywood, Deputy County Executive for Human Services

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

Jorge R. Arias, PhD, Disease Carrying Insects Program, Health Department

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ACTION – 2

Amendment to the Agreement with St. Mary of Sorrows Catholic Church to Provide Temporary Public Commuter Parking During Construction of the Burke Centre Virginia Railway Express (VRE) Parking Garage (Braddock District)

ISSUE:

Board approval of an amendment to the existing agreement between St. Mary of Sorrows Catholic Church (Owner) and the Fairfax County Department of Transportation (FCDOT), to provide temporary public commuter parking during the construction of the Burke Centre VRE Parking Garage, on a portion of the existing church parking lot which is not utilized during the weekdays.

RECOMMENDATION:

The County Executive recommends that the Board approve the amendment to the agreement between St. Mary of Sorrows Catholic Church and the Fairfax County Department of Transportation (FCDOT), to provide temporary public commuter parking during the construction of the Burke Centre VRE Parking Garage, on a portion of the existing church parking lot which is not utilized during the weekdays. It is proposed that the lease be extended through June 30, 2008.

TIMING:

The Board should take action on this matter as soon as possible so that the date can be prorated from January 1, 2008.

BACKGROUND:

This is an amendment to the Park and Ride Agreement that was approved by the Board of Supervisors on October 23, 2006. The original lease was from December 1, 2006 through December 31, 2007. This amendment is being requested to renew as per Item 9 of the original lease agreement. No other changes will be made to this lease.

This agreement is an important part of the Burke Centre VRE Parking Garage project, which is one of the projects in the Board's Four-Year Transportation Program.

During construction of the parking garage at the Burke Centre VRE Station, up to 235 commuter parking spaces may be lost. The future Burke Centre Library will provide 108 temporary park-and-ride spaces, with a shuttle transporting patrons between the library

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lot and the VRE station. The additional 100 spaces at St. Mary of Sorrows Catholic Church will provide 100 temporary overflow commuter park-and-ride spaces during the construction period. Patrons at St. Mary of Sorrows Catholic Church will access the VRE station using the EZBus.

FISCAL IMPACT:

FCDOT will continue the current lease agreement paying the owner \$1 per space per day. The amount of \$14,000 is needed for this extension. Sufficient funds are available in the project budget to continue this lease agreement for 6 months.

ENCLOSED DOCUMENTS:

Attachment I: Original Park and Ride Agreement between Fairfax County and St. Mary of Sorrows Catholic Church
Attachment II: Amendment A

STAFF:

Robert A. Stalzer, Deputy County Executive
Katharine D. Ichter, Director, Fairfax County Department of Transportation (FCDOT)
Jimmie D. Jenkins, Director, Department of Public Works and Environmental Services (DPWES)
Howard J. Guba, Deputy Director (DPWES)
Karyn L. Moreland, Chief, Capital Projects Section, FCDOT
Karen D. Robinson, Transportation Marketing Section, FCDOT

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ACTION – 3

Approval of the Implementation Plan to Prevent and End Homelessness in the Fairfax-Falls Church Community

ISSUE:

Board approval of the Implementation Plan to Prevent and End Homelessness in the Fairfax-Falls Church Community in ten years.

RECOMMENDATION:

The County Executive recommends that the Board approve the Implementation Plan to Prevent and End Homelessness in the Fairfax-Falls Church Community as recommended by the Executive Committee of the Implementation Committee appointed by the Board to develop the Implementation Plan.

TIMING:

Approval at the March 31, 2008, Board meeting will enable necessary actions to be taken to begin actual implementation in concert with the FY 2009 budget process.

BACKGROUND:

On April 9, 2007, the Board confirmed the appointment of an Implementation Committee to develop the Implementation Plan to Prevent and End Homelessness. The Implementation Plan builds on the *Blueprint for Success: Strategic Directions for the Plan to Prevent and End Homelessness in the Fairfax-Falls Church Community*, which the Board endorsed on February 26, 2007. The Implementation Committee met intensely in three workgroups in May and June to develop the action plans that provide specific ideas on how to move forward with the major strategies in the *Blueprint for Success*. An Executive Committee then refined these plans and developed an action plan for the management and governance of this initiative. The Executive Committee presented the Draft Implementation Plan to the Board's Housing and Human Services Committees on November 26, 2007.

Since November, there have been more than 20 presentations and dialogues on the Draft Implementation Plan with faith communities, citizen advisory committees, civic organizations, and persons who are homeless. These discussions continued the collaborative inclusive process followed to develop the *Strategic Directions*. Extensive community involvement began with the Community Summit to End Homelessness in April 2006, followed by several community dialogues and focus groups in the spring and

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fall to provide input from the broader community into the strategies that were included in that document. The dialogues and discussions during the past four months have further enriched the Implementation Plan as well as providing a vehicle to inform both residents and community leaders about the Housing First approach that is the key to ending homelessness by December 2018.

This Plan proposes to implement Housing First through a true partnership of government, business, faith, and nonprofit communities to create and sustain the leadership to transform the current system. There is a deep history of collaboration among public and private nonprofit organizations and faith communities to address homelessness in the Fairfax-Falls Church community. The proposed governance structure builds on this history and strengthens the collaboration through the active participation of all sectors of the community in the partnership. To be effective in achieving the goal of ending homelessness, the partnership must fundamentally change the way in which these community sectors interact so that a consistent focus on establishing and maintaining stable housing for individuals and families becomes the common foundation for the work that is done.

The Executive Committee has made several revisions to clarify and amplify key elements of the Plan. The Plan has been divided into two volumes. Volume I, Housing First Approach, describes the key components of the plan, how Housing First is envisioned to work, and the structure of the community partnership designed to achieve the goal of ending homelessness. Volume II, Action Plan Details, contains more specific strategic objectives and action steps developed by the Implementation Committee to guide the work of implementing the Plan. The Action Plans provide the “how” to the four major strategies identified in the *Strategic Directions*: Housing Options to preserve and expand housing opportunities; Prevention and Support Services, which were combined into the Housing Opportunity Support Teams to prevent people from becoming homeless, enhance employment opportunities, and support stability for those who are re-housed; and the Community Partnership structure to provide the leadership and accountability to ensure that the goal of ending homelessness is achieved.

FISCAL IMPACT:

The FY 2008 adopted budget includes \$200,000 in reserve to establish the Office to End Homelessness, and \$300,000 is included in the FY 2009 advertised budget. The County Executive will redirect 2/2.0 SYE existing positions to support the initiative. This office will coordinate and support the implementation process, including establishment of the governance structure described in the Plan, and will work with public and community partners to begin implementation of Plan elements. As described in the Plan, there will be adjustments in priorities and re-directing of resources, but no additional new resources are being requested for FY 2009.

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ENCLOSED DOCUMENTS:

Attachment A: Changes in the March 31, 2008 Implementation Plan

Attachment B: Implementation Plan to Prevent and End Homelessness in the Fairfax-Falls Church Community, Volume I: Housing First Approach

Attachment C: Implementation Plan to Prevent and End Homelessness in the Fairfax-Falls Church Community, Volume II: Action Plan Details

STAFF:

Verdia L. Haywood, Deputy County Executive

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ACTION – 4

Approval of Resolution and Letter with Fairfax County's Commitments to the National Capital Region's Cool Capital Challenge

ISSUE:

Board approval of a resolution and letter to Cool Capital (see Attachments I and II) indicating Fairfax County's pledge to the implementation of various actions to reduce the county's operational greenhouse gas emissions.

RECOMMENDATION:

The County Executive recommends that the Board approve the attached resolution and letter indicating Fairfax County's pledge to implement the following CO_{2e} greenhouse gas emission reduction actions as part of the National Capital Region's Cool Capital Challenge:

- Wind energy (average annual purchase of 8.2 million kWh) – 7,860 tons/year
- Tree Canopy, Tree Planting and Turf Management Initiatives – 85 tons/year
- One Thousand Two Hundred sixty (1,260) county employees teleworking an average of 1 day per week – 950 tons/year
- Alternative Fueled Vehicle Purchase (approximately 12 Ford Escape Hybrids) – 26 tons/year
- Providence RECenter Lighting upgrades (58,400 kWh energy savings per year) – 59 tons/year
- Landfill Gas to Energy, 4,400,000 cubic feet/day – 367,000 tons/year
- Waste to Energy, 1,050,000 tons processed/year – 173,600 tons/year
- Transfer Station Operations, 2,400,000 miles avoided/year – 5,000 tons/year
- Recycling, 498,000 tons/year – 433,800 tons/year
- Connector Bus Operations, 9,600,000 riders per year – 54,000 tons/year

TIMING:

Board action is requested on March 31, 2008. Cool Capital has asked that pledges be submitted by April 20, 2008.

BACKGROUND:

On Wednesday, February 13, 2008, the Metropolitan Washington Council of Governments' (COG) Board of Directors adopted Resolution R6-08, endorsing participation in the "Cool Capital Challenge" by COG member governments and by COG as a corporate entity.

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The Cool Capital Challenge compliments the efforts of the Cool Counties Initiative of which Fairfax County is a founding member. The Cool Counties Initiative seeks to marshal the resources of all 3,066 counties across the nation by providing a template of actions to reduce greenhouse gas emissions through policies and programs that provide economic and quality of life benefits such as reducing energy bills, preserving green space, implementing better land use policies, improving air quality, promoting waste-to-energy programs, expanding transportation and work choices to reduce traffic congestion, and fostering more economic development and job creation through energy conservation and new technologies.

The Cool Capital Challenge began as a grass-roots campaign to pledge to prevent one billion pounds, or approximately 450,000 metric tons, of carbon dioxide emissions (CO₂e) in the Washington region by April 2008. For comparison, total greenhouse gas emissions in the Washington region equal approximately 74 million metric tons CO₂e.

The Cool Capital Challenge was started in early 2007 by volunteers from business, institutions, government agencies, congregations, and community environmental organizations in the Metro Washington region. It is structured like a capital campaign, but with contributions of carbon savings instead of cash. According to its website (<http://www.coolcapitalchallenge.org>), the Campaign has already amassed over 270,000,000 pounds of carbon reduction pledges, resulting in an estimated energy cost saving for household, businesses, agencies, and communities across the Washington region of over \$26 million.

The organizers of the Cool Capital Challenge hope that the one-billion pound reduction will serve as both a springboard for more lasting solutions and sustainable business practices and as an inspiring model for the rest of the country. Cool Capital intends to achieve these goals by demonstrating the practical, financial, marketing, and environmental benefits of investing in energy efficiency measures and renewable energy use, as well as simply reducing consumption. Although the organization is focused on the current Challenge, it will be undertaking additional activities and campaigns in the next several years.

Cool Capital envisions helping the Washington area lead the country in the market transformation that will be required to meaningfully address climate change issues. Already, Cool Capital has been featured by the National Association of Counties as a model for many of their members, who represent 80% of the counties across the U.S. As a Cool Capital partner, organizations and jurisdictions become leaders in this effort by committing to specific reductions of greenhouse gases through energy efficiency improvements, renewable energy use, and/or a reduction in consumption.

By endorsing this program, Fairfax County could increase its capacity to engage citizens in taking actions at home and at work to reduce greenhouse gases, and broaden the ability to meet the region's emissions reduction goal.

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FISCAL IMPACT:

Funding is currently included in the Fund 100, County Transit and Fund 109, Refuse Collection and Recycling Operations FY 2009 Advertised Budget Plan to support these programs.

ENCLOSED DOCUMENTS:

Attachment I: Draft letter to Steve Coleman, Managing Partner, Cool Capital

Attachment II: Draft Resolution to Cool Capital

STAFF:

Robert A. Stalzer, Deputy County Executive

James D. Gorby, Director, Department of Vehicle Services

Katharine D. Ichter, Director, Department of Transportation

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

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

Timothy K. White, Acting Director, Park Authority

Kambiz Agazi, Environmental Coordinator

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ACTION – 5

Approval of 2008 Zoning Ordinance Amendment Work Program

ISSUE:

Consideration and endorsement of the 2008 Zoning Ordinance Amendment Work Program.

RECOMMENDATION:

The County Executive recommends that the Board consider the Zoning Ordinance Amendment Work Program for 2008 as discussed by the Development Process Committee, and as set forth in Attachments 2, 3 and 4.

TIMING:

Board action is requested on March 31, 2008.

BACKGROUND:

The Zoning Ordinance Amendment Work Program, originally initiated in 1983, contains requests for amendments to the Zoning Ordinance, which originate from the Board of Supervisors (Board), the Planning Commission, the Board of Zoning Appeals, staff, citizens, and industry representatives. The requested changes range from the addition of new provisions to accommodate new concepts or types of uses; to major reviews of certain Ordinance sections to improve the efficiency and effectiveness of the land development review process; to minor clarifying revisions.

Enclosed as Attachments 1 and 2 are quick reference summary charts of the status of the 2007 Priority 1 Work Program and those items proposed for the 2008 Priority 1 Work Program, respectively. Attachment 3 is the entire 2008 Priority 1 list which provides a description of the amendments that are proposed to be addressed over the next year. The 2008 Priority 2 list is enclosed as Attachment 4 and indicates proposed amendments that will not be addressed this year, but will be retained for future Priority 1 consideration. Attachment 5 contains a list of new amendment requests that have been identified since the adoption of the 2007 Work Program.

