

**FAIRFAX COUNTY  
BOARD OF SUPERVISORS  
MAY 5, 2008**

**AGENDA**

**8:30**      **Held**                      **Joint Meeting with Board of Supervisors and the Fairfax County Park Authority  
Room 232**

9:30        **Done**                              Presentations

10:00      **Approved the Report**        Presentation of the "Final Report of the Girl's Softball Action Plan Review Team"

10:15      **Done**                              Items Presented by the County Executive

**ADMINISTRATIVE  
ITEMS**

1            **Approved**                      Streets into the Secondary System (Braddock, Hunter Mill, Mount Vernon, Springfield and Sully Districts)

2            **Approved**                      Approval of Proposed Street Name Change of Annandale Center Drive to Tom Davis Drive (Mason District)

3            **Approved**                      Authorization to Advertise a Public Hearing to Consider Adopting an Ordinance Expanding the Robinson Residential Permit Parking District, District 17 (Braddock District)

4            **Approved**                      Authorization to Advertise a Public Hearing to Establish the Golf Course Square Community Parking District (Hunter Mill District)

5            **Approved**                      Authorization to Advertise a Public Hearing to Establish the Burke Station Square Community Parking District (Springfield District)

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

7            **Approved**                      Approval of a Multi-Way Stop as Part of the Residential Traffic Administration Program (Dranesville District)

8            **Approved**                      Authorization of a Public Hearing on a Proposal to Abandon Part of the Right-of-Way of Sanger Street (Mount Vernon District)

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

- 9        **Approved**                      Authorization for the Fairfax County Police Department to Apply for and Accept Grant Funding from the Department of Homeland Security Urban Areas Security Initiative Through the Virginia Department of Emergency Management
- 10       **Approved**                      Authorization to Advertise a Public Hearing RE: Employees', Police Officers and Uniformed Retirement Systems – Extension of the Deferred Retirement Option Programs (DROP)
- 11       **Approved**                      Authorization to Advertise a Public Hearing RE: Employees' Retirement System – Technical Correction to Comply With IRS Regulations Regarding Mandatory Payments of Refunds to Former Employees
- 12       **Approved**                      Approval for the Department of Housing and Community Development to Apply for an Allocation of Sponsoring Partnerships and Revitalizing Communities (SPARC) Mortgage Funds from the Virginia Housing Development Authority
- 13       **Approved**                      Extension of Review Periods for 2232 Review Applications (Mason and Springfield Districts)

**ACTION ITEMS**

- 1        **Approved**                      Approval of a Modification to the Virginia Housing Development Authority First Priority Trust Loan to Chesterbrook Residences, Inc. for the Development of Chesterbrook Residences to Reflect Increase of the Loan Amount and Subordination of Existing Fairfax County Redevelopment and Housing Authority Deeds of Trust to Such an Increased First Trust Lien Amount (Dranesville District)
- 2        **Approved**                      Adoption of the Middle Potomac Watersheds Management Plan (Dranesville and Providence Districts)
- 3        **Approved  
w/amendment**                      Testimony for Public Hearing on Commonwealth of Virginia's Six-Year Improvement Program for Interstate, Primary, and Urban Highway Systems and Public Transportation for FY 2009 Through FY 2014

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

- 4        **Approved**                      Endorsement of Transportation Project Funding Strategies and Revised FY 2009, FY 2010, and FY 2011 Project Lists Associated with Revenue that May Be Authorized for the Northern Virginia Transportation Authority and Fairfax County's Commercial and Industrial Real Estate Tax for Transportation

**INFORMATION ITEMS**

- 1        **Noted**                              Contract Award – Temporary Nursing Services and Continuous Duty Nursing
- 2        **Noted**                              Contract Award – Operation, Management and Staffing of the Primary Health Care Centers
- 3        **Noted**                              Quarterly Status Report on the Board's Second Four-Year Transportation Program
- 4        **Noted**                              Contract Award – Master Developer for the Adaptive Reuse of the Former Lorton Reformatory and Penitentiary
- 10:45    **Done**                                Matters Presented by Board Members
- 11:30                                      Fallen Officers Memorial Ceremony
- 12:30    **Done**                                Closed Session

**PUBLIC HEARINGS**

- 3:30    **Approved**                        Board Decision to Consider Amendments to The Code of the County of Fairfax, Chapter 109.1, Solid Waste Management
- 3:30    **Approved**                        Public Hearing on RZ 2007-LE-012 (Lee Village at Silver Lake, LLC) (Lee District)
- 3:30    **Approved**                        Public Hearing on PCA 1996-LE-034-02 (Lee Village at Silver Lake, LLC) (Lee District)
- 3:30    **Approved**                        Public Hearing on PCA 82-L-030-12 (Lee Village at Silver Lake LLC) (Lee District)
- 3:30    **Public hearing deferred to 5/19/08 at 3:30 p.m.**                      Public Hearing on SEA 2006-MA-016 (PNC Bank, N.A.) (Mason District)

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**PUBLIC HEARINGS  
(CONTINUED)**

- |      |                 |   |
|------|-----------------|---|
| 4:00 | <b>Approved</b> | Public Hearing on Proposed Out-of-Turn Plan Amendment S08-II-M1, Addressing the McLean Community Business Center Open Space Design Standards (Dranesville District) |
| 4:00 | <b>Approved</b> | Public Hearing on a Proposed Zoning Ordinance Amendment Re: Advertising on Public Transit Passenger Shelters  |



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

**Monday**  
**May 5, 2008**

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9:30 a.m.

PRESENTATIONS

1. PROCLAMATION – To designate May 11-17, 2008, as Police Week and May 15, 2008, as Peace Officers Memorial Day in Fairfax County. Requested by Supervisor Frey.
2. PROCLAMATION – To designate May 17, 2008, as Angelman Syndrome Awareness Day in Fairfax County. Requested by Supervisor Frey.
3. PROCLAMATION – To designate May 2008 as Older Americans Month in Fairfax County. Requested by Supervisor Herrity.
4. PROCLAMATION – To designate May 16, 2008, as Bike to Work Day in Fairfax County. Requested by Chairman Connolly and Supervisors Bulova, Foust, Frey, Gross, Hudgins, Hyland, McKay, Herrity, and Smyth.
5. PROCLAMATION – To designate May 10, 2008, as Bill Hudson Day in Fairfax County. Requested by Chairman Connolly.
6. PROCLAMATION – To designate May 6-12, 2008, as Nurses Week in Fairfax County. Requested by Chairman Connolly.
7. PROCLAMATION – To designate May 2008 as Community Action Month in Fairfax County. Requested by Supervisor Hudgins.

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 “Final Report of the Girl’s Softball Action Plan Review Team”

ENCLOSED DOCUMENTS:

None. Report delivered under separate cover

PRESENTED BY:

Emily McCoy, Commission for Women

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10:15 a.m.