Set forth as Attachment 6 is the Planning Commission recommendation on the proposed 2008 Work Program. On February 27, 2008, the Planning Commission Policy and Procedures Committee and subsequently the full Planning Commission unanimously endorsed the proposed 2008 Work Program as presented by staff. By way of background, there was a total of 33 items on the 2007 Work Program, 31

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were originally included and 2 were added during the course of the year. A total of 17 items have been addressed which includes 9 that have been adopted, 4 were authorized for public hearings, and 4 were addressed without requiring an amendment.

The 2008 Priority 1 list contains 27 amendment items for consideration and review. As a result of changes considered by the Board's Development Process Committee on March 17, 2008, and that are discussed below, this includes 4 items that have been authorized, 16 are carryover items from the 2007 Work Program, and 7 new items. The major carryover items from the 2007 Work Program include: Residential Compatibility, Open Space, PDC and PRM Districts, Planned Development Districts, Outdoor Lighting, R-C District, Roll-Off Debris Containers, and Commercial Portable Storage. In addition, the following affordable housing/workforce issues are carryover items from 2007: Residential Studio Units, Parking, ADU For-Sale Pricing Schedule, ADU Independent Living Facilities, and Secondary Kitchens. Application Fees, Temporary Political Campaign Signs on Private Property, and a number of changes resulting from State Code legislation, including Traffic Impact Analysis Submission Requirements, are among the new items added to the Priority 1 list.

At its March 17, 2008 meeting, the Board's Development Process Committee reviewed the proposed 2008 Work Program as recommended by staff and discussed the following changes for consideration by the Board on March 31, 2008. It is noted that the attached Work Program has been amended to reflect the Committee's discussion:

1. That consideration be given to moving the item pertaining to the establishment of the Mason Neck Historic Overlay District, from Priority 1 to a placeholder slot on the Priority 2 list, with the understanding that at such time that work begins in earnest on this item, it will be moved back to Priority 1. [This item is now listed as Item #43(e) on the proposed Priority 2 list (Page 16)].
2. That consideration be given to allowing a higher percentage of support commercial and retail in the PDH District. This item has been added for consideration in association with the Planned Development District item already on Priority 1 and listed as Item #16 (Page 6).
3. With regard to Item #26 on the Priority 1 list (Page 8) that deals with permits for temporary political campaign signs on private property, it was agreed that the County Attorney will review and verify that enabling legislation exists to regulate such signage, and that any proposal should clarify that any candidate seeking a sign permit is running for the election in question, and that the election provides some form of representation for the County.
4. That consideration be given to moving the mini-warehouse establishment portion of Item #47 on the Priority 2 list (Page 16), that deals with certain uses in the

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PDC and PRM Districts, to the Priority 1 list. [This item is now listed as #15 on the Priority 1 Work Program (Page 6)].

5. That consideration be given to moving the adult video store portion of Item #73 on the Priority 2 list (Page 20), that deals with adult uses, to Priority 1. [Adult Videos are now listed as Item #1 on the Priority 1 list (Page 3)].
6. That consideration be given to deleting the Priority 2 item dealing with the possible allowance of funeral homes in residential districts with special exception approval given the limited demand for this request. [This item is listed at Item #56(b) on the Priority 2 list (Page 18)].

The Committee also noted that there has been an increase in teleworking and/or working from the home and discussed whether the current home occupation permit limitations needed revision to accommodate clients coming to the home. Although not discussed, the Zoning Ordinance currently provides for professionals to work out of their home with up to four employees along with clients with special permit approval by the Board of Zoning Appeals. Staff believes that the special permit approach is appropriate as it allows professionals to have home offices with limited staff and clients, while addressing potential impacts of such home offices on adjacent properties.

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

- Attachment 1 - Summary Chart of the Status of 2007 Priority 1 Work Program
- Attachment 2 - Summary Chart of the Proposed 2008 Priority 1 Work Program
- Attachment 3 – Proposed 2008 Priority 1 Zoning Ordinance Work Program
- Attachment 4 - Proposed 2008 Priority 2 Zoning Ordinance Work Program
- Attachment 5 - New Requests Since April 2007
- Attachment 6 – Planning Commission Recommendation

STAFF:

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

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Board Agenda item
March 31, 2008

ACTION - 6

Industrial Development Authority Health Care Revenue Refunding Bonds

ISSUE:

Board adoption of a resolution approving the issuance by the Industrial Development Authority (IDA) of Fairfax County of its Health Care Revenue Refunding Bonds (Inova Health System Project) Series 2008 (the "Bonds"), in an aggregate principal amount not to exceed \$590,000,000. This Bond issue involves no new money, just a refunding of all or a portion of the Inova Series 2005 Bonds to address the recent disruption in the auction rate bond market (See below under "Timing").

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors approve the resolution (a copy of which is attached hereto as Attachment 1) for the issuance of Industrial Development Authority of Fairfax County Health Care Revenue Refunding Bonds.

TIMING:

Board action is requested on March 31, 2008, so that Inova may proceed to sell the bonds in April in order to address the adverse effect of the recent disruption in the auction rate bond market. The demand for auction rate bonds has declined throughout the financial markets, leading to failed auctions and substantial increases on the interest rate on auction rate bonds. The current expectation in the financial markets is that the market for auction rate bonds will not recover.

BACKGROUND:

The Board's action is required by Section 147(f) of the Internal Revenue Code of 1986, as amended, and Section 15.2-4906 of Chapter 49, Title 15.2, Code of Virginia of 1950, as amended (the "Act"). Proceeds of the Bonds will be used by Inova Health Care Services and its affiliates to refund all or a portion of the \$576,100,000 Industrial Development Authority of Fairfax County, Virginia Health Care Revenue Bonds (Inova Health System Project), Series 2005.

The Bonds will also support funding for a debt service reserve for the Bonds if in the opinion of Inova at the time of the sale of the Bonds a debt service funds is warranted, and paying a portion of the costs of issuance.

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Pursuant to the Act, a copy of the resolution (the "IDA Resolution") to be adopted by the Authority on March 27, 2008, after the holding of a public hearing on March 27, 2008, constituting the recommendation of the Authority that the Board of Supervisors approve the issuance of the Bonds is submitted to the County and attached hereto as Attachment 2.

Upon adoption of the Resolution, the Chairman of the Board of Supervisors and the County Executive will be authorized to execute a letter evidencing the approval of the Board of Supervisors of the issuance of the Bonds. No further action will be required of the Board of Supervisors for the issuance of the Bonds.

FISCAL IMPACT:

None. This action does not constitute a debt obligation of the County or the Board of Supervisors. The Bonds will be entirely supported by the revenues of the Inova Health Care System.

ENCLOSED DOCUMENTS:

Attachment 1 - County Resolution Approving the Issuance of the Bonds (Delivered under separate cover)

Attachment 2 –Resolution of the IDA to be approved on March 27, 2008 (Delivered under separate cover)

Attachment 3 - Fiscal impact statement (Delivered under separate cover)

Attachment 4 - Minutes of the IDA March 27, 2008 Public Hearing (Delivered under separate cover)

STAFF:

Edward L. Long, Deputy County Executive

Leonard P. Wales, County Debt Manager

Board Agenda Item
March 31, 2008

INFORMATION - 1

Planning Commission Action on Application 2232-D07-13, NewPath Networks, LLC and New Cingular Wireless PCS, LLC by AT&T Mobility Corporation Its: Manager (Dranesville District)

On Thursday, March 13, 2008, the Planning Commission voted unanimously (Commissioner Sargeant having recused himself from the vote; Commissioners Hall and Harsel absent from the meeting) to approve 2232-D07-13.

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

Application 2232-D07-13 sought approval to construct a carrier-neutral Distributed Antenna System (DAS) to improve wireless service in a portion of the Great Falls area, Dranesville District. The proposed DAS will include antennas and cabinets co-located on replacement roadside utility poles (nodes), a radio cabinet (hub) in an existing equipment shelter, and fiber-optic cable connecting the nodes to the hub. The DAS system will allow multiple telecommunication carriers to provide service to the area, with AT&T being the first user of the system. The facility will be located on portions of public rights-of-way on Tax Maps 13-4, 20-1, 20-2, 20-4, 21-1, 21-3; Tax Maps 13-4 ((1)) 34, 35; 20-1 ((1)) 45.

ENCLOSED DOCUMENTS:

Attachment 1: Verbatim excerpts from 3/13/08 Commission meeting
Attachment 2: Vicinity maps

STAFF:

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

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March 31, 2008

INFORMATION – 2

Contract Award – Stream Stabilization of Turkeycock Run at Green Spring Gardens (Mason District)

Five sealed bids were received and opened on Wednesday, January 23, 2008, for the Turkeycock Run Stream Stabilization at Green Spring Gardens in Project 475004/667, Stream Restoration in Fund 370, Park Authority Bond Construction. The project includes installation of stone cross vanes and other structures, grading, planting and related work to stabilize 1,000 linear feet of stream at Green Spring Gardens.

This project was approved for funding by the Park Authority Board at its regular meeting on June 14, 2006.

The lowest responsible bidder is Environmental Quality Resources, LLC. Their bid of \$275,106 is \$13,106, or 5% above the Park Authority's pre-bid estimate of \$262,000. The second lowest bid of \$346,700.00 is \$71,594, or 26% above the lowest bid.

Based on their financial capability and construction experience, Environmental Quality Resources, LLC is considered to be a responsible contractor and holds a Virginia Class A Contractor's license.

The Department of Tax Administration has verified that Environmental Quality Resources, LLC has the appropriate Fairfax County Business, Professional and Occupational License (BPOL).

The Park Authority Board approved the contract award at its March 12, 2008 meeting.

Unless otherwise directed by the Board of Supervisors, and upon approval of the Park Authority Board, the Park Authority will proceed to award this contract to Environmental Quality Resources, LLC in the amount of \$275,106.

FISCAL IMPACT:

Based on the post-bid update, funding in the amount of \$275,106 is necessary to award this contract and to fund the associated contingency, administrative costs, and other project related costs. Funds are currently appropriated in the amount of \$275,106 in Project 475004 /667, Stream Restoration, Fund 370, Park Authority Bond Construction, to award this contract and to fund the associated contingency, administrative costs and other project related costs.

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ENCLOSED DOCUMENTS:

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

STAFF:

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

Board Agenda Item
March 31, 2008



INFORMATION - 3

Consolidated Plan Certification for the Fairfax County Redevelopment and Housing Authority Public Housing and Housing Choice Voucher Annual Plan Update for FY 2009

On March 6, 2008, the Fairfax County Redevelopment and Housing Authority (FCRHA) approved the submission of its Public Housing and Housing Choice Voucher Annual Plan Update for FY 2009 to the U.S. Department of Housing and Urban Development (HUD). This plan update is required by the Quality Housing and Work Responsibility Act (QHWRA) of 1998, and submission to HUD is a requirement for receipt of federal Public Housing and Housing Choice Voucher funds. Certification that the plan is consistent with the Fairfax County Consolidated Plan is part of the required submission which is due by April 15, 2008. County policy requires that the Board be informed of Consolidated Plan certifications. The Board was sent an advance copy of the revised plan on March 13, 2008, to facilitate Board member review and/or questions.

The Public Housing and Housing Choice Voucher Annual Plan update articulates the FCRHA's mission for serving the housing needs of low-income and very low-income households, and the FCRHA's strategy for addressing those needs. The plan also provides details about the FCRHA's operations and the Public Housing and Housing Choice Voucher rental housing programs and services for the upcoming fiscal year. The plan is based on an examination of the FCRHA's existing operations and needs and proposed long-range and short-range strategies to address the needs.

The plan is presented in a HUD-mandated format, and has had extensive review by the FCRHA, the public, and the FCRHA's Resident Advisory Council (RAC), which represents Public Housing and Housing Choice Voucher participants. HCD received comments from the RAC on November 28, 2007; the RAC's comments and HCD's responses have been included in the Plan. The FCRHA made the plan available for public comment from December 17, 2007 through February 4, 2008. A number of the comments received during the public comment period were incorporated into the plan approved by the FCRHA for submission to HUD. The FCRHA also held a public hearing on the plan on March 6, 2008. In approving the plan, the FCRHA directed staff to review the comments received during the public hearing and the public comment period and return with further policy recommendations at a subsequent FCRHA meeting.

Unless directed otherwise by the Board, I will sign the Consolidated Plan certification and provide it to the FCRHA for inclusion in the Public Housing and Housing Choice Voucher Annual Plan Update for FY 2009 submitted to HUD.

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March 31, 2008

ENCLOSED DOCUMENTS:

Attachment 1: Certification by State or Local Official of PHA Plans Consistency with the Consolidated Plan (HUD Form)

STAFF:

Verdia L. Haywood, Deputy County Executive

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

Mary A. Stevens, Deputy Director, HCD

Carol Erhard, Director, Rental Services Division, HCD

Tom Fleetwood, Strategic Planner, Administration Division, HCD

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INFORMATION - 4

Rate Reductions for Electric Service Provided by Northern Virginia Electric Cooperative Effective February 1, 2008 Through January 31, 2011

The Northern Virginia Electric Cooperative (NOVEC) provides electric service to portions of the Chantilly, Centreville, and Clifton areas of Fairfax County. County facilities located in these areas receive service from NOVEC pursuant to a contract negotiated between NOVEC and a Local Customer Government Group consisting of local governments and school systems in NOVEC's service area that includes: Loudoun, Prince William and Fairfax Counties. The Customer Group was organized through the Virginia Municipal League and the Virginia Association of Counties.

The contract with NOVEC was initially executed in 1998, and was re-negotiated in 2005, after NOVEC's revenues and profit began outpacing its authorized return. The amended contract reduced rates by 4.28 percent, and extended the contract term until January 31, 2011. This rate reduction was projected to result in an estimated cost savings for all Fairfax County accounts of \$585,921 over the remaining six year term of the contract. In addition, a contract provision was added that guaranteed the Customer Group the right to "re-open" the contract midway through the remaining six-year term, and seek further rate reductions, if NOVEC continued to earn significantly above its authorized return.

In October 2007, the Customer Group exercised its option to re-open the contract and initiated rate negotiations with NOVEC. In December 2007, the Customer Group and NOVEC agreed to an annual net rate reduction of 4.93% effective over the three remaining years of the contract (February 1, 2008 to January 31, 2011). Rate reductions were not applied for services, such as street lights, that earn below a reasonable rate of return. Base rates for streetlights will remain essentially flat.

The cost savings of this three (3) year contract re-opener for all Fairfax County accounts (including general county, schools, and park authority) will result in estimated savings of \$350,356 over this three year period (see Attachment 1). Total savings achieved due to the rate negotiations that were finalized in 2005 combined with the savings as a result of the 2008 negotiations results in total rate savings to all Fairfax County accounts of approximately \$936,277 over the term of the contract.

Fairfax County was represented on the negotiation team by staff of the Utilities Branch in the Department of Cable Communications and Consumer Protection, and by the law firm of Christian and Barton, which is the Customer Group's legal counsel.

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FISCAL IMPACT:

The total savings estimated as a result of this renegotiation over the three-year period is \$350,356, including: \$63,487 for general County agencies, \$18,811 for the Park Authority, and \$268,058 for Fairfax County Public Schools.

ENCLOSED DOCUMENTS:

Attachment 1: Cost Savings Resulting from Contract Re-Negotiations with Northern Virginia Electric Cooperative (NOVEC), February 1, 2008 to January 31, 2011

STAFF:

David J. Molchany, Deputy County Executive
Michael Liberman, Director, DCCCP
Dennis R. Bates, Senior Assistant County Attorney
Steve Sinclair, Chief, Utility Branch, DCCCP
Susan Hafeli, Utilities Analyst, DCCCP

INFORMATION – 5

Disposition of 1447 Woodacre Drive

The subject property was acquired by the Board of Supervisors on January 17, 2006, with a directive to staff that the property be sold in accordance with specific disposition options (Attachment A). Under Option 1, the County was to offer the property, with the existing house intact plus other various conditions, for sale to a developer. Under Option 2, the County was to demolish the existing house and regrade the property before selling it to a developer. In either case, the Board emphasized the importance that the 100-year flood elevations be identified, associated restrictions clearly included in the easement agreements, and the County maximize proceeds during resale of the property.

Staff issued two separate Requests for Proposals (RFP) in fall/winter 2007 to solicit offers to purchase the surplus real estate with several conditions to address flooding problems at the site (Attachment B). These RFPs correspond with the Board's Option 1 directive. Only one proposal was received and, based on the criteria cited in the RFP, the Selection Advisory Committee (SAC) unanimously agreed to not recommend an award of contract.

The price offered did not align with the County's assessment of the property and the proposal did not provide a sound financial plan to complete the work. In addition, the proposal did not meet the specified minimum project requirements delineated in the RFP to have a minimal adverse impact upon the surrounding neighborhood and/or provide a maximum benefit to the local community or the County as a whole. As such, the proposal was declined.

The SAC determined that the unacceptable proposal and poor response were the result of the lackluster real estate market conditions. The overall costs for the developer to demolish the existing house and regrade the property had little impact on the value offered to the County for the land. Thus, even if the County had removed the house and regraded the property as outlined in Option 2, the bid would still have been rejected. Given this information, staff recommends that the house be demolished and the area be temporarily retrofitted for water quality/quantity control in support of the county's environmental initiatives. When the real estate market becomes less volatile, the Facilities Management Department (FMD) will reconsider an RFP in collaboration with DPWES to sell the re-graded lot to a developer.

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FISCAL IMPACT:

Funds in the amount of \$422,263 are currently available in Fund 318, Stormwater Management Program, Project PM 8000, Pimmit Run Watershed Projects, to demolish the existing house, re-grade the property, and install water quality/quantity control devices. The cost to perform this work is estimated at \$80,000.

ENCLOSED DOCUMENTS:

Attachment A: Disposition Options Approved by the Board of Supervisors
Attachment B: Request for Proposal, Sale of Surplus Property

STAFF:

Edward L. Long, Jr., Deputy County Executive
Robert A. Stalzer, Deputy County Executive
Jimmie D. Jenkins, Director, Department of Public Works and Environmental Services
Jose A. Comayagua, Jr., Director, Facilities Management Department

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INFORMATION - 6

Contract Award – Professional Audit Services

The Fairfax County Redevelopment and Housing Authority (FCRHA), as a political subdivision of the Commonwealth of Virginia and a component unit of the County, is required to complete an annual, independent financial audit. Additionally, FCRHA receives grants directly from United States Housing and Urban Development (HUD) under various Housing programs. HUD requires an annual financial statement audit to be conducted by an independent certified public accountant in order for FCRHA to be eligible to receive grants. FCRHA also operates four projects within its Housing programs that require annual project financial statement audits under regulatory agreements from HUD, Virginia Housing Development Authority and Partnership Agreements. These are highly specialized audit areas.

Clifton Gunderson LLP is a well-known and respected auditing services firm located in Timonium, Maryland. They operate in over 50 offices around the country including Washington, DC and Maryland locations. They have unparalleled depth of experience serving public housing authorities similar to FCRHA. Their local professionals provide financial audit, single audit and consulting services to more than 15 large, multi-unit housing projects, such as the District of Columbia Housing Authority, Housing Opportunities Commission of Montgomery County, and Baltimore City Housing Authority. Their extensive expertise in the auditing of housing authorities around the country will result in more efficient, effective services.

The Department of Housing and Community Development (HCD), which provides administrative support to the FCRHA and operates its programs, has requested that a “piggyback” contract be established with Clifton Gunderson using the Anne Arundel County, Maryland contract with Clifton Gunderson LLP for audit services. The Anne Arundel County contract was awarded as a result of a competitive solicitation and allows for other public bodies to purchase from the contract under the same terms. The Fairfax County Purchasing Resolution, Article 1, Section 5, authorizes this type of cooperative procurement.

The Department of Tax Administration has verified that Clifton Gunderson LLP is not required to have a Fairfax County Business, Professional and Occupational License (BPOL).

Unless otherwise directed by the Board of Supervisors, the Purchasing Agent will proceed to award the contract to Clifton Gunderson LLP. The contract is approximately a one year contract with two one-year renewal options. The total estimated amount of this contract is \$140,000 for the first year audit, \$149,000 for the second year audit, and \$158,000 for the third year audit.

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FISCAL IMPACT:

This fiscal impact to the FCRHA will be \$140,000 for FY 2008. Funds are currently available in Elderly Fund (141), FCRHA Operating Fund (940), Rental Program Fund (941), Housing Choice Voucher Program Fund (966), and Public Housing Fund (967).

ENCLOSED DOCUMENTS:

None

STAFF:

Edward L. Long, Jr., Deputy County Executive

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

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

INFORMATION - 7

Contract Award – Medical Detoxification Services

The Fairfax-Falls Church Community Services Board (CSB) operates, contracts for, and coordinates an array of services within its jurisdiction. The CSB is responsible for ensuring that comprehensive quality services for its residents are provided through public funding in mental health, mental retardation, early intervention and substance abuse services, as well as monitoring and evaluating such services to ensure their cost-effectiveness and applicability to resident needs. The CSB works collaboratively with, and can receive funding from, the Virginia Department of Mental Health, Mental Retardation and Substance Abuse Services (DMHMRSAS), the Virginia Department of Medical Assistance Services (DMAS), and the Virginia Department of Rehabilitative Services (DRS).

Detoxification services are an integral part of the continuum of services for individuals needing substance abuse treatment services. Medical detoxification is required when there is significant history or danger of seizures and/or other medical situations that prevent safe detoxification in a social setting. The CSB refers approximately 50 - 100 individuals for medical detoxification services each year. In fiscal year 2007, the CSB referred 101 individuals for medical detoxification.

On December 27, 2007, the Department of Purchasing and Supply Management issued a Request for Proposal (RFP08-957365-31) for the provision of medical detoxification services, on an as needed basis, for clients referred by the Fairfax-Falls Church Community Services Board (CSB), Alcohol and Drug Services (ADS) Program. The County currently contracts for these services with Prince William Hospital under PC02-566908-18A which expires on July 31, 2008.

Tasks requested for the contract for medical detoxification services are to facilitate the referred client's recovery from sub-acute substance abuse withdrawal and are to include:

- a. Medical History and Physical Examination;
- b. Psychosocial Assessment;
- c. Laboratory Tests;
- d. Medications required for detoxification and/or stabilization;
- e. Physician management for detoxification;
- f. In-patient care twenty-four (24) hours a day, for a standard of up to four (4) days; up to ten (10) days may be authorized by Fairfax Detoxification Center Medical staff based on client needs;
- g. Social Worker services and discharge planning to include written

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- discharge plan with prescribed medication;
- h. Immediate Notification of Adverse Incidents;
- i. Daily telephone call to Fairfax Detoxification Center Medical Staff reporting on client progress/status;
- j. Provision of information to clients on available ADS services prior to discharge.

The solicitation notice was sent to approximately 150 firms, and two firms responded with a proposal by the closing date of January 25, 2008. The Selection Advisory Committee (SAC), appointed by the County Purchasing Agent, evaluated the proposals in accordance with the criteria established in the RFP. Upon completion of the final evaluation of the proposals, the SAC negotiated with the top ranked offerors and unanimously recommended to award the contract to INOVA Comprehensive Addiction Treatment Services (CATS) and Prince William Hospital CPAT (Center for Psychiatric and Addiction Treatment). The companies have submitted all required licenses and insurance information that would allow for them to provide medical detoxification services in the Commonwealth of Virginia. Both hospitals are accredited by the Joint Commission for hospital accreditation.

INOVA CATS has been providing effective substance abuse treatment services for 26 years. This organization is licensed for 21 beds. Fairfax County has worked with INOVA CATS to collaboratively provide treatment options to Fairfax County residents. INOVA CATS, in addition to the primary services required by medical detoxification, also provides the opportunity for medical detoxification from opiate addiction.

Prince William Hospital was founded in 1964. The Prince William Health System has been providing inpatient drug and alcohol detoxification services for approximately 20 years. Prince William Hospital has been the current provider for these contracted services for the County since 2002. The County has a strong collaborative relationship with this organization to provide quality detoxification services. Prince William Hospital CPAT, in addition to primary services required by medical detoxification, has the capacity to address clients who also have need for psychiatric services while undergoing detoxification.

The Department of Tax Administration has verified that INOVA Comprehensive Addiction Treatment Services (CATS) and Prince William Hospital CPAT are not required to have a Fairfax County Business, Professional and Occupational License (BPOL).

Unless otherwise directed by the Board of Supervisors, the Purchasing Agent will proceed to award the contract to both offerors in order to best meet the needs of residents in Fairfax County requiring medical detoxification. The contract is a five year contract with three (3) one-year renewal options. The total estimated annual amount of

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this contract is \$180,000. Funding for FY 2009 is currently available within the CSB. Future fiscal year funding will also be made available within the CSB, subject to Board of Supervisors appropriation. The cost for the entire contract term is estimated to be \$1,440,000.00.

FISCAL IMPACT:

The fiscal impact to the Fairfax-Falls Church Community Services Board (CSB) will be approximately \$180,000 annually. Funding for FY 2009 is currently available within the CSB. Future fiscal year funding will also be made available within the CSB, subject to Board of Supervisors appropriation.

ENCLOSED DOCUMENTS:

Attachment 1 - List of Offerors

STAFF:

Edward L. Long, Jr., Deputy County Executive

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

James A. Thur, Executive Director, Fairfax-Falls Church Community Services Board

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INFORMATION – 8

2007 Virginia Pollutant Discharge Elimination System Permit Annual Report for Fairfax County, Virginia

The Department of Public Works and Environmental Services prepared the annual report for submission to the Virginia Department of Conservation and Recreation (DCR) in compliance with Virginia Pollutant Discharge Elimination System (VPDES) Permit VA0088587, Part I, Section C.4. The annual report documents activities performed by the County between January 1, 2007, and December 31, 2007, to satisfy requirements of its VPDES permit to operate a municipal separate storm sewer system (MS4). The report is formatted to meet DCR's request for a concise summary of activities related to each permit requirement presented in the order in which they appear in the MS4 permit. The current permit was issued January 24, 2002, and expired January 24, 2007. The County is currently operating under an administrative continuance of the existing permit in anticipation of permit renewal later this year.