Items Presented by the County Executive

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Board Agenda Item  
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ADMINISTRATIVE – 1

Streets into the Secondary System (Braddock, Hunter Mill, Mount Vernon, Springfield and Sully Districts)

ISSUE:

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

RECOMMENDATION:

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

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
King's Park Shopping Center	Braddock	Burke Lake Road (Route 645) (Additional Right of Way (ROW) Only)
Wolf Trap Downs	Hunter Mill	Drewlaine Drive (Route 1545)  Best Bower Court
The Pavilions at Huntington Metro Townhouses	Mount Vernon	North Kings Highway (Route 241) (Additional ROW Only)  Fort Drive (Route 1601) (Additional ROW Only)
Hampton Estates	Springfield	Crofton Green Drive  Braddock Road (Route 620) (Additional ROW Only)
MP Centreville Venture	Sully	Upperridge Drive (Route 8349)  Centreville Road (Route 28) (Additional ROW Only)

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TIMING:  
Routine.

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

FISCAL IMPACT:  
None.

ENCLOSED DOCUMENTS:  
Attachment 1: Street Acceptance Form

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

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ADMINISTRATIVE - 2

Approval of Proposed Street Name Change of Annandale Center Drive to Tom Davis Drive (Mason District)

ISSUE:

Board approval of a street name change in the Official Street Names and Property Numbering Atlas and the Master Addressing Repository for a portion of Annandale Center Drive on Tax Map # 71-1.

RECOMMENDATION:

The County Executive recommends that the Board approve the street name change to Tom Davis Drive effective 30 days following Board approval, in accordance with Section 102-1-9 of *The Code of the County of Fairfax, Virginia*.

TIMING:

Routine.

BACKGROUND:

The Site Permits and Addressing Center has received a request from the Annandale Chamber of Commerce to change the street name from Annandale Center Drive to Tom Davis Drive in recognition of the many contributions Congressman Davis has provided to Fairfax County. Congressman Davis announced earlier this year that he will not seek re-election in 2008. Prior to his election into congress, Tom Davis was Chairman of the Fairfax County Board of Supervisors and Mason District Supervisor. The Department of Public Works and Environmental Services' policy requires that the owners representing more than 51 percent of the properties addressed on the subject street concur in a request to change the street name. The single affected property owner has indicated agreement with the request to change the street name to Tom Davis Drive. This request is in conformance with all County codes and policies. Staff recommends approval of the proposed name change to Tom Davis Drive.

FISCAL IMPACT:

None. The costs will be incurred by the Annandale Chamber of Commerce.

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ENCLOSED DOCUMENTS:  
Attachment I – 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

James Patteson, Director, Land Development Services, DPWES

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ADMINISTRATIVE - 3

Authorization to Advertise a Public Hearing to Consider Adopting an Ordinance Expanding the Robinson Residential Permit Parking District, District 17 (Braddock District)

ISSUE:

Board authorization to advertise a public hearing for Monday, June 2, 2008, at 4:00 p.m., to consider an amendment to Appendix G, of the *Code of the County of Fairfax*, which proposes an expansion of the Robinson Residential Permit Parking District (RPPD), District 17.

RECOMMENDATION:

The County Executive recommends that the Board authorize advertisement of a public hearing for Monday, June 2, 2008, at 4:00 p.m., to consider adopting an amendment (Attachment I) to Appendix G of the *Code of the County of Fairfax* which proposes an expansion the Robinson RPPD, District 17.

TIMING:

The Board should take action on May 5, 2008, to advertise a public hearing for June 2, 2008, at 4:00 p.m.

BACKGROUND:

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

Petitions requesting expansion of the RPPD were received on March 19, 2008. The proposed District expansion includes the following street block faces: Sideburn Road

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(Route 653) west side from Stallworth Court (Route 6995) to Braddock Road (Route 620) and Sideburn Road east side from Stallworth Court to 4909 Sideburn Road.

The signatures on the petitions represent more than 60 percent of the eligible addresses of the proposed District expansion and represent more than 50 percent of the eligible addresses on each block face of the proposed District expansion, thereby satisfying Code petition requirements. More than 75 percent of the land abutting each block of the proposed District expansion is developed residential, thereby satisfying Code land use requirements. The required application fees were submitted on March 19, 2008, thereby satisfying Code fee requirements.

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

FISCAL IMPACT:

The cost of printing notices and letters, decals, and installing the RPPD signs is approximately \$760. These funds are currently available in the Department of Transportation's budget.

ENCLOSED DOCUMENTS:

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

STAFF:

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

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ADMINISTRATIVE - 4

Authorization to Advertise a Public Hearing to Establish the Golf Course Square  
Community Parking District (Hunter Mill 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 Golf Course Square Community Parking District (CPD).

RECOMMENDATION:

The County Executive recommends that the Board authorize advertisement of a public hearing for June 2, 2008, at 4:00 p.m. (Attachment III) to consider adoption of a Fairfax County Code amendment (Attachment I) to establish the Golf Course Square CPD in accordance with current CPD restrictions.

TIMING:

The Board of Supervisors should take action on May 5, 2008, to provide sufficient time for advertisement of the public hearing on June 2, 2008, at 4:00 p.m.

BACKGROUND:

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

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

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

The parking prohibition identified above for the Golf Course Square CPD 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.

ENCLOSED DOCUMENTS:

Attachment I: Amendment to the Fairfax County Code, Appendix M (CPD Restrictions)

Attachment II: Area Map of Proposed Golf Course Square 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

Maria Turner, FCDOT

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ADMINISTRATIVE - 5

Authorization to Advertise a Public Hearing to Establish the Burke Station Square 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* (Fairfax County Code) to establish the Burke Station Square Community Parking District (CPD).

RECOMMENDATION:

The County Executive recommends that the Board authorize advertisement of a public hearing for June 2, 2008, at 4:30 p.m. (Attachment III) to consider adoption of a Fairfax County Code amendment (Attachment I) to establish the Burke Station Square CPD in accordance with current CPD restrictions.

TIMING:

The Board of Supervisors should take action on May 5, 2008, to provide sufficient time for advertisement of the public hearing on June 2, 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 petition-based CPD have been satisfied.

The parking prohibition identified above for the Burke Station Square CPD 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.

ENCLOSED DOCUMENTS:

Attachment I: Amendment to the Fairfax County Code, Appendix M (CPD Restrictions)

Attachment II: Area Map of Proposed Burke Station Square 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

Maria Turner, FCDOT

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ADMINISTRATIVE - 6

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

ISSUE:

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

RECOMMENDATION:

The County Executive recommends that the Board authorize advertisement of a public hearing for June 2, 2008, at 4:00 p.m. (Attachment III) to consider adoption of an amendment to the *Code of Fairfax County Code* (Attachment I) to expand the Hillside CPD in accordance with current CPD restrictions.

TIMING:

The Board of Supervisors should take action on May 5, 2008, to provide sufficient time for advertisement of the public hearing on June 2, 2008, at 4:00 p.m.