Unless otherwise directed by the members of the Board of Supervisors, the Department of Public Works and Environmental Services will proceed with the submission of the annual report and publication of the report on the County's web site.

FISCAL IMPACT:

The fiscal year 2008 funding needs for compliance with the permit are accommodated within the current appropriations for ongoing programs of various county and contributory agencies. No fiscal impact is associated with the submittal of this report to the Department of Conservation and Recreation.

ENCLOSED DOCUMENT:

Attachment 1: 2007 VPDES Permit Annual Report

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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March 31, 2008



INFORMATION - 9

Contract Award – Little River Turnpike (Route 236)/Beauregard Street Intersection Improvements (Mason District)

Twelve sealed bids were received and opened on Tuesday, March 11, 2008, for the construction of Little River Turnpike (Route 236)/Beauregard Street Intersection Improvements, Project No. 4YP013, in Fund 304, Transportation Improvements. This project provides for construction of dual left turn lanes, asphalt trail, pavement marking, curb and gutter, replacement of an existing traffic signal, and other related items. This project is included in the FY 2008-FY 2012 Adopted Capital Improvement Program and is part of the Board's Four-Year Transportation Program.

The lowest responsive and responsible bidder is A&M Concrete Corporation. Their bid of \$763,040.00 is \$23,927.50 or 3.04% lower than the Engineer's Estimate of \$786,967.50. The second lowest bid of \$803,626.75 is \$40,586.75 or 5.32% above the low bid. The highest bid of \$1,223,277.75 is \$460,237.75 or 60.32% above the low bid.

A&M Concrete Corporation has satisfactorily completed several County projects and is considered a responsible bidder. The Department of Tax Administration has verified that A&M Concrete Corporation has the appropriate Fairfax County Business, Professional and Occupational License. A&M Concrete Corporation is a minority owned business firm.

This bid may be withdrawn after April 25, 2008.

Unless otherwise directed by the Board of Supervisors, the Department of Public Works and Environmental Services will proceed to award this contract to A&M Concrete Corporation in the amount of \$763,040.00.

FISCAL IMPACT:

Funding in the amount of \$1,463,453.21 is necessary to award this construction contract and to fund the associated contingencies and other project costs, including land acquisition, utility relocation, contract administration, and inspection. Funds are appropriated in Project 4YP013, Little River Turnpike (Route 236)/Beauregard Street, Fund 304, Transportation Improvements, in the amount of \$1,283,453.21. Funds in the amount of \$180,000.00 will be reallocated from Project 064249, Planning for 4-Year Transportation Plan, within Fund 304.

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ENCLOSED DOCUMENTS:

Attachment 1 – Order of Bidders

Attachment 2 – Vicinity Map

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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March 31, 2008

INFORMATION - 10

Contract Award – Cub Run Stream Valley Connector Trails – (Sully District)

Ten sealed bids were received and opened on Monday, March 3, 2008, for the Trail & Stream Crossings, and Related Work at Cub Run Stream Valley Park in Project 474606, Trails and Streams in Fund 370, Park Authority Bond Construction. The project includes construction of two pedestrian bridges and related trails.

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

The lowest responsible bidder is Ashburn Contracting Corporation. Their bid of \$446,135 is \$401,113, or 47.3% below the Park Authority's pre-bid estimate of \$847,248. The second lowest bid of \$514,900 is \$68,765, or 15.4% above the low bid. The work is to be completed in 180 days.

The pre-bid estimate was based in part on the most recent significant stream valley trail construction project (two years ago). The local construction market conditions affecting the small site contractors who typically do this work make this a favorable below estimate bid.

Based on their financial capability and construction experience, Ashburn Contracting Corporation is considered to be a responsible contractor and holds a Virginia Class A Contractor's license.

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

On March 26, 2008, the Fairfax County Park Authority Board approved the contract award of \$446,135 to Ashburn Contracting Corporation.

Unless otherwise directed by the Board of Supervisors, the Park Authority will proceed to award this contract to Ashburn Contracting Corporation of Dulles, Virginia in the amount of \$446,135.

FISCAL IMPACT:

Based on the Post-Bid update, funding in the amount of \$526,439.30 is necessary to award this contract and to fund the associated contingency, administrative costs and

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other project related costs. Funding is currently available in the amount of \$253,801 in Project 474604, (2004 Bond) Trails and Stream Crossings, and in the amount of \$272,638.30 in Project 474606, (2006 Bond) Trails and Streams, in Fund 370, Park Authority Bond Construction, to award this contract and to fund the associated contingency, administrative costs and other project related costs.

ENCLOSED DOCUMENTS:

Attachment 1: Bid Results – Cub Run Stream Valley Connector Trails

Attachment 2: Scope of Work – Cub Run Stream Valley Connector Trails

Attachment 3: Cost Estimate – Cub Run Stream Valley Connector Trails

Attachment 4: Site Plan – Map of Trails and Location of Bridges, Cub Run Stream Valley Connector Trails

STAFF:

Robert A. Stalzer, Deputy County Executive

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

Board Agenda Item
March 31, 2008

INFORMATION - 11

Contract Award – Accotink Stream Valley Trail, Lake Accotink to Hunter Village Drive
(Braddock, Lee, and Springfield Districts)

Ten sealed bids were received and opened on Wednesday, March 5, 2008, for the Accotink Stream Valley Trail in Project 474606, Trails and Stream Crossings in Fund 370, Park Authority Bond Construction. The project includes the installation of 2.2 miles of asphalt trail and three (3) pedestrian bridges in the Accotink Stream Valley Park between the Lake Accotink Dam and Hunter Village Drive, which is a portion of the Cross County Trail (CCT).

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

The lowest responsible bidder is Jeffrey Stack, Incorporated. Their total bid of \$1,903,891.75 is \$877,135.25, or 31.5% below the Park Authority's pre-bid estimate of \$2,781,027. The second lowest bid of \$1,939,000 is \$35,108.25 or 1.8% above the low bid. The work is to be completed within 395 calendar days of the Notice to Proceed.

Based on their financial capability and construction experience, Jeffrey Stack, Inc. is considered to be a responsible contractor and holds a Virginia Class A Contractor's license.

The Department of Tax Administration has verified that Jeffrey Stack, Incorporated has the appropriate Fairfax County Business, Professional and Occupational License (BPOL).

On March 26, 2008, the Fairfax County Park Authority Board approved the contract award of \$1,903,891.75 to Jeffrey Stack, Incorporated.

Unless otherwise directed by the Board of Supervisors, the Park Authority will proceed to award this contract to Jeffrey Stack Incorporated of Jersey, Virginia, in the amount of \$1,903,891.75.

FISCAL IMPACT:

Based on the post-bid update, funding in the amount of \$2,246,592.27 is necessary to award this contract and to fund the associated contingency, administrative costs and other project related costs. Funding is currently available in the amount of \$1,910,411.27 in Project 474606, Trails and Stream Crossings (2006 Park Construction

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Bond), \$199,650 in Project 474604, Trails and Stream Crossings (2004 Park Construction Bond) in Fund 370, Park Authority Bond Construction and \$136,531 in Project 004763, Grants, in Fund 371, Parks Capital Improvement Fund, to award this contract and to fund the associated contingency, administrative costs and other project related costs.

Funding in the total amount of \$2,018,005 has been approved and is, or will be, made available to the Park Authority for this project from two (2) Federal Highway Administration (FHWA) reimbursable grants. Of this amount, \$1,783,163 has been approved and is administered by the Virginia Department of Transportation (VDOT) for the Park Authority as shown in Attachment 5. This amount combines previously approved grants from the Transportation Equity Act for the 21st Century (TEA-21) and the Congestion Mitigation and Air Quality (CMAQ) grant programs. This funding is reimbursable on an 80-20 basis (80% from grantor, 20% from FCPA) to actual project expenses.

Of the total amount, the FHWA has also approved a grant in the amount of \$234,842 for the Park Authority as shown in Attachment 6. This grant is also from the TEA-21 grant program in support of a Transportation and Community and System Preservation Pilot Program (TCSP) project. The identified TCSP project is the Cross County Trail. This funding is also reimbursable on an 80-20 basis to actual project expenses. To date the Park Authority has already been reimbursed \$163,917 from this grant for project expenses.

Upon receipt of the reimbursed grant funds, encumbered or expended funds from trail projects in Project 474606 and Project 474604, Trails and Stream Crossings in Fund 370, Park Authority Bond Construction and Project 004763, Grants in Fund 371, Parks Capital Improvement Fund, used for this contract will be returned to the Project fund. There will not be any scope impact to those projects.

ENCLOSED DOCUMENTS:

- Attachment 1: Bid Results
- Attachment 2: Scope of Work
- Attachment 3: Cost Estimate
- Attachment 4: Site Map
- Attachment 5: VDOT Administered FHWA Grant Funding Agreement
- Attachment 6: FHWA TCSP Grant Funding Agreement

STAFF:

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

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INFORMATION - 12

Contract Award – Royal Lake Spillway Rehabilitation Project (Braddock District)

Seven sealed bids were received and opened on Wednesday, March 12, 2008, for the construction of Royal Lake Spillway Rehabilitation, Project No. FX4000-PC010 in Fund 318, Stormwater Management Program. This Contract Award will provide for realignment and modification of an existing auxiliary spillway. The spillway rehabilitation will also include constructing earthen dikes and lining with articulated concrete blocks, installation of concrete chute blocks, gravel entrance road, relocation of a trail and other related items.

The lowest responsive and responsible bidder is HGS, L.L.C. dba Angler Environmental. Its bid of \$1,498,758.03 is \$922,040.97 or 61.5% lower than the Engineer's Estimate of \$2,420,799. The second lowest bid of \$1,544,818.78 is \$46,060.75 or 3.1% above the low bid. The highest bid of \$2,262.625 is \$763,866.97 or 51.0% above the low bid.

The Department of Public Works and Environmental Services has analyzed the bids received on the referenced project. The high level of competition (7 bidders), local construction market conditions, and availability of heavy earthwork contractors combined to make this a favorable below estimate bid.

Although HGS, L.L.C. dba Angler Environmental has not completed any projects with Fairfax County, the company has satisfactorily completed several projects in the local public sector and is considered a responsible contractor. The Department of Tax Administration has verified that HGS, L.L.C. dba Angler Environmental has the appropriate Fairfax County Business, Professional & Occupational License. HGS, L.L.C. dba Angler Environmental is a small business firm.

This bid may be withdrawn after April 25, 2008.

Unless otherwise directed by the Board of Supervisors, the Department of Public Works and Environmental Services will proceed to award this contract to HGS, L.L.C. dba Angler Environmental in the amount of \$1,498,758.03 upon the receipt of notice-to-proceed from the Natural Resources Conservation Services.

FISCAL IMPACT:

Funding in the amount of \$2,278,900 is necessary to award this contract and to fund the associated contingencies and other project costs; including contract administration and inspection. Funds in the amount of \$2,032,497 are currently available in Fund 318,

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Stormwater Management Program, in Project FX0004-PC010, Federal Grant Participation Projects. The remaining amount of \$246,403 is currently available in Fund 318 in Project FX4000, Dam Safety Projects. This project is part of the agreement approved by the Board of Supervisors on September 10, 2007, between Fairfax County and the Natural Resources Conservation Service (NRCS) for the rehabilitation of Pohick Creek Dam Site Number 4 (Royal Lake). According to the terms of this agreement, NRCS will reimburse 65% of the final cost of the project with the County funding the remaining 35%.

ENCLOSED DOCUMENTS:

Attachment 1 – Order of Bidders

Attachment 2 – Vicinity Map

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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10:45 a.m.

Matters Presented by Board Members

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11:35 a.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. *Application of Elantic Telecom, Inc.*, Case No. PST-2007-00021 (Virginia State Corporation Commission) (Hunter Mill, Providence, and Dranesville Districts)
 - 2. *Angela Segura v. Fairfax County Department of Family Services*, Record No. 0858-07-4 (Va. Court of Appeals)
 - 3. *County of Fairfax v. Angela Y. Glasgow and Annette Swift-Bynoe*, Case No. 07-22048 (Fx. Co. Gen. Dist. Ct.)
 - 4. *Louise Root v. D.L. Cook*, Case No. CL-2008-0002380 (Fx. Co. Cir. Ct.)
 - 5. *Mohammed Moosavi v. Desiree Baltimore, et al*, Case No. CL 2007-0015777 (Fx. Co. Cir. Ct.) (Dranesville District)
 - 6. *In re Grievance of Harold E. Person*, Case No. 0801 (Fx. Co. Civil Serv. Comm'n)
 - 7. *Keith Barker v. Commonwealth of Virginia, et al.*, Case No. CL 2008-0002546 (Fx. Co. Cir. Ct.) (Springfield District)

8. *In the Matter of Improving Public Safety in the 800 MHz Band (Federal Communications Commission, WT Docket No. 02-55) (Countywide)*
9. *Fairfax County Redevelopment and Housing Authority v. Zareen Hudson, Juan Zayas, and Cristian Hernandez, et al., Case No. CL-2007-0005458 (Fx. Co. Cir. Ct.) (Lee District)*
10. *Fairfax County Redevelopment and Housing Authority v. Nectar Projects, Inc., Tigor Title Insurance Company of Florida, Mortgage Electronic Registration Systems, Inc., and First Magnus Financial Corporation, Case No. CL-2007-0004369 (Fx. Co. Cir. Ct.) (Mason District)*
11. *Fairfax County Redevelopment and Housing Authority v. Valicia Ann Spriggs, Abigail Ticono, World Savings Bank, and Commonwealth Trustees, LLC, Case No. CL-2007-0007678 (Fx. Co. Cir. Ct.) (Mount Vernon District)*
12. *Eileen M. McLane, Fairfax County Zoning Administrator v. Elizabeth Sanchez, Case No. CL-2007-0013787 (Fx. Co. Cir. Ct.) (Providence District)*
13. *Eileen M. McLane, Fairfax County Zoning Administrator, and Jimmie D. Jenkins, Director, Department of Public Works and Environmental Services v. Khoa Nguyen, Case No. CL-2006-0014957 (Fx. Co. Cir. Ct.) (Lee District)*
14. *Eileen M. McLane, Fairfax County Zoning Administrator v. Wilder S. Soto, Case No. CL-2008-0001878 (Fx. Co. Cir. Ct.) (Mason District) (Strike Team Case)*
15. *Eileen M. McLane, Fairfax County Zoning Administrator v. Santos Paradas, Case No. CL-2007-0015533 (Fx. Co. Cir. Ct.) (Mount Vernon District)*
16. *Eileen M. McLane, Fairfax County Zoning Administrator v. Sonia G. Munoz, Case No. CL-2007-0015538 (Fx. Co. Cir. Ct.) (Mount Vernon District)*
17. *Eileen M. McLane, Fairfax County Zoning Administrator v. Young S. Joo and Mi J. Joo, Case No. CL-2007-0014788 (Fx. Co. Cir. Ct.) (Braddock District)*

18. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Rafael Antonio Carbajal and Maria Delmi Carbajal, Case No. CL-2008-0000293 (Fx. Co. Cir. Ct.) (Mount Vernon District)*
19. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Jorge L. Tello and Patty Pino, Case No. CL-2007-0015313 (Fx. Co. Cir. Ct.) (Sully District)*
20. *Eileen M. McLane, Fairfax County Zoning Administrator v. James Norman Graham-Yooll, Juan Guerra, and Laura Guerra, Case No. CL-2008-0003245 (Fx. Co. Cir. Ct.) (Springfield District)*
21. *Eileen M. McLane, Fairfax County Zoning Administrator v. Phillip Granger and Lorraine R. Granger, Case No. CL-2008-0003243 (Fx. Co. Cir. Ct.) (Lee District)*
22. *Eileen M. McLane, Fairfax County Zoning Administrator v. Edward F. Petty and Dorothea M. Petty, Case No. CL-2008-0002750 (Fx. Co. Cir. Ct.) (Lee District)*
23. *Eileen M. McLane, Fairfax County Zoning Administrator v. John Garbis and Andria Garbis, Case No. CL-2008-0002838 (Fx. Co. Cir. Ct.) (Springfield District)*
24. *Eileen M. McLane, Fairfax County Zoning Administrator v. Asif Attai and John Jung a/k/a Un Pok Jung d/b/a JP Transmission, Case No. CL-2008-0003329 (Fx. Co. Cir. Ct.) (Lee Transportation District)*
25. *Eileen M. McLane, Fairfax County Zoning Administrator v. Harry F. Kendall, III, and Laura P. Kendall, Case No. CL-2008-0003244 (Fx. Co. Cir. Ct.) (Braddock District)*
26. *Eileen M. McLane, Fairfax County Zoning Administrator v. Beltran Sanchez and Sulma P. Flores, Case No. CL-2008-0003156 (Fx. Co. Cir. Ct.) (Mason District) (Strike Team Case)*
27. *Eileen M. McLane, Fairfax County Zoning Administrator v. 7610 Lee Highway, LLC, d/b/a Park's Auto Service, Case No. CL-2008-0003570 (Fx. Co. Cir. Ct.) (Providence District)*

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28. *Board of Supervisors of Fairfax County, Virginia, v. Jade Dunn Loring Metro, LLC, et al.*, At Law No. CL-2008-0003247 (Fx. Co. Cir. Ct.)
(Providence District)

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3:00 p.m.

Public Hearing on SEA 89-S-072 (T-Mobile Northeast LLC/Northern Virginia, Electric Cooperative/Smartpole, Inc., & New Cingular Wireless PCS, LLC) to Amend SE 89-S-072 Previously Approved for an Electrical Substation to Permit a Telecommunications Facility and Associated Modifications to Site Design and Development Conditions, Located on Approximately 4.81 Acres Zoned R-C and WS, Springfield District

The application property is located at 12700 Popes Head Rd. Tax Map 66-4 ((3)) 1.

PLANNING COMMISSION RECOMMENDATION:

On Wednesday, March 5, 2008, the Planning Commission voted unanimously (Commissioner Harsel absent from the meeting) to recommend the following actions to the Board of Supervisors:

- Approval of SEA 89-S-072, subject to the Development Conditions dated February 27, 2008, with the addition of a new Condition to read, "Only motion-sensitive lighting that is in conformance with Par. 9 of Art. 14 of the Zoning Ordinance shall be permitted."
- Modification of the transitional screening and barrier requirements along all four property lines in favor of the existing vegetation as shown on the SEA Plat.

In a related action, the Planning Commission unanimously voted (Commissioner Harsel absent from the meeting) to approve 2232-S07-4. The Commission noted that the application satisfies the criteria of location, character, and extent, as specified in Section 15.2-2232 of the *Code of Virginia*, and is substantially in accordance with the provisions of the Comprehensive Plan.

ENCLOSED DOCUMENTS:

None. Staff Report previously furnished.

STAFF:

Regina Coyle, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)

William O'Donnell, Staff Coordinator, Zoning Evaluation Division, DPZ

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Board Agenda Item
March 31, 2008

3:00 p.m.

Public Hearing on PCA 1998-BR-073 (Steuart-Burke Centre Shopping Center, L.L.C.) to Amend the Proffers for RZ 1998-BR-073 Previously Approved for Commercial Development to Permit a Drive-In Bank and Associated Modifications to Site Design with an Overall Floor Area Ratio of 0.1, Located on Approximately 2.18 Acres Zoned PRC, Braddock District

and

Public Hearing on PCA 75-8-036-2 (Steuart-Burke Centre Shopping Center, L.L.C.) to Amend the Proffers for RZ 75-8-036 Previously Approved for Commercial Development to Permit a Drive-In Bank and Associated Modifications to Site Design with an Overall Floor Area Ratio of 0.24, Located on Approximately 11.0 Acres Zoned PRC, Braddock District

and

Public Hearing on DPA C-546-23 (Steuart-Burke Centre Shopping Center, L.L.C.) to Permit the 23rd Amendment of the Development Plan for RZ C-546 Previously Approved for Commercial Development to Permit A Drive-In Bank with an Overall Floor Area Ratio of 0.25 and Associated Modifications to Site Design, Located on Approximately 13.18 Acres Zoned PRC, Braddock District

and

Public Hearing on PRC C-546 (Steuart-Burke Centre Shopping Center, L.L.C.) to Approve the PRC plan Associated with DPA C-546, Located on Approximately 13.18 Acres Zoned PRC, Braddock District

The application property is located approximately 500 feet east of the intersection of Ox Road and Burke Centre Parkway, Tax Map 77-1 ((1)) 63 and 64.

PLANNING COMMISSION RECOMMENDATION:

On Wednesday, November 7, 2007, the Planning Commission voted 10-0-1 (Commissioner Hall abstaining; Commissioner Sargeant absent from the meeting) to recommend the following actions to the Board of Supervisors:

- Approval of DPA C-546-23, subject to the Development Conditions dated November 7, 2007;
- Approval of PRC C-546;

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- Approval of PCA 1998-BR-073, subject to the execution of proffers consistent with those contained in Appendix 1 of the staff report;
- Approval of PCA 75-8-036-02, subject to the execution of proffers consistent with those contained in Appendix 1 of the staff report; and
- Modification of the transitional screening requirement and waiver of the barrier requirement along the northern property boundary.

ENCLOSED DOCUMENTS:

None. Staff Report previously furnished.

STAFF:

Regina Coyle, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)

Tracy Strunk, Senior Staff Coordinator, Zoning Evaluation Division, DPZ

Board Agenda Item
March 31, 2008

3:00 p.m.

Public Hearing on Proposed Amendments to *The Code of the County of Fairfax, Virginia*, Chapter 84.1, Public Transportation, Regarding Issuance and Renewal Fees for Licenses

ISSUE:

Board approval of recommended amendments to Chapter 84.1 of *The Code of the County of Fairfax, Virginia*. The section to be amended is Section 84.1-3-5, Duration of license; fees.

RECOMMENDATION:

The County Executive recommends that the Board approve the proposed amendments to Chapter 84.1.

TIMING:

On March 10, 2008, the Board authorized advertisement of a public hearing on March 31, 2008, at 3:00 p.m. If adopted, this ordinance would become effective on July 1, 2008.

BACKGROUND:

In order to recover the rising costs of processing applications and issuing taxicab licenses, it is recommended to the Fairfax County Board of Supervisors that the fees currently charged by the Regulation and Licensing Branch of the Department of Cable Communications and Consumer Protection for the application processing and license issuing to the public be increased as follows:

	Fees
Application	from \$20.00 to \$25.00
License issuance/renewal	from \$30.00 to \$40.00

The proposed increase in fees will become effective on July 1, 2008. These proposed amendment changes would reflect change in the Consumer Price Index (CPI) since these fees were last set in March 1997.

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FISCAL IMPACT:

The increase in fees charged for services provided by the Regulation and Licensing Branch is expected to result in a projected revenue increase of \$9,285 in FY 2009. This estimate has been included in the FY 2009 Advertised Budget Plan.

ENCLOSED DOCUMENTS:

Attachment I - Proposed Amendment to Chapter 84.1 of *The Code of the County of Fairfax, Virginia*.

Attachment II – Washington Times March 13, 2008, hearing advertisement

STAFF:

Michael Liberman, Director, DCCCP

Dave Reidenbach, Chief, Regulatory and Licensing Branch, DCCCP

Michael Long, Senior Assistant County Attorney

Board Agenda Item
March 31, 2008

3:00 p.m.

Public Hearing on Proposed Amendments to Chapter 61, Building Provisions, and Chapter 62, Fire Protection, of *The Code of the County of Fairfax, Virginia*, Regarding Fire Marshal Fees

ISSUE:

A recent review of the current fee structure charged for mandated plan review and inspection services rendered indicates that an increase from \$96 to \$128 per hour, per reviewer or inspector will align the fees with the cost of performing said mandated services and provide a cost recovery rate of approximately 92%.

RECOMMENDATION:

The County Executive recommends that the Board adopt amendments to Chapter 61 and 62 to increase the fee schedule from \$96 to \$128 per hour.

TIMING:

On March 10, 2008, the Board authorized advertisement of a public hearing on March 31, 2008, at 3:00 p.m. If approved, the change would become effective on July 1, 2008.

BACKGROUND:

On March 10, 2008, the Board of Supervisors requested that staff reexamine the proposed increase in Fire Marshal fees. The objective of the review was to ensure the revenue generated is at least 90 percent of costs for Fire Marshal plan review services and inspection services. Based on current expenditure and revenue projections, an increase to \$128 per hour for the services will realize a cost recovery rate of approximately 92%. This represents an increase of 33% over the current rate of \$96 per hour. A cost recovery rate in the low 90's is reasonable since some of the costs incurred in the Office of the Fire Marshal are not directly related to plan review and inspection activities. The advertisement allows the Board to set a rate of up to \$135 per hour.

The Fire Prevention Division of the Fairfax County Fire and Rescue Department enforces the Virginia Statewide Fire Prevention Code, the International Building Code, and Fairfax County local fire protection ordinances. Fees are levied to defray a portion of the cost of plan review and inspection for fire prevention code permits, fire lanes, fire suppression systems, fire alarm systems, retesting, and building occupancies. Current fees, which were last adjusted in FY 2004, are \$96 per hour, per reviewer or inspector.

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The department recommends a fee increase to \$128 per hour, per reviewer or inspector and will strive to maintain a cost recovery rate in the 90% range.

The Subdivision Provisions Ordinance, Chapter 101, Article 2, and Zoning Ordinance, Chapter 112, Article 17, are also impacted by the proposed increase to the Fire Marshal Fees. The amendments to Chapter 101 and Chapter 112 reflecting the proposed fee increase were authorized by the Board on March 10, 2008. The Planning Commission public hearing is scheduled for April 17, 2008. These amendments to Chapter 101 and Chapter 112 will appear before the Board of Supervisors at a Board Meeting subsequent to the Planning Commission's recommendations. The Board public hearing is currently scheduled for April 28, 2008.

In addition, the proposed amendments to Chapter 62 also update the driver qualifications for vehicles transporting explosives and the location requirements for the sale of fireworks. It should be noted that the Board authorized a public hearing on April 28, 2008 regarding additional updates to Chapter 62 regarding fireworks which was submitted as a separate Administrative Item during the March 10, 2008 Board meeting.