BACKGROUND:

*Code of the County of Fairfax 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 on the streets in the district as defined in the *Code of Virginia § 46.2-341.4*. 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 the *Code of Fairfax County Section 82-5B-3*, the Board may expand a CPD if (1) the Board receives a petition

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requesting 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 petition-based CPD have been satisfied.

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

FISCAL IMPACT:

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

ENCLOSED DOCUMENTS:

Attachment I: Amendment to the Fairfax County Code, Appendix M (CPD Restrictions)  
Attachment II: Area Map of Proposed Hillside CPD Expansion  
Attachment III: Notice of Public Hearing

STAFF:

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

Board Agenda Item  
May 5, 2008

ADMINISTRATIVE – 7

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

ISSUE:

Board endorsement of a Multi-Way Stop as part of the Residential Traffic Administration Program (RTAP).

RECOMMENDATION:

The County Executive recommends that the Board approve a multi-way stop at the intersection of Olney Road and Lisle Avenue.

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

TIMING:

Board action is requested on May 5, 2008.

BACKGROUND:

The RTAP 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; and
- There would be minimal impact on traffic flow for neighboring streets.

Staff and VDOT have authorized the multi-way stop requested. On, April 14, 2008, the Department of Transportation received written verification from the appropriate local supervisor confirming community support.

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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, FCDO

Board Agenda Item  
May 5, 2008

ADMINISTRATIVE – 8

Authorization of a Public Hearing on a Proposal to Abandon Part of the Right-of-Way of Sanger Street (Mount Vernon District)

ISSUE:

Authorization of a public hearing on a proposal to abandon part of the right-of-way of Sanger Street.

RECOMMENDATION:

The County Executive recommends that the Board authorize the advertisement of a public hearing to consider the abandonment of the subject right-of-way.

TIMING:

The Board should take action on May 5, 2008, to provide sufficient time to advertise the public hearing for June 2, 2008, at 4:00 p.m.

BACKGROUND:

The applicant, Lorton Valley III LC, is requesting that a portion of the right-of-way of Sanger Street at the southern terminus be abandoned. Sanger Street is in the Virginia Department of Transportation (VDOT) State Secondary System (Route 747).

The request is being made in conjunction with a by-right residential development of seven units. The applicant is requesting the abandonment to place the houses further from Interstate 95. The applicant will construct a new terminus of Sanger Street with a cul-de-sac.

Traffic Circulation and Access

The abandonment will have no long-term impact on vehicle circulation and access. The subject right-of-way is a dead end and the applicant will replace it with a new alignment.

Easements

Dominion Virginia Power has identified facilities within the area to be abandoned. The applicants have provided easement plats, deeds, or agreements in forms acceptable to them. No other easement needs were identified.

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This proposal to abandon 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 Park Authority, Fairfax County Water Authority, Fairfax County 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 Abandon  
Attachment III: Order of Abandonment  
Attachment IV: Abandonment Plat  
Attachment V: Metes and Bounds Description  
Attachment VI: Vicinity Map

STAFF:

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

Board Agenda Item  
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ADMINISTRATIVE - 9

Authorization for the Fairfax County Police Department to Apply for and Accept Grant Funding from the Department of Homeland Security Urban Areas Security Initiative Through the Virginia Department of Emergency Management

ISSUE:

Board approval for the Fairfax County Police Department to apply for and accept funding, if received, from the Department of Homeland Security (DHS) FY 2007 Urban Areas Security Initiative (UASI) through the Virginia Department of Emergency Management in the amount of \$255,729. These funds are made available by DHS through the Virginia Department of Emergency (VDEM), which is serving as region's State Administrative Agency (SAA) for the Police Department to pilot the Assessment of Critical Areas Management System (ACAMS) project for the Commonwealth of Virginia. Funding in the amount of \$255,729 will provide financial assistance for training and equipment initially to Virginia localities in the National Capital Region (NCR) to enhance their capability and capacity to prevent, respond to, and recover from acts of terrorism. No Local Cash Match or in-kind match will be required. The grant period for the FY 2007 sub-grant award is retroactive from July 1, 2007 through June 30, 2009. If the actual award received 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 as per Board policy.

RECOMMENDATION:

The County Executive recommends that the Board authorize the Fairfax County Police Department to apply for and accept funding, if received, from the DHS FY 2007 UASI through the Virginia Department of Emergency Management. Funding in the amount of \$255,729 will be used by the Police Department to coordinate training and other assistance to enhance security and overall preparedness of neighboring localities through the ACAMS project. The project will be implemented in accordance with the grant program guidance documents.

TIMING:

The Board approval is requested on May 5, 2008, as the application submission deadline is May 12, 2008.

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**BACKGROUND:**

UASI provides Homeland Security Grant Program (HSGP) funds from DHS as financial assistance to high risk urban areas, as defined in legislation, in order to address the unique planning, equipment, training, and exercise needs of those areas. These funds can also be used to build or sustain an enhanced capacity to prevent, respond to, and recover from acts of terrorism. These funds, however, may not be used to supplant ongoing, routine public safety activities, the hiring of staff for operational activities, or the construction and/or renovation of facilities.

Grant awards are made to the identified urban area authorities through SAAs. The SAA for the ACAMS Project is the Virginia Department of Emergency Management. Fairfax County will apply to be the coordinating jurisdiction for the Northern Virginia area for the project. Funded projects are typically regional in nature with benefits to multiple jurisdictions. In order to effectively implement these projects, a single jurisdiction is identified to act as a recipient of a sub-grant award to handle all of the financial management, audit, procurement and payment provisions of the sub-award and grant program.

If the application is successful, the Police Department will pilot the ACAMS project for the Commonwealth, including coordinating training and related equipment procurement. The platform will enable jurisdictions to accurately catalog and assess critical infrastructures for potential terrorist actions and natural disasters. ACAMS is a secure, online database and information management platform maintained by the US Department of Homeland Security that allows for the collection, screening, sorting and prioritization of Critical Infrastructure/Key Resource data for first responders and emergency managers.

**FISCAL IMPACT:**

Grant funding in the amount of \$255,729 is available in DHS UASI grant funds through the Virginia Department of Emergency Management. These funds will be used to enhance the capability and capacity of Northern Virginia jurisdictions in preparing for and responding to emergencies arising out of terrorist or other mass casualty events for the region. No local cash match is required. This action does not increase the expenditure level in Fund 102, Federal/State Grant Fund, as funds are held in reserve for anticipated grant awards in FY 2008. This grant does not allow the recovery of indirect costs.

**CREATION OF NEW POSITIONS:**

No positions will be created through this grant award.