FISCAL IMPACT:

Based on current estimates, an increase of \$682,703 per year is anticipated if the proposed amendments to Chapter 61, Chapter 62, Chapter 101, and Chapter 112 are adopted. It should be noted that \$512,027 has already been included in the FY 2009 Advertised Budget Plan. The additional revenue of \$170,676 will be included in the final FY 2009 budget assuming adoption of the rate of \$128 per hour.

ENCLOSED DOCUMENTS:

Attachment I: Proposed Ordinance, Section 61-1-3 of *The Code of the County of Fairfax*

Attachment II: Proposed Ordinance, Section 62-2-8 of *The Code of the County of Fairfax*

STAFF:

Chief Ronald L. Mastin, Fire and Rescue Department

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

Board Agenda Item
March 31, 2008

3:00 p.m.

Public Hearing on Proposed Amendments to Chapter 4 of *The Code of the County of Fairfax, Virginia*, Regarding Transport By County Emergency Medical Service Vehicles

ISSUE:

Modifications to Section 4-26-1, *Service Charge for Transport by County Emergency Medical Services Vehicle*, to remove references to specific fee values and to no-charge mutual aid agreements.

RECOMMENDATION:

The County Executive recommends that the Board adopt proposed changes to the Chapter 4 of the *Code of the County of Fairfax, Virginia*.

TIMING:

On March 10, 2008, the Board authorized advertisement of a public hearing on March 31, 2008, at 3:00 p.m. If the modifications to Section 4-26-1, *Service Charge for Transport by County Emergency Medical Services Vehicle*, are approved, the change would become effective on July 1, 2008.

BACKGROUND:

The Board of Supervisors first approved an Emergency Medical Services (EMS) Transport Fee that became effective in April 2005. The three-tiered fee for transport by ambulance to an area hospital is currently \$300 for basic ambulance transport (BLS), \$400 for Advanced Life Support 1 (ALS-1) transport, and \$550 for Advanced Life Support 2 (ALS-2) transport. In addition, \$7.50 is charged for every mile that a patient is transported. As result of a review of County fees and charges, staff recommends increasing the current EMS Transport Fees to \$400 for BLS transports, \$500 for ALS-1 transports and \$675 for ALS-2 transports. In addition, the charge per mile transported is recommended to increase to \$10 per mile. The recommended changes to EMS Transport Fees are to bring the County's rate structure in line with other neighboring jurisdictions and to maximize Medicare reimbursement from the federal government, as well as from private health insurance providers. Since reimbursement for EMS transports is determined by many factors including the schedules set on an annual basis by the Centers for Medicare and Medicaid Services (CMS), the modifications to Section 4-26-1 eliminate the specific references to the rate structure. If modifications to Section 4-26-1 are approved, the county's EMS Transport Fees will be reviewed and advertised yearly as part of the annual budget process beginning in FY 2009.

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The Virginia Administrative Code (14VAC5-234-50) requires that health insurance policies include coverage for emergency ambulance service. Insurance plans, therefore, anticipate emergency ambulance transports.

The ambulance transport services collection rate for Fairfax County is approximately 71% based on calendar year 2007 results. The collection rate is the amount collected after all program write-offs are accounted for. Collection rates vary greatly across the state and the country. Diversified Ambulance Billing company officials advise that the Fairfax County collection rate is better than average for their clients.

In addition, no-charge mutual aid agreements concern charges for services between jurisdictions when mutual aid is rendered. Ambulance transport services are to individuals, not to jurisdictions. Therefore, mutual aid references are irrelevant to this service. These changes are consistent with code of many local jurisdictions.

FISCAL IMPACT:

Although there is no direct fiscal impact associated with these code changes themselves, the recommended increases to the EMS Transport Fee structure will generate an estimated \$3,465,948 in additional revenue. This additional revenue has been included in the FY 2009 Advertised Budget Plan and the new fee structure will be advertised with other taxes and fees associated with the FY 2009 Advertised Budget Plan.

ENCLOSED DOCUMENTS:

Attachment I: Proposed Ordinance, Section 4-26-1 of the *Code of the County of Fairfax, Virginia*

STAFF:

Chief Ronald L. Mastin, Fire and Rescue Department

Board Agenda Item
March 31, 2008

3:00 p.m.

Public Hearing on a Proposal to Abandon Part of the Right-of-Way of Peniwill Drive
(Mount Vernon District)

Public Hearing on a Proposal to Abandon Part of the Right-of-Way of Peniwill Drive
is to be cancelled

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Board Agenda Item
March 31, 2008

3:30 p.m.

Public Hearing for a Sewer Ordinance Amendment to Revise the Sewer Service Charges and the Availability Fees

ISSUE:

Board adoption of a proposed sewer ordinance amendment is being requested to revise Sewer Service Charge and Availability Fee rates to be consistent with the Wastewater Management Program's revised five-year financial forecast (the Rate Study) for the Sewer System, prepared in cooperation with its consultant, Public Resources Management Group, Inc. (PRMG). The effects of these sewer rate revisions are as follows:

1. To establish the Sewer Service rates for FY 2008 through FY 2012.
2. To establish the Availability Fee rates for FY 2008 through FY 2012.
3. To maintain a 5-year (FY 2008 - FY 2012) sewer rate schedule; outdated FY 2007 rates will be deleted, and new FY 2012 rates will be added.

Although the sewer rate schedule in the sewer ordinance is multi-year, all sewer rates are reviewed, adjusted as necessary, and adopted annually to ensure sewer rates are accurately priced.

The revised, 5-year rate schedule for the Sewer Service Charge per 1,000 gallons, with previously adopted rates in parentheses, is as follows:

PROPOSED SEWER SERVICE CHARGE RATE SCHEDULE

<u>FY 2008</u>	<u>FY 2009</u>	<u>FY 2010</u>	<u>FY 2011</u>	<u>FY 2012</u>
\$3.74	\$4.10 (\$4.10)	\$4.50 (\$4.50)	\$4.94 (\$4.94)	\$ 5.42

Sewer service charge rates are increasing as debt and capital expenses rise in anticipation of construction of additional treatment facilities to meet more stringent nitrogen removal requirements imposed by the State as a result of "Chesapeake 2000" Agreement. Signatories to the Agreement besides the State of Virginia include the States of Maryland and Pennsylvania, the District of Columbia, the United States Environmental Protection Agency (USEPA), and the Chesapeake Bay Commission.

The revised, 5-year rate schedule for the Availability Fees for a single-family residence, with previously adopted rates in parentheses, is as follows:

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PROPOSED AVAILABILITY FEE RATE SCHEDULE

<u>FY 2008</u>	<u>FY 2009</u>	<u>FY 2010</u>	<u>FY 2011</u>	<u>FY 2012</u>
\$6,506	\$6,896 (\$6,896)	\$7,310 (\$7,310)	\$7,750 (\$7,750)	\$8,215

RECOMMENDATION:

The County Executive recommends that the Board adopt the proposed sewer ordinance amendment as set forth in Attachment I.

TIMING:

Public Notices of the sewer rate revisions were advertised on March 6, 2008 and March 13, 2008, in the Washington Times (See Attachment II). The public hearing is scheduled for 3:30 p.m. on March 31, 2008. Decision on the sewer rate revisions will coincide with the markup and adoption of the FY 2009 Advertised Budget Plan.

FY 2009 sewer rates will become effective on July 1, 2008.

BACKGROUND:

In February 2008, the Wastewater Management Program and PRMG completed the Rate Study. Minimum fund balances or "reserves" are maintained to comply with bond requirements and to fund major capital expenditures such as the addition of denitrification (nitrate nitrogen removal) facilities at wastewater treatment plants. It is anticipated that desired reserve levels can be maintained under the proposed ordinance amendment (Attachment I).

A forecasted, 4-year rate schedule (FY 2009 - FY 2012) is recommended for the County's Sewer Service Charge (See Staff Report, Attachment III). The Sewer Service Charge is based on the volume of water used by a sewer customer and is billed quarterly to offset the operations, maintenance, debt, and capital costs allocated to "existing customers." For FY 2008, a 6.75 percent annual rate increase was adopted; however, for FY 2009 through FY 2011, annual service charge increases of 9.75 percent were recommended. A 9.75 percent annual sewer service charge rate increase is being recommended for FY 2012. The recommended rate increases will provide for inflation and the cost of constructing nitrogen removal facilities at wastewater treatment plants to comply with new discharge requirements imposed by the state and the Chesapeake Bay Program. These rate increases are consistent with this year's Rate Study recommendations.

The County's Sewer Service Charge remains very competitive on a local basis, as indicated in the following Billing and Fee Comparisons summary:

Billing and Fee Comparisons

The table below compares average annual water and sewer service billings and Availability Fees per Single Family Residential Equivalent (SFRE) for Fairfax County with selected other regional jurisdictions. Rates are effective as of January 2008 (FY 2008). Representative average sewer service billings for the other regional jurisdictions have been developed by applying each jurisdiction's sewer service rate to appropriate SFRE water usage determined from an analysis of Fairfax Water's historical average water usage records for SFREs.

**Comparison of Average Water and Sewer Service Charges
 and Sewer Availability Fees for SFREs**

Jurisdiction	Average Annual Water and Sewer Service Billing	Average Annual Sewer Service Billing (a)	Sewer Availability Fees (b)
Fairfax County (c)	\$ 426	\$ 284	\$ 6,506
Loudoun County (c)	486	277	6,945
WSSC (d)	667	379	2,850
Stafford County (e)	625	402	6,135
DCWASA (d)	687	399	----
Prince William County (d)	703	463	8,500
Arlington County (d)	781	497	1,976
City of Alexandria (c)	823	538	7,091

- (a) Each jurisdiction's sewer service rate is applied to the average usage as specified.
- (b) Each jurisdiction's Availability Fee is per SFRE; the Sewer Availability Fee for Arlington assumes 26 fixture units (FU's) per SFRE at a cost of \$76/FU.
- (c) These jurisdictions use a winter quarter billing method for residential customers, eliminating billing of water usage such as lawn irrigation, which does not enter the sewer system. The average winter quarter usage of 19,000 gallons is based on an analysis of Fairfax Water's annual usage report.
- (d) Average billed usage of 21,200 gallons is based on Fairfax Water's usage reports.
- (e) Stafford County uses a modified winter six month period billing method for residential customers. The average winter quarterly usage is 20,200 gallons based on an analysis of Fairfax Water's annual usage reports.

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Similarly, with regard to Availability Fees and commercial fixture unit rates, a four-year rate schedule is proposed. Availability Fees are one-time “tap fees” paid by sewer customers to connect to the system. The revenue from Availability Fees is used to offset the costs of expanding major treatment facilities. The FY 2008 through FY 2012 rates is being indexed 6.0 percent in anticipation of rising borrowing costs. Indexing recognizes the time value of money being used now to construct capacity for future customers.

FISCAL IMPACT:

In FY 2009, assuming a typical water usage per household of 19,000 gallons/quarter (or 76,000 gallons/year), the average homeowner’s sewer bill will be approximately \$312 per year, which is an increase of \$27.36 over the FY 2008 sewer bill. Because of the new nitrogen removal requirements, the annual cost impact of the FY 2010 to FY 2012 rate increases for a typical homeowner will be approximately an additional \$30 to \$37 a year as follows:

Fiscal Year	Service Charge (\$/1,000 gallons)	Annual Bill (\$)	Increase, \$ (% Increase)
2008	\$3.74	\$284.24	\$18.24 (6.75%)
2009	\$4.10	\$311.60	\$27.36 (9.75%)
2010	\$4.50	\$342.00	\$30.40 (9.75%)
2011	\$4.94	\$375.44	\$33.44 (9.75%)
2012	\$5.42	\$412.04	\$36.60 (9.75%)

Based on the following chart, the cost impact of the new Total Nitrogen (TN) removal requirements began in FY 2007. The cost impact to a typical homeowner for additional nitrogen removal will be nearly \$100 per year by FY 2012.

Fiscal Year	Annual Bill, \$ (% Increase) w/o TN Cost Effects in rates	Annual Bill, \$ (% Increase) w/TN Cost Effects in rates	Increase, \$
2007	\$258 (3.6%)	\$266 (6.75%)	\$8
2008	\$271 (5.0%)	\$284 (6.75%)	\$13
2009	\$282 (4.0%)	\$312 (9.75%)	\$30
2010	\$293 (4.0%)	\$342 (9.75%)	\$49
2011	\$305 (4.0%)	\$375 (9.75%)	\$70
2012	\$317 (4.0%)	\$412 (9.75%)	\$95

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Approximately \$0.5 million in additional Availability Fee revenue will be generated annually with the 6.0 percent rate increases in availability fees.

Revenues from the collection of Sewer Service Charges and Availability fees are recorded in Fund 400, Sewer Revenue Fund.

ENCLOSED DOCUMENTS:

Attachment I - The Proposed Amendment to Article 67.1-10 (Charges) of the *Code of the County of Fairfax*

Attachment IIa & IIb - Public Hearing Advertisements

Attachment III - Staff report prepared by the Department of Public Works and Environmental Services

(Copies of PRMG's "Five-year Financial Forecast" are available upon request)

STAFF:

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

Howard J. Guba, Deputy Director, DPWES

Shahram Mohsenin, Director, Wastewater Planning and Monitoring Division, DPWES

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3:30 p.m.

Public Hearing to Establish a Rate for the Transportation Tax on Certain Commercial and Industrial Properties

ISSUE:

Board adoption of a proposed ordinance to revise Fairfax County Code Section 4-10-5 and to adopt a tax rate of \$0.12 per \$100.00 on commercial and industrial property for transportation purposes.

RECOMMENDATION:

The County Executive recommends that the Board adopt the proposed ordinance as set forth in Attachment I.

TIMING:

On March 10, 2008, the Board authorized advertisement of a public hearing to be held on March 31, 2008, at 3:30 p.m.

BACKGROUND:

The 2007 Session of the Virginia General Assembly enacted legislation that proposed a number of new revenue sources for transportation purposes. This legislation was introduced as House Bill 3202, and that legislation was enacted with amendments during the 2007 Session as Chapter 896 of the 2007 Acts of the Virginia General Assembly. Among other things, that legislation established a separate classification for certain commercial and industrial property within the Northern Virginia Transportation Authority and the Hampton Roads Transportation Authority. This classification was established for the purpose of imposing an additional local commercial and industrial property tax to be used exclusively for transportation purposes. Pursuant to this legislation, the cities and counties in the Northern Virginia Transportation Authority now may impose such a property tax at a rate not to exceed \$0.25 per \$100.00 of assessed value.

On September 10, 2007, the Board followed up on that legislation by adding a new section numbered 4-10-5 to the Fairfax County Code, which implemented the new classification for commercial and industrial property within the County. However, when this Section was adopted, the County budget preparations had not been completed, and no tax rate could be specified at that time. Now the County Executive's initial budget recommendations have been completed, and the Board's budget deliberations will soon

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be underway. As part of that process, the Board should begin the next and final step of implementing the new transportation levy by adopting a rate so that this tax can be used to generate transportation funds for the FY 2009 Budget and budgets thereafter. For that purpose, staff has prepared the enclosed draft ordinance that proposes: (1) housekeeping amendments to Fairfax County Code Section 4-10-5; and (2) establishing a transportation tax at a rate of \$0.12 per \$100.00 of assessed value on commercial and industrial property.

Meanwhile, on October 15, 2007, the Board approved a list of projects and services to be funded by revenues to be generated from the provisions of House Bill 3202 during FY 2008 through FY 2010. Of this list of projects and services, the following are anticipated to be funded locally by the additional tax on commercial and industrial real property:

- Expanded Fairfax Connector service on priority service (Routes 401, 171, 950);
- Expanded 12's routes and 20's routes midday service;
- Transit Development Plan (TDP) service expansion recommendations (capital and service improvements);
- New spot roadway projects;
- Enhanced bicycle, pedestrian, and bus stop facilities;
- Braddock Road improvements from U.S. Route 123 to Roanoke Drive;
- Lorton Road realignment and widening from U.S. Route 123 to Silverbrook Road;
- Walney Road at Dallas Drive intersection improvements;
- Planning/design of future projects (e.g., Route 7 from Reston Parkway to Dulles Toll Road and the Columbia Pike transitway);
- Other miscellaneous projects as identified by the Board; and
- Costs associated with implementing these projects and services as part of Fairfax County's overall transportation program.

An updated list of projects will be brought back to the Board for review and approval by the end of April.

FISCAL IMPACT:

Based on final FY 2009 commercial assessed valuation information, the value of a real estate penny on commercial and industrial property is \$4.7 million. Estimated revenue as a result of a tax rate on commercial and industrial real property of \$0.12 per \$100 of assessed value is \$56.9 million which will address new transportation projects and services, and the related costs needed to support and implement these new projects and services.

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ENCLOSED DOCUMENTS:

Attachment I – Draft Ordinance to Amend Fairfax County Code Section 4-10-5 and to impose an additional real property tax for transportation purposes at a rate of \$0.12 per \$100.00 on certain commercial and industrial property

STAFF:

Susan W. Datta, Director, Department of Management and Budget
Kevin C. Greenlief, Director, Department of Tax Administration
Katharine D. Ichter, Director, Department of Transportation
Michael Long, Senior Assistant County Attorney

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3:30 p.m.

Public Hearing on SE 2007-SU-033 (Enterprise Leasing Company A Maryland Corporation D/B/A Enterprise/Centreville Square Project, L.P.) to Permit a Vehicle Sale, Rental and Ancillary Service Establishment, Located on Approximately 1.02 Acres Zoned C-7, HC, SC and WS, Sully District

The application property is located at 5948 Centreville Crest Lane, Tax Map 54-4 ((1)) 117 pt.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission public hearing on SE 2007-SU-033 will be held on March 27, 2008. The Commission's recommendation will be forwarded to the Board of Supervisors subsequent to that date.

ENCLOSED DOCUMENTS:

None. Staff Report previously furnished.

STAFF:

Regina Coyle, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)

Jonathan Papp, Staff Coordinator, Zoning Evaluation Division, DPZ

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3:30 p.m.

Public Hearing on SEA 01-M-010 (Skyline Amoco, LLC Trading As Discount Gas) to Amend SE 01-M-010 Previously Approved for a Service Station, Mini Mart and Car Wash in a Highway Corridor Overlay District to Permit Addition of a Fast Food Restaurant, Waivers and Modifications in a CRD; and Associated Modifications to Site Design and Conditions, Located on Approximately 29,070 Square Feet Zoned C-5, CRD, HC and SC, Mason District

The Planning Commission deferred its public hearing on SEA 01-M-010 to April 17, 2008; therefore, the Board of Supervisors public hearing is deferred to April 28, 2008, at 3:30 p.m.

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3:30 p.m.

Public Hearing on PCA 91-W-023-03 (Fairfax County Board of Supervisors) to Amend the Proffers for RZ 91-W-023 Previously Approved for Public Safety Center to Permit the Addition of a Less-Secure Shelter (12,000 sq. ft.) Adjacent to the Existing Juvenile Detention Center, (77,000 sq. ft.) on 7.52 Acres of the Public Safety Center and Associated Modifications to Site Design with an Overall Floor Area Ratio of 0.79, Located on Approximately 47.8 Acres Zoned PDC, Providence District

and

Public Hearing on FDPA 91-W-023-02 (Fairfax County Board of Supervisors) to Amend the Final Development Plans for FDP 91-W-023-02 Previously Approved for Public Safety Center to Permit Site Modifications and Associated Changes to Development Conditions. Located on Approximately 7.52 Acres Zoned PDC, Providence District

The application property is located on the south side of Page Ave. north of Judicial Dr. and west of Chain Bridge Rd. Tax Map 57-3 ((1)) 17 and 57-4 ((1)) 14 and 14A.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission public hearing will be held on March 26, 2008. The Commission's recommendation will be forwarded subsequent to that date.

ENCLOSED DOCUMENTS:

None. Staff Report previously furnished.

STAFF:

Regina Coyle, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)

Peter Braham, Senior Staff Coordinator, Zoning Evaluation Division, DPZ

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4:00 p.m.

Public Hearing on SEA 88-V-006 (Michael Macnair) to Amend SE 88-V-006 Previously Approved for Single Family Dwelling in a Floodplain to Permit Uses in a Floodplain and Associated Modifications to Site Design, Located on Approximately 22,266 Square Feet Zoned R-2, Mount Vernon District

The application property is located at 4609 Dolphin Lane, Tax Map 110-3 ((4)) (H) 11.

PLANNING COMMISSION RECOMMENDATION:

On Wednesday, February 20, 2008, the Planning Commission voted unanimously (Commissioners Alcorn and Harsel absent from the meeting) to recommend that the Board of Supervisors approve SEA 88-V-006, subject to the Development Conditions dated February 20, 2008.

ENCLOSED DOCUMENTS:

None. Staff Report previously furnished.

STAFF:

Regina Coyle, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)

John Thompson, Staff Coordinator, Zoning Evaluation Division, DPZ

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4:00 p.m.

Public Hearing on SEA 90-P-031 (St. Philips Catholic Church C/O Bishop of Arlington) to Amend SE 90-P-031 Previously Approved for Nursery School, Private School of General Education, Child Care Center and Public Benefit Association to Permit a Church with a Maximum of 500 seats, a Temporary Public Library, and Associated Modifications to Site Design and Development Conditions, Located on Approximately 13.35 Acres Zoned R-4, Providence District

The application property is located at 7500 St. Philips Court, Tax Map 60-1 ((1)) 3.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission public hearing on SEA 90-P-031 and 2232-P07-15 was held on March 19, 2008 and the Commission deferred its decision to Thursday, March 27, 2008. The Commission's recommendation will be forwarded to the Board of Supervisors subsequent to that date.

ENCLOSED DOCUMENTS:

None. Staff Report previously furnished.

STAFF:

Regina Coyle, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)

William O'Donnell, Staff Coordinator, Zoning Evaluation Division, DPZ

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March 31, 2008

4:00 p.m.

Public Hearing on the Draft Proposed Consolidated Plan One-Year Action Plan for FY 2009

ISSUE:

Public hearing for public review and comment before the Fairfax County Board of Supervisors (Board) on the Draft Proposed Consolidated Plan One-Year Action Plan for FY 2009 as issued by the Consolidated Community Funding Advisory Committee (CCFAC) and as amended by the Board at its meeting on March 10, 2008.

RECOMMENDATION:

The County Executive recommends that, following the public hearing, the Board submit all comments on the Draft Proposed One-Year Action Plan for FY 2009 to the CCFAC for its consideration and recommendation to the Board for final Board action at the April 28, 2008 meeting.

TIMING:

Board action on the Proposed One-Year Action Plan for FY 2008 is scheduled for April 28, 2008.

BACKGROUND:

A Draft Proposed Consolidated Plan One-Year Action Plan for FY 2009 (One-Year Action Plan for FY 2009) has been issued by the CCFAC for public review and comment. In accordance with the Fairfax County Citizen Participation Plan for the Consolidated Plan, a public hearing is required to be held before the Board to allow citizens the opportunity to comment on the One-Year Action Plan for FY 2009. On March 10, 2008, the Board authorized advertisement of a public hearing on the proposed document to be held on March 31, 2008. Citizens may express their views on housing and community development needs, fair housing, and the County's community development program. The document was released March 11, 2008, to meet the federal requirement for a 30-day public comment period.

The U.S. Department of Housing and Urban Development (HUD) requires the submission of this document as part of the planning and application aspects of four federal programs from which Fairfax County receives annual funding allocations. The four programs are Community Development Block Grant (CDBG), HOME Investment

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Partnerships Program (HOME), Emergency Shelter Grant (ESG), and Housing Opportunities for Persons with AIDS (HOPWA). In addition, the document describes the Continuum of Care for homeless services and programs in the Fairfax community, and the Consolidated Community Funding Pool (CCFP). The CCFP was established by the Board and provides funding for community based programs by nonprofit organizations through a competitive solicitation process.

The One-Year Action Plan for FY 2009 also includes the public and private resources available for housing and community development activities, and the CCFP funding priorities adopted by the Board. In accordance with federal requirements, the One-Year Action Plan for FY 2009 contains several certifications, including drug-free workplace, affirmatively furthering fair housing, prohibition of excessive force, and lobbying requirements, which will be signed by the County Executive following Board action in April 2008.

Funding levels incorporated in the One-Year Action Plan for FY 2009 by the CCFAC are based on anticipated federal allocations for FY 2009. The proposed use of funds identified in the One-Year Action Plan for FY 2009 is summarized below. A description for each activity is provided in the attached Draft Proposed Consolidated Plan One-Year Action Plan for FY 2009. At its meeting on March 10, 2008, the Board instructed that two options be considered for the funding of the renovation and updating of the Reston Museum building. Option A, as recommended by the CCFAC, would have the Reston Museum receive up to \$67,555 for the museum project with the stipulation that it receive only as much as is directly matched by other funds. Under this option, the line item for Accessibility Modifications for FCRHA properties would be \$317,554. Option B, as recommended by the Working Advisory Group (WAG), which consists of representatives of the Fairfax County Redevelopment and Housing Authority (FCRHA) and CCFAC, would have the Reston Historic Trust receive \$135,109 with no match requirement and Accessibility Modifications for FCRHA properties receiving \$67,554 less, leaving an amount of \$250,000 for that line item.