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ENCLOSED DOCUMENTS:

Attachment 1 – Grant Allocation Letter

STAFF:

Robert A. Stalzer, Deputy County Executive

Colonel David M. Rohrer, Chief of Police

Michael Wood, Acting Emergency Management Coordinator, Office of Emergency Management

Diane M. Hansen, Grants Administrator, Office of Emergency Management

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ADMINISTRATIVE - 10

Authorization to Advertise a Public Hearing RE: Employees', Police Officers and Uniformed Retirement Systems – Extension of the Deferred Retirement Option Programs (DROP)

ISSUE:

Authorization to advertise a public hearing to amend Articles 2, 3 and 7 of Chapter 3, County Employees. These changes will extend the sunset provision for enrollments in the Deferred Retirement Option Programs of the Employees' Retirement System, the Police Officers Retirement System and the Uniformed Retirement System to December 31, 2013.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors authorize advertisement of a public hearing regarding amendments to the Employees' Retirement System, the Police Officers Retirement System and the Uniformed Retirement System to permit enrollments in a Deferred Retirement Option Program up to December 31, 2013.

TIMING:

Board action is requested on May 5, 2008, to provide sufficient time to advertise the proposed public hearing on June 2, 2008, at 4:30 p.m.

BACKGROUND:

Deferred Retirement Option Programs, commonly referred to as DROP plans, are features of defined benefit retirement systems that provide retirement-eligible employees the option of accumulating a lump sum benefit payable at retirement in lieu of earning additional years of service credit and a higher monthly lifetime benefit. As such, the DROP plans provide increased flexibility and options for employees and are also beneficial to the employer in terms of retention of expertise and workforce planning. Fairfax County added DROP plans to the Police Officers and Uniformed Retirement Systems effective October 1, 2003. This was followed by the establishment of a DROP plan in the Employees' Retirement System effective July 1, 2005. At the time these plans were established, each of the plans included a sunset provision such that the plans would expire after five years. Unless the Board of Supervisors takes action to

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extend the plans, no new enrollments can occur in the Police Officers or Uniformed Systems after September 30, 2008 and in the Employees' System after June 30, 2010.

Experience with the DROP plans has been very favorable. The DROP option has clearly been a benefit feature that has been popular with employees. Through April 1, 2008, a total of 741 retirement-eligible employees have been enrolled in DROP. This total includes 524 active employees currently in DROP and 217 former employees who retired after extending their service under the DROP plan. Management has also found DROP to be helpful. Responses to a survey of Department Heads conducted by Human Resources were highly positive. Over 92% of the responses indicated that the DROP plan was beneficial and should be continued.

As the number of retirement-eligible employees continues to grow, continuation of the DROP plans will become even more valuable in terms of retention of career employees with expertise in a wide array of disciplines directly serving the citizens of Fairfax County and in supporting those who do. The proposal to extend the sunset provisions to December 31, 2013, is necessary to continue this valuable feature of the retirement systems. While the timing of the action is critical for the Police Officers and Uniformed Systems, extending the date for the Employees' System at this time will synchronize the three systems and allow for a common date for future considerations.

FISCAL IMPACT:

The consulting actuary for the retirement systems has determined that an extension of the sunset provisions to December 31, 2013, will not result in an increase in the required employer contribution rates. As a result, these amendments will not result in an increase in the budget for required funding to the retirement systems.

ENCLOSED DOCUMENTS:

- Attachment 1: Amendment to Chapter 3, Section 3-2-57(h)
- Attachment 2: Amendment to Chapter 3, Section 3-3-57(h)
- Attachment 3: Amendment to Chapter 3, Section 3-7-52(h)
- Attachment 4: Letter from Fiona Liston, Consulting Actuary, Cheiron, Inc. to Laurnz Swartz dated April 15, 2008
- Attachment 5: Advertisement

STAFF:

Edward L. Long, Deputy County Executive  
Robert Mears, Executive Director to the Retirement Boards  
Susan Woodruff, Acting Director, Human Resources

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ADMINISTRATIVE - 11

Authorization to Advertise a Public Hearing RE: Employees' Retirement System – Technical Correction to Comply With IRS Regulations Regarding Mandatory Payments of Refunds to Former Employees

ISSUE:

Authorization to advertise a public hearing to amend Article 2 of Chapter 3, County Employees. This change to the Employees' Retirement System eliminates mandatory distributions of employee balances to non-vested former employees and changes the default form of distributions from the Deferred Retirement Option Program in order to comply with IRS regulations.

RECOMMENDATION:

The County Executive recommends that the Board authorize the advertisement of a public hearing regarding an amendment to the Employees' Retirement System for the purpose of requiring completed applications before issuing payments of refunds to non-vested former employees.

TIMING:

Board action is requested on May 5, 2008, to provide sufficient time to advertise the proposed public hearing on June 2, 2008, at 4:30 p.m.

BACKGROUND:

The current provisions of the Employees' Retirement System provide for an automatic refund of contributions to an employee who leaves County employment with less than five years of service in the Retirement System. (The provisions of the Police Officers and Uniformed Retirement Systems provide for a refund of contributions to terminating employees only upon application by the employee, including direction with respect to form of payment, i.e., direct payment or rollover to another qualified plan.)

Final IRS regulations regarding mandatory distributions from defined benefit retirement plans established special requirements for how such payments are to be made if the individual does not provide instructions to the plan. In the absence of such instructions, the plan is required to establish an individual retirement account (IRA) on the individual's behalf and make the payment to the IRA as a rollover to a qualified plan. In order to bring the Employees' Retirement System into compliance with the IRS

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regulations, this amendment would eliminate mandatory payments in excess of \$1,000 to terminating employees and would require all terminating employees to complete an application for a refund and provide instructions regarding the form of payment.

This is a technical amendment. The IRS requirement regarding mandatory distributions was effective January 1, 2006, and the county has complied with those requirements since that date. Terminating employees have always been provided with refund applications that require election of the form of payment (direct payment or rollover). To comply with the IRS requirements, staff discontinued making direct payments to those with less than five years of service when completed applications were not returned. This amendment will bring the plan terms into compliance with the IRS requirements and will be consistent with the provisions of the other two County retirement systems.

FISCAL IMPACT:

This change would have no fiscal impact.

ENCLOSED DOCUMENTS:

Attachment 1: Amendments to Chapter 3, Article 2, Sections 3-2-28, 3-2-38 and 3-2-57

Attachment 2: Letter from Fiona Liston, Consulting Actuary, Cheiron, Inc. to Lauranz Swartz dated October 30, 2007

Attachment 3: Advertisement

STAFF:

Edward L. Long, Deputy County Executive

Robert Mears, Executive Director to the Retirement Boards

Karen Gibbons, Assistant County Attorney

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ADMINISTRATIVE - 12

Approval for the Department of Housing and Community Development to Apply for an Allocation of Sponsoring Partnerships and Revitalizing Communities (SPARC) Mortgage Funds from the Virginia Housing Development Authority

ISSUE:

The Virginia Housing Development Authority (VHDA) is soliciting proposals for the seventh year of the Sponsoring Partnerships and Revitalizing Communities (SPARC) loan program, which was due April 18, 2008. Pending approval by the Board of Supervisors, the Department of Housing and Community Development (HCD), on behalf of the Fairfax County Redevelopment and Housing Authority (FCRHA), has submitted to VHDA a competitive application for a commitment of SPARC mortgage funds in an amount up to \$18 million. The application was submitted to meet the deadline but its acceptance is conditional on approval by the FCRHA and the Board of Supervisors. In the six previous Rounds of funding (2002-2007), the Fairfax County Redevelopment and Housing Authority has been awarded a total allocation of \$47 million which provided mortgages to 280 households in Fairfax County.

RECOMMENDATION:

The County Executive recommends that the Board authorize HCD, on behalf of the FCRHA, to apply for an allocation of up to \$18 million in SPARC mortgage funds from the Virginia Housing Development Authority.

TIMING:

Approval is requested on May 5, 2008, so that the application that has been conditionally submitted to VHDA can be considered for funding.

BACKGROUND:

The objective of Sponsoring Partnerships and Revitalizing Communities (SPARC) is to offer homeownership opportunities to first-time homebuyers and to households that are ready to move up to homeownership. SPARC funds are state-wide allocations of tax-exempt mortgage revenue bond monies that provide first-trust financing at an interest rate that is one-half percent or one percent below the VHDA first-time homebuyer rate (currently the VHDA rate is 5.375 percent as of April 15, 2008). SPARC will also provide more flexible and favorable terms than are generally available.

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In July 2007, HCD received an allocation of \$15 million. Within one month of award of that allocation, \$7.5 million had been reserved by first-time homebuyers. To date approximately \$500,000 remains and is expected to be used by June 30, 2008. Funds have been marketed through HCD first-time homebuyer programs by lenders and Realtors.

SPARC Program partners include the Northern Virginia Association of Realtors, the Mortgage Bankers Association, various lenders and nonprofits that provide services to immigrant populations. These groups facilitate the VHDA homeownership education class for eligible borrowers. Thirteen local VHDA-designated lending institutions have actively participated and reserved loans under the recent allocation.

Approval is requested to apply for an allocation of up to \$18 million for Round Seven of SPARC funding. Purchasers would apply and receive first mortgage SPARC funds through designated VHDA lenders. The allocation for funding would be requested to meet the following objectives:

- Increase service to low and moderate-income households by targeting 50 percent of the SPARC funds to borrowers at 60 percent or less of the area median income and the remaining 50 percent toward borrowers meeting the VHDA income limits.
- Target low and moderate income families that work in Fairfax County so that they can live close to their places of employment.
- Preserve community property values in targeted neighborhoods that have experienced the greatest decline in values due to the high foreclosure rates.
- Stabilize neighborhoods by reducing (a) the presence of vacant properties, (b) the opportunities for higher crime, and (c) deteriorating housing conditions due to high foreclosures rates.
- Reduce affordable housing gaps by providing purchasers with the opportunity to combine SPARC with the Fairfax County Homebuyer Equity Loan Program (HELP), the Federal Home Loan Bank Down payment and Closing Costs Program, and other Second Deed of Trust Programs that meet VHDA's Secondary Financing Certification Requirements.
- Address deficiencies in housing stock affordable to low-income families (under 60 percent of the area median income) by providing purchasers with the opportunity to combine SPARC funding with the Home Improvement Loan Program to purchase older properties and rehabilitate them.

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FISCAL IMPACT:

There is no fiscal impact to the County in requesting an allocation of the SPARC mortgage funding. Mortgage lenders access these funds for eligible County borrowers directly from VHDA designated lenders.

ENCLOSED DOCUMENTS:

None

STAFF:

Verdia L. Haywood, Deputy County Executive

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

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

Barbara Silberzahn, Director, Homeownership and Relocation Services Division HCD

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ADMINISTRATIVE – 13

Extension of Review Periods for 2232 Review Applications (Mason 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 FSA-M97-15-2 to July 12, 2008; application FS-S08-5 to July 13, 2008; and application 2232-M07-11 to July 14, 2008.

TIMING:

Board action is required on May 5, 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 periods for applications 2232-M07-11, FS-S08-5, and FSA-M97-15-2, which were accepted for review by the Department of Planning and Zoning between February 13, 2008, and February 15, 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.

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- |              |  |
|--------------|--|
| 2232-M07-11  | Nextel Communications of the Mid-Atlantic, Inc.<br>90-foot monopole (flagpole)<br>6501 Montrose Street<br>Mason District |
| FS-S08-5     | T-Mobile Northeast LLC<br>Antenna colocation on existing transmission tower<br>Near Compton Road<br>Springfield District |
| FSA-M97-15-2 | Sprint-Nextel<br>Add dish antennas to rooftop<br>6200 Wilson Boulevard<br>Mason 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.

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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ACTION – 1

Approval of a Modification to the Virginia Housing Development Authority First Priority Trust Loan to Chesterbrook Residences, Inc. for the Development of Chesterbrook Residences to Reflect Increase of the Loan Amount and Subordination of Existing Fairfax County Redevelopment and Housing Authority Deeds of Trust to Such an Increased First Trust Lien Amount (Dranesville District)

ISSUE:

On May 1, 2008, the Fairfax County Redevelopment and Housing Authority (FCRHA) will be requested by Chesterbrook Residences, Inc. (CRI) to approve, subject to approval by the Board of Supervisors, an increase in the first trust loan made by the Virginia Housing Development Authority (VHDA) to Chesterbrook Residences, Inc. (CRI) from \$11,000,000 to \$11,600,000 and the subordination of the existing FCRHA Deeds of Trust to the increased first trust lien amount. The FCRHA has also made loans to CRI for the project and has a second trust lien in the amount of \$1,229,000 (AHPP Loan One) and a fourth trust lien in the amount of \$275,000 (AHPP Loan Two) on the project securing loans made from the Housing Trust Fund. AHPP Loan One and AHPP Loan Two may be referred to together as the AHPP Loans. In addition, the FCRHA has a third trust lien in the amount of \$250,000 securing a loan in that amount made with Community Development Block Grant (CDBG) funds. Pursuant to the AHPP loan documents for the AHPP Loans, approval by the FCRHA of additional senior debt is needed in order for CRI to increase the VHDA loan. VHDA will require the increased VHDA loan amount be secured by its Deed of Trust and continue to have a first priority ahead of the FCRHA Deeds of Trust on the project.

RECOMMENDATION:

The County Executive recommends that the Board approve the increased amount of the VHDA loan and the subordination of the existing FCRHA loans to the increased first trust lien amount.

TIMING:

Immediate

BACKGROUND:

Chesterbrook Residences is a 97-unit assisted living facility constructed on Westmoreland Street in McLean, Virginia by Chesterbrook Residences, Inc. (CRI).