Community Development Block Grant (CDBG)

Payments on Section 108 Loans	\$ 1,049,838
Home Repair for the Elderly Program	\$ 283,177
Relocation Program/Homeownership Initiatives	\$ 264,108
Homeownership Program	\$ 299,739
Fair Housing	\$ 57,514
Planning (Programs and Compliance)	\$ 411,972
General Administration	\$ 716,312
Affordable Housing Fund	\$ 1,113,445
Targeted Public Services	\$ 889,347
Senior/Disabled Housing	\$ 300,000

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Revitalization: Neighborhood Outreach	\$ 112,651
Rehabilitation of FCRHA Properties	<u>\$ 45,770</u>
Subtotal of CDBG Use of Funds	\$5,543,873

Option A

Accessibility Modifications/FCRHA Properties	\$317,554	
Revitalization: Reston Storefront Museum Match	<u>\$ 67,555</u>	
Option A Subtotal		\$ 385,109
Total CDBG Entitlement Funding:		\$5,928,982

Option B

Accessibility Modifications/FCRHA Properties	\$250,000	
Revitalization: Reston Storefront Museum	<u>\$135,109</u>	
Option B Subtotal		\$ 385,109
Total CDBG Entitlement Funding:		\$5,928,982

CDBG Estimated Program Income

Home Improvement Loan Program	\$ 310,071
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HOME Investment Partnerships Program (HOME)

Tenant Based Rental Assistance	\$ 602,764
CHDO Set-Aside	\$ 402,501
HOME Administration	\$ 221,119
Fair Housing	\$ 21,928
Homebuyer Equity Loan Program (HELP)	\$ 1,182,166
American Dream Down Payment Initiative	<u>\$ 18,081</u>
Total HOME Entitlement Funding:	\$2,448,559

HOME Estimated Program Income

Housing Development Costs	\$ 52,211
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Emergency Shelter Grant (ESG)	\$ 265,518
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Housing Opportunities for Persons with AIDS (HOPWA) - Estimated \$ 180,000

This is the tenth year that the CCFP has been included in the Consolidated Plan One-Year Action Plan. Beginning with FY 2000, the former Community Funding Pool and the CDBG Affordable Housing funds and Targeted Public Services funds were merged into a single Consolidated Community Funding Pool. The CCFP consolidates the solicitation and award processes by establishing a single application process with a

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common set of funding priorities and proposal evaluation criteria for programs of community based nonprofit organizations.

The funding available through the CCFP is allocated through a competitive Request for Proposals process. The County Executive appoints a Selection Advisory Committee of citizens to review and rank applications received and make funding recommendations to the Board, which makes the final project funding awards. In FY 2001, the CCFP went from a one-year to a two-year funding cycle (FY 2001-2002), whereby the Board approved all CCFP projects for a two-year funding period. On July 9, 2001, the Board approved the continuation of the two-year funding cycle for the CCFP. The One-Year Action Plan for FY 2009 will cover the first year of projects for the two-year funding period (FY 2009–2010). The Board will make final awards for FY 2009 in April 2008 with action on the annual County budget. CDBG funding for Targeted Public Service Funding for the CCFP is \$35,023 less than last fiscal year due to the County receiving \$233,490 less in CDBG funding due to federal budget cuts in the CDBG program.

The following are estimated amounts that will be available for the CCFP for FY 2009:

CDBG Affordable Housing Funds	\$1,113,445
CDBG Targeted Public Services Funds	\$ 889,347
*Federal and State Community Services and Block Grant (CSBG) Funds	\$ 390,157
*County General Funds	<u>\$8,580,530</u>
Total Proposed CCFP Funding:	\$10,973,479

*These amounts are based on the proposed FY 2009 County budget and will be revised subject to the final federal entitlement amounts for the CSBG program and the appropriation of local General Funds by the Board for FY 2009.

The One-Year Action Plan for FY 2009 is being circulated for review and comment by citizens, service providers and other interested parties during the formal public comment period which ends at 4:30 p.m. on April 9, 2008. Following the public hearing on March 31, 2008, and the public comment period, the CCFAC will consider all comments received on the One-Year Action Plan for FY 2009, and will forward its recommendation to the Board for final action on April 28, 2008.

FISCAL IMPACT:

The CDBG, HOME, and ESG entitlement funding amounts are based on formal notification from HUD of actual grant levels. Funding for the HOPWA Program is estimated and actual funding will depend on the final allocation made available to Northern Virginia jurisdictions through the Northern Virginia Regional Commission and

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the District of Columbia, recipient of the funds. The CSBG and County General Funds for the CCFP are based on the proposed FY 2009 County budget and will be revised subject to the final federal entitlement amounts for the CSBG program and the appropriation of local General Funds by the Board for FY 2009.

ENCLOSED DOCUMENTS:

Attachment 1: Proposed One-Year Action Plan for FY 2009

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
Audrey Spencer-Horsley, Associate Director, Grants Management, HCD
Stephen E. Knippler, Senior Program Manager, Grants Management, HCD
Richard V. Dunn, Housing and Community Developer, Grants Management, HCD

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4:00 p.m.

Public Hearing on a Proposal to Vacate Unnamed Right-of-Way in the Shirley Gate Park Subdivision (Braddock District)

ISSUE:

Public hearing to consider the vacation of unnamed right-of-way in the Shirley Gate Park subdivision.

RECOMMENDATION:

The County Executive recommends that the Board adopt the attached ordinance (Attachment III) for vacation of the subject right-of-way.

TIMING:

On March 10, 2008, the Board authorized a public hearing to consider the proposed abandonment for March 31, 2008, at 4:00 p.m.

BACKGROUND:

The applicant, the Fairfax County Park Authority, is requesting that the unnamed right-of-way east of Park Drive be vacated. This right of way is not in the Virginia Department of Transportation's Secondary System.

The Park Authority intends to attach the vacated right-of-way to the adjacent Fairfax Villa Park to advance the park master plan.

Traffic Circulation and Access

The vacation will have no long-term impact on vehicle circulation and access. This right-of-way is not in vehicle use and is no longer intended to connect to any other highway.

Easements

No easement needs were identified.

This proposal to vacate this right-of-way was circulated to the following public agencies and utility companies for review: Office of the County Attorney, Department of Public Works and Environmental Services, Fairfax County Department of Transportation, Department of Planning and Zoning, Fairfax County Water Authority, Fairfax County

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School Board, Fire and Rescue, Virginia Department of Transportation, Dominion Virginia Power, Washington Gas Light Company, and Verizon. None of these indicate any opposition to the proposal.

FISCAL IMPACT:

None

ENCLOSED DOCUMENTS:

Attachment I: Statement of Justification
Attachment II: Notice of Intent to Vacate
Attachment III: Ordinance of Vacation
Attachment IV: Vacation Plat
Attachment V: Metes and Bounds Description
Attachment VI: Vicinity Map

STAFF:

Katharine D. Ichter, Director, Fairfax County Department of Transportation (FCDOT)
Michael A. Davis, FCDOT
Donald Stephens, FCDOT

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4:00 p.m.

Public Hearing on a Proposal to Vacate and Abandon a Portion of Potomac Avenue
(Route 1501) (Mount Vernon District)

ISSUE:

Public hearing to consider the vacation and abandonment of a portion of Potomac Avenue (Route 1501).

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors adopt the attached ordinance (Attachment III) vacating Potomac Avenue and adopt the attached order (Attachment IV) to abandon the same portion of the roadway.

TIMING:

The Board took action on February 25, 2008, to authorize a public hearing for March 31, at 4:00 p.m.

BACKGROUND:

The applicant, Jeffrey J. Morningstar, is requesting that a portion of Potomac Avenue be vacated and abandoned. The subject roadway is in the secondary system of highways.

The applicant owns the home at Block 29 Potomac Avenue, located on lot 25 in the New Alexandria subdivision. Potomac Avenue was platted as a 100 foot wide right-of-way with the creation of the New Alexandria subdivision. The width of the right-of-way was necessary to accommodate a trolley line that formerly ran in the street alignment. With the demise of the trolley and construction of a standard width street within a 50 foot wide right-of-way, the subject area located outside the typical 50 foot wide right-of-way is no longer necessary. The area requested for vacation and abandonment is currently maintained and used by Mr. Morningstar.

Traffic Circulation and Access

The vacation and abandonment of the subject area will have no impact on vehicular circulation and access.

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Easements

No easements are necessary.

This proposal to vacate and abandon the subject right-of-way was circulated among the following agencies for review, none of which indicated any opposition to the proposal: Office of the County Attorney, Department of Public Works and Environmental Services, Fairfax County Water Authority, Fairfax County Park Authority, Washington Gas Light Company, Fairfax County School Board, Virginia Department of Transportation, Fairfax County Department of Transportation, Department of Planning and Zoning, Dominion Virginia Power, Fire and Rescue, and Verizon.

FISCAL IMPACT:

None

ENCLOSED DOCUMENTS:

Attachment I: Notice of Intent to Vacate
Attachment II: Notice of Intent to Abandon
Attachment III: Ordinance of Vacation
Attachment IV: Order of Abandonment
Attachment V: Vacation and Abandonment Plat
Attachment VI: Metes and Bounds Description
Attachment VII: Vicinity map (Tax Map 83-4)

STAFF:

Katharine D. Ichter, Director, Fairfax County Department of Transportation (FCDOT)
Angela Kadar Rodeheaver, FCDOT
Michael A. Davis, FCDOT

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4:00 p.m.

Public Hearing to Consider Adopting an Ordinance to Establish the Herndon-Monroe Temporary Residential Permit Parking District, District T-HM (Hunter Mill District)

ISSUE:

Proposed amendment to Appendix G, of *The Code of the County of Fairfax, Virginia*, to establish the Herndon-Monroe Temporary Residential Permit Parking District (RPPD), District T-HM.

RECOMMENDATION:

The County Executive recommends that the Board adopt an amendment (Attachment I) to Appendix G, of *The Code of the County of Fairfax, Virginia*, to establish the Herndon-Monroe Temporary Residential Permit Parking District (RPPD), District T-HM.

TIMING:

On February 25, 2008, the Board authorized a Public Hearing to consider the proposed amendment to Appendix G, of *The Code of the County of Fairfax, Virginia*, to take place on March 31, 2008, at 4:00 p.m.

BACKGROUND:

Section 82-5A-4(d) of *The Code of the County of Fairfax, Virginia*, authorizes the establishment of temporary RPPDs where a community is experiencing or expects to experience significant parking problems due to a short-term situation such as construction work. Any request for a temporary RPPD shall be in writing from all affected homeowners associations or in cases where there are no home owners associations representing an area, a request letter signed by at least ten residences in the area or 60% of the affected residents, whichever is less. The Board of Supervisors must then authorize the establishment of the temporary RPPD.

Reston Association submitted a written request to the Hunter Mill Supervisor's office on January 30, 2008, on behalf of their members who live in Polo Fields Subdivision, asking to establish a temporary RPPD. The excessive spillover parking caused by repair work to the Herndon-Monroe Park and Ride garage affects the residents in this area. The repairs have started and are expected to continue through the Fall of 2008. Displaced commuters have begun parking in area streets creating problems to the residents of those streets. The request includes the following streets: Roark Drive

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(Route 7858); Roark Court (Route 7859); Milburn Lane (Route 7842); Stirrup Iron Lane (Route 6375); Bayard Drive (Route 7850); Cross Country Lane (Route 6374); Halter Lane (Route 7852); Thunder Chase Drive (Route 6373); Darius Lane (Route 7851); Hitchcock Drive (Route 8708); Hitchcock Court (Route 8709); Players Pond Lane (Route 8710); Old Club Lane (Route 8394); Tournament Drive (Route 8393); Hurlingham Lane (Route 8293); Club Pond Lane (Route 7855); Noble Victory Lane (Route 7856); Noble Victory Court (Route 7857); Cavesson Court (Route 7854); Bridoon Lane (Route 7853); and Colts Brook Drive (Route 8392).

All requirements for the establishment of a temporary RPPD have been satisfied, therefore, it is recommended that the Board adopt the proposed amendment (Attachment I) to establish the Herndon-Monroe Temporary Residential Permit Parking District (RPPD), District T-HM.

If the Board approves the establishment of the temporary RPPD, staff will have the appropriate signage installed and work with the Hunter Mill Supervisor's staff to see to the initial issuance of the resident's passes. Upon completion of the repairs to the garage, staff will notify the residents by mail of the termination of the temporary RPPD and the signage will be removed.

FISCAL IMPACT:

The cost of printing notices and letters, decals, and installing the RPPD signs is approximately \$3,000. 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

STAFF:

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

Board Agenda Item
March 31, 2008

4:30 p.m.

Public Hearing on PRC B-846-02 (JBG Rockwood Gateway, Land LLC) to Approve the PRC Plan Associated with RZ B-846 to Permit a Parking Garage, Located on Approximately 2.37 Acres Zoned PRC, Hunter Mill District

The application property is located at in the southeast quadrant of the intersection of Reston Parkway and the Dulles Airport Access Road, Tax Map 17-4 ((29)) 2C.

PLANNING COMMISSION RECOMMENDATION:

On Wednesday, February 20, 2008, the Planning Commission voted unanimously (Commissioners Alcorn and Harsel absent from the meeting) to recommend that the Board of Supervisors approve PRC B-846-02, subject to the proposed Development Conditions dated February 13, 2008.

ENCLOSED DOCUMENTS:

None. Staff Report previously furnished.

STAFF:

Regina Coyle, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)

St. Clair Williams, Staff Coordinator, Zoning Evaluation Division, DPZ

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Board Agenda Item
March 31, 2008

7:00 p.m.

Public Hearing on the County Executive's Proposed FY 2009 Advertised Budget Plan, the Advertised Capital Improvement Program for Fiscal Years 2009 - 2013 (CIP) (With Future Fiscal Years to 2018) and the Current Appropriation in the FY 2008 Revised Budget Plan

ENCLOSED DOCUMENTS:

None.

Board Members are requested to bring to the meeting the following documents previously forwarded to them:

1. *FY 2008 Third Quarter Review*
2. FY 2009 Advertised Budget Plan, Volumes 1 & 2 and the Budget Overview
3. Advertised Capital Improvement Program for Fiscal Years 2009 – 2013 (With Future Fiscal Years to 2018)

STAFF:

Anthony H. Griffin, County Executive

Edward L. Long, Jr., Deputy County Executive

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

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