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On March 21, 2006, CRI closed on their financing with VHDA and the FCRHA and began construction of the project. On June 21, 2007, the FCRHA authorized, subject to Board of Supervisors approval, an additional loan to CRI in the amount of \$275,000 for the purpose of paying for additional unanticipated costs associated with the construction. On July 7, 2007, the Board approved the additional funds. The current financing is as follows:

Source of Funds	Amount
VHDA	\$11,000,000
FCRHA - AHPP (Housing Trust Fund)	\$ 1,229,000
FCRHA - CDBG	\$ 250,000
FCRHA - AHPP (Housing Trust Fund)	\$ 275,000
Equity (donations, pledges)	\$ 1,196,207
TOTAL	\$13,950,207

On March 4, 2008, CRI informed HCD staff of its desire to increase its loan with VHDA by \$600,000 to \$11,600,000 and requested FCRHA approval of such increase. CRI intends to use the additional funds to carry the project through the rent-up period until it arrives at a break-even on revenue and expenses. Construction was completed on October 17, 2007 and occupancy began on November 1, 2007. Currently, there are 40 units occupied and the anticipated date of full occupancy is February 2009. In addition, the FCRHA has provided 49 units of project-based rental vouchers to the project.

The terms of the \$600,000 increase in the VHDA loan are as follows: interest only for a period of two years; at the end of the two year period, CRI has the option of prepaying the loan increase or refinancing the remaining mortgage loan balance at the then taxable mortgage loan interest rate of VHDA, subject to underwriting. The current VHDA taxable rate is 7.62%. There is sufficient cash flow from project revenue currently to pay the interest on the loan for the first two years. The 15-year proforma shows sufficient cash flow to pay the amortized loan even if the interest rate increased to 10%.

The AHPP loan documents for AHPP Loan One and AHPP Loan Two state that any change in loan amount of any senior or subordinate debt must be approved by the FCRHA. If approved by the FCRHA, the AHPP documents will be amended to make them subject to a first mortgage of up to \$11,600,000. The VHDA loan, if increased in amount, would be required by VHDA to remain as a first priority lien, thus also requiring the FCRHA to subordinate its existing Deeds of Trust to the larger loan amount.

HCD staff has underwritten the project using the increased loan amount and determined that the project remains financially feasible and has concluded that the additional debt

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does not cause additional risk to the subordinate FCRHA loans.

The proposed timeline for this action, if approved, is:

FCRHA Approval	May 1, 2008
Approval by the Board of Supervisors	May 5, 2008
Execute Amendments to AHPP Documents	Week of May 12, 2008

STAFF IMPACT:

None

FISCAL IMPACT:

None

ENCLOSED DOCUMENTS:

None

STAFF:

Verdia L. Haywood, Deputy County Executive  
Paula C. Sampson, Director, Dept. of Housing and Community Development, HCD  
John Payne, Acting Deputy Director, Real Estate and Development, HCD  
Aseem K. Nigam, Director, REFGM Division, HCD  
Louise Milder, Associate Director, REFGM Division, HCD

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ACTION – 2

Adoption of the Middle Potomac Watersheds Management Plan (Dranesville and Providence Districts)

ISSUE:

The adoption of the Middle Potomac Watersheds Management Plan

RECOMMENDATION:

The County Executive recommends that the Board adopt the Middle Potomac Watersheds Management Plan.

TIMING:

Routine. Board Action is requested on May 5, 2008.

BACKGROUND:

The Board's environmental agenda, Environmental Excellence for Fairfax County - A 20-Year Vision, adopted in 2004 identifies the preparation of watershed management plans as a statement of commitment to the stormwater management program. Beginning in Fiscal Year 2006, the Board dedicated one penny of the real estate tax rate to implement Stormwater projects and programs in accordance with the Water Quality goals stated in the Environmental Agenda. In the last three years, the dedicated penny was equated to over \$60,000,000 being dedicated to improving the County's Stormwater program, with a goal focused on protecting and restoring our natural environment.

The environmental plan specifically identifies the implementation of the new watershed management plans and stream protection strategies as they are created. It also provides insight and a vision for the implementation of the watershed management plans. The Middle Potomac Watersheds Management Plan (which includes Bull Neck Run, Scotts Run, Dead Run, Turkey Run and Pimmit Run) helps fulfill the vision identified by the Board.

Since the late 1970s, the County has utilized watershed management plans to manage the planning, design, and implementation of stormwater control projects. The initial planning effort, performed by Parsons, Brinckerhoff, Quade and Douglas, projected stormwater program needs until the year 2000. A subsequent update to the watershed

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program was the Regional Stormwater Management Plan approved by the Board in 1989.

Only 20 percent of the County's streams are in good to excellent biological health condition based on the stream monitoring conducted between 1999 and 2006. One of the primary objectives of the watershed planning initiative is to improve these conditions. In addition, the watershed plans address Fairfax County's commitment to the Chesapeake Bay Program and the Cool Counties goals. Starting with the Little Hunting Creek Watershed Management Plan, the County embarked on a watershed planning initiative that will assess program needs for the next 25 years. Middle Potomac was selected as the sixth of 13 watershed planning projects as a result of a stakeholder engagement process conducted in 2002. This plan will complete watershed management plans for the first 50 percent of the County's land area. The County's watershed planning initiative is a giant step forward in starting the process of restoring and preserving the County's watersheds. The Board has continued a dedication of one cent of real estate tax revenue in the FY 2008 adopted budget for Stormwater Program initiatives including watershed planning and implementation.

The primary reasons that the County is developing watershed plans include:

1. Regulatory Compliance  
The County's Municipal Separate Storm Sewer System (MS4) Permit, which is administered by the State of Virginia, requires the County to develop watershed plans to address water quality problems. These watershed plans will also position the County for compliance with future requirements.
2. Good Stewardship of the County's Streams  
Fairfax County is developing watershed plans to restore and protect the County's streams by identifying and addressing the specific cause of the degradation. Using a top-down approach (starting at the headwaters and working downstream) will not only restore the stream quality by reducing the negative effects of excess stormwater at its source, but ensure a sustainable stream environment. Watershed planning will also provide the framework to encourage and sustain community involvement in watershed issues.
3. Update to Watershed Management Plan  
The original environmental baseline and subsequent master plan for flood control and drainage for the Middle Potomac Watersheds was completed in 1978. This plan recommended immediate and future projects that would address many watershed issues through the year 2000. By

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updating the plan using advanced modeling techniques and promoting innovative projects, the County will have a better understanding of the issues and an improved resource for projects for the next 25 years.

4. Chesapeake 2000 Agreement

Virginia has signed agreements with other states and federal agencies to work toward restoring the Chesapeake Bay. The latest agreement, *Chesapeake 2000*, includes the goal of developing watershed plans for two-thirds of the Bay's watersheds by 2010. The County is developing 13 watershed planning projects, which encompass all 30 watersheds for the entire jurisdiction, in order to help meet this goal.

The Middle Potomac Watersheds Management Plan was prepared by the engineering firm Woolpert, Inc. in association with the Institute for Environmental Negotiation. The watershed management planning public involvement process began in October 2004 with the first steering committee meeting. This committee, representing diverse interests in the watershed, assisted the project team in developing a plan that incorporated community input throughout the entire process. Two public meetings were conducted to involve the public in the formulation of the issues and problems to be addressed in the plan and two workshops were conducted to present draft versions of the plan to the community.

The Middle Potomac Watersheds Management Plan offers a range of project options to reduce non-point source pollution and sediment in the streams, improve stream habitat and reduce the stormwater runoff peak flows in the primary tributaries. Implementing projects including stream restoration, constructing new stormwater management facilities, retrofitting existing stormwater management facilities and improving storm drain infrastructure will help provide safer and healthier watersheds. The plan provides for over 14 miles (or 20 percent) of restoration projects on the 70 miles of perennial streams, over 56 acres of vegetative stream buffer restoration and 166 stormwater management and improvement projects within the Middle Potomac Watersheds. Hydrologic, hydraulic, and water quality models were created for the Middle Potomac Watersheds in order to quantify the benefits of the plan's proposed projects. In addition to providing better habitat, safer stream systems, and healthier watersheds with complete implementation of the proposed structural projects, the models identified the following benefits to the Middle Potomac Watersheds:

- 1) Reductions in pollutant loads, resulting in improved stream water quality  
The Chesapeake 2000 Agreement focused on the restoration of the Bay's aquatic resources and is implemented through the state's tributary strategies on a voluntary basis. The main goal of the tributary strategy is to reduce nutrients (nitrogen & phosphorus) and sediment generated by existing and

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future developments. Fairfax County is helping the state meet the tributary strategy commitment through the implementation of watershed plans. The structural projects modeled as part of the plan are expected to result in the following reductions: 10 percent of Total Phosphorus, 8 percent of Total Nitrogen and 18 percent of Total Suspended Solids.

- 2) Reductions in peak stormwater discharges, resulting in reductions in house, road, and yard flooding and reductions in stream velocities and bank erosion  
Flow reductions for the entire watershed are as follows: three percent of Runoff Volume and 20 percent of the Ten-year Peak Flow.

Plan recommendations are divided into two categories: structural and non-structural projects; and policy recommendations. Structural projects include measures such as modifications to existing stormwater management facilities to improve water quality controls, new stormwater management facilities, low impact development (LID) practices, and stream restoration. Non-structural recommendations include practices such as developing educational and outreach materials for lawn care companies, supporting volunteer monitoring groups, and promoting LID practices. It is anticipated that the structural and non-structural projects will be implemented through the following means:

- County-initiated projects via the capital improvement program
- Developer-initiated projects via the zoning approval process through proffers or development conditions
- Volunteer group implementation and other organizations such as the Northern Virginia Soil and Water Conservation District

The policy recommendations include proposals that would typically involve amendments to the *Code of the County of Fairfax, Virginia* and other supporting documents such as the *Public Facilities Manual*. These recommendations will need to be further evaluated by the County in light of their countywide implications. The planned approach for processing the policy recommendations is to integrate these recommendations with similar recommendations developed with the completed Little Hunting Creek Watershed Management Plan, Popes Head Creek Watershed Management Plan, Cub Run Watershed Management Plan, Cameron Run Watershed Management Plan and Difficult Run Watershed Management Plan. The actual process will follow the adoption of this plan and include multi-agency and stakeholder involvement to vet possible recommendations for change.

The following provisions address the funding and implementation of projects, programs, and policy recommendations in the County's watershed plans. These provisions were

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developed for the Popes Head Creek Watershed Management Plan in February 2006, and have been applied to the Middle Potomac Watersheds Management Plan:

- i. Projects and Programs (both structural and non-structural) as well as Policy items in this plan will first undergo appropriate review by County staff and the Board (please see iii below) prior to implementation. Board adoption of the Watershed Management Plan will not set into motion automatic implementation of projects, programs, initiatives or policy recommendations that have not first been subject to sufficient scrutiny to ensure that the projects that are funded give the County the greatest environmental benefit for the cost.
- ii. Road projects not related to protection of streambeds or banks or water quality will not be funded out of the stormwater and watershed budget.
- iii. The Watershed Management Plan provides a conceptual master-list of structural capital projects and a list of potential non-structural projects for the watershed. Staff will, on a fiscal year basis, prepare and submit to the Board a detailed spending plan to include a description of proposed projects and an explanation of their ranking, based on yet to be established, specific criteria. Criteria used to assemble this list will include, but are not limited to, cost-effectiveness as compared to alternative projects, a clear public benefit, a need to protect public or private lands from erosion or flooding, a need to meet a specific watershed or water quality goal, and ability to be implemented within the same fiscal year that funding is provided. Staff also intends to track the progress of implementation and report back to the Board periodically.
- iv. Each project on the annual list of structural projects will be evaluated using basic value-engineering cost effectiveness principles before implementation and the consideration of alternative structural and non-structural means for accomplishing the purposes of the project will be considered before implementation. This process will ensure the County's commitment to being a fiscally responsible public entity.
- v. Obstruction removal projects on private lands will be evaluated on a case-by-case basis for referral to the Zoning Administrator and/or County Attorney for action as public nuisances; and otherwise to determine appropriate cost-sharing by any parties responsible for the obstructions.
- vi. Stream restoration projects on private lands will be evaluated to determine means for cost-sharing by land owners directly responsible for degradation due to their land uses.

These provisions have been incorporated into the Middle Potomac Watersheds Management Plan and can be found in Volume I.

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FISCAL IMPACT:

There is no direct fiscal impact as a result of approving the Middle Potomac Watersheds Management Plan. Projects and other recommendations of the plan will be initiated and funded through the annual budget process. The total cost of complete implementation of the plan over 25 years is estimated at \$62 million. It is anticipated that projects will be funded with Pro Rata Share funds, as well as from Fund 318, Stormwater Management Program (the Penny for Stormwater Management fund).

ENCLOSED DOCUMENTS:

Attachment 1: Copy of the Middle Potomac Watersheds Management Plan Executive Summary (the complete plan is available in the Office of the Clerk to the Board)

STAFF:

Robert A. Stalzer, Deputy County Executive

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

Howard J. Guba, Deputy Director, DPWES

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ACTION - 3

Testimony for Public Hearing on Commonwealth of Virginia's Six-Year Improvement Program for Interstate, Primary, and Urban Highway Systems and Public Transportation for FY 2009 Through FY 2014

ISSUE:

Proposed Interstate, Primary, and Urban Highway Systems and Public Transportation projects for funding by the Virginia Department of Transportation (VDOT) for FY 2009 and the update of the associated Virginia Department of Transportation Six-Year Improvement Program for FY 2009 - FY 2014. The public hearing will be held on May 14, 2008, at 7:30 p.m., at Northern Virginia Community College, Ernst Cultural Center Forum Area, Annandale, Virginia.

RECOMMENDATION:

The County Executive recommends that the Board approve the attached letter to Secretary Pierce Homer, Attachment I, transmitting the recommendations of the Board and emphasizing its concerns regarding allocations to Interstate, Primary, and Urban Highway Systems and Public Transportation projects, facilities, and services.

TIMING:

Action should be taken on this item on May 5, 2008, so that the position of the Board can be presented to the Commonwealth Transportation Board (CTB) at the Six-Year Program Public Hearing to be held in Northern Virginia on May 14, 2008.

BACKGROUND:

The CTB has scheduled its public hearings across the state to receive testimony regarding potential Interstate, Primary, and Urban Highway Systems and Public Transportation projects regarding the Virginia Six-Year Improvement Program. The CTB has indicated that comments received at the public hearings will be used to formulate the final allocation of FY 2009 funds and to update the Six-Year Program.

VDOT continues to prioritize, fund, and construct projects primarily through the Six-Year Program. Projects that are the subject of this public hearing include Interstate and Primary Highway projects (and Urban projects in cities and towns). Secondary road projects are generally not part of this public hearing, but will be the subject of a joint VDOT/Fairfax County Secondary Road Program and Budget public hearing after final Secondary Road Program funding levels are available.

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The schedule for the FY 2009 – FY 2014 Six-Year Program began last fall with pre-allocation public hearings. From October through March, revenue estimates, schedule and cost updates, recommended project allocations, cash flow analyses, and project allocations returned from the Metropolitan Planning Organizations (MPOs), were undertaken. The FY 2009 - FY 2014 Program is scheduled for adoption by the CTB in June 2008.

Attachment I of the Board item contains a letter to Secretary Homer transmitting the comments of the Board. Attachment A to that letter includes a discussion of specific project recommendations. Attachment B is an update of the Board's priority list of Interstate and Primary Highway Systems projects needing additional funding or to be added to the State's Six-Year Improvement Program. Projects that have been completed or are under construction and have been completely funded in previous years are no longer listed on Attachment B.-

State Transit Assistance

The CTB annually allocates State transit operating and capital assistance to transportation commissions and local jurisdictions from the State Transportation Trust Fund. The Northern Virginia Transportation Commission (NVTC) applied for FY 2009 funds to operate the Washington Metropolitan Area Transit Authority (WMATA), Virginia Railway Express (VRE), and local bus systems in February 2008. A portion of this transit operating and capital assistance will be used to offset Fairfax County's local funding of Metrorail and Metrobus, as well as the Fairfax Connector. This funding is particularly critical for the region to meet its air quality goals.

FISCAL IMPACT:

None

ENCLOSED DOCUMENTS:

Attachment I: Letter to Secretary Homer (with Attachments A and B)

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  
Thomas Biesiadny, Chief, Coordination and Funding Division, FCDOT  
Rollo Axton, Chief, Transit Services Division, FCDOT  
Michael Lake, Coordination and Funding Division, FCDOT

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ACTION - 4

Endorsement of Transportation Project Funding Strategies and Revised FY 2009, FY 2010, and FY 2011 Project Lists Associated with Revenue that May Be Authorized for the Northern Virginia Transportation Authority and Fairfax County's Commercial and Industrial Real Estate Tax for Transportation

ISSUE:

Board approval of project funding strategies and revised project lists for anticipated FY 2009, FY 2010, and FY 2011 revenues, including Northern Virginia Transportation Authority (NVTA) revenues, if restored, and Fairfax County's commercial and industrial real estate tax for transportation.

RECOMMENDATION:

The County Executive recommends that the Board:

1. Endorse the attached funding strategies and revised lists of highway, transit, bicycle, and pedestrian projects (Attachment 1) for funding from FY 2009, FY 2010, and FY 2011 anticipated revenues. The funding for these projects includes three levels of estimated NVTA revenues and Fairfax County's commercial and industrial (C&I) real estate tax for transportation. In preparing these funding scenarios, the C&I level is included as \$0.11 per \$100 valuation.
  - a. Approve immediate implementation of Scenario 1, which utilizes the C&I tax.
  - b. Endorse Scenarios 2 and 3 as contingency plans if General Assembly action results in additional transportation funding, and direct staff to provide information on final NVTA funding levels, when this information is available.
2. Authorize staff to begin planning for the issuance of \$50 million in Fairfax County Economic Development Authority (EDA) transportation contract revenue bonds payable from C&I pledged revenues to provide one-time project funding in FY 2009.

TIMING:

The Board should act on this item on May 5, 2008, so that staff can move forward with the implementation of transportation projects as expeditiously as possible.

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**BACKGROUND:**

During the 2007 Virginia General Assembly Session, the Transportation Finance and Reform Act of 2007 or House Bill (HB) 3202, was enacted. This law included taxes and fees for regional transportation authorities in Northern Virginia and Hampton Roads and allowed localities to implement local taxes and fees for transportation purposes. On July 12, 2007, the NVTA adopted a package of seven taxes and fees authorized by the Virginia General Assembly. These taxes and fees were effective on January 1, 2008, and were expected to raise approximately \$300 million per year for transportation projects and services in Northern Virginia.

On September 10, 2007, the Board approved a code change to implement a C&I tax for transportation projects in Fairfax County, also authorized by the General Assembly in HB 3202. This tax, if adopted, will become effective on July 1, 2008, and is estimated to raise approximately \$52 million per year.

In addition, on October 15, 2007, the Board adopted a list of transportation projects (included in Attachment 1) to be funded by the NVTA taxes and fees and the proposed local option C&I tax for transportation. This list was adopted to meet regional planning deadlines for NVTA and for the Washington region's FY 2009-2014 Transportation Improvement Program (TIP) and 2008 Constrained Long Range Plan (CLRP).

On February 29, 2008, the Virginia Supreme Court ruled that the General Assembly could not delegate taxation authority to NVTA. This ruling made the NVTA adopted taxes and fees null and void, but left the local option C&I tax for transportation intact.

Given the Supreme Court's ruling and the associated loss of transportation funding, staff has developed three scenarios that could be implemented by the County depending on whether the General Assembly acts to restore funding to NVTA. The three scenarios are as follows:

Funding Scenario 1: Approximately \$52 million annual revenue (three year funding of \$206 million, including EDA bonds – see Attachment 1). Assuming no reinstatement of the NVTA revenues by the General Assembly, this scenario includes only the annual C&I revenues. Scenario 1 also includes EDA transportation contract revenue bonds (payable from C&I pledged revenues) in FY 2009, because annual cash flow alone would not allow high priority projects to proceed as quickly as needed. The EDA would issue a one-time \$50 million transportation revenue bond using approximately \$5 million annually in C&I tax revenues to pay for the debt service until the debt is paid. After the payment of debt service, approximately \$47 million would remain annually. This scenario estimates \$102 million in FY 2009 (\$52 million annual C&I revenue and \$50 million bond), and \$52 million in FY 2010 and FY 2011. The available funding levels in this scenario are substantially lower than the original list adopted by the Board on

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October 15, 2007. Therefore, projects that were originally expected to be funded over two years will now take three years to fund.

Funding Scenario 2: Approximately \$100 million annual revenue (three year funding of \$350 million, including EDA bonds – see Attachment 1). This scenario assumes partial reinstatement of the NVTA revenues by the General Assembly correlating to approximately \$48 million annually for Fairfax County, plus \$52 million annually in C&I revenues. Scenario 2 includes \$50 million in EDA transportation contract revenue bonds payable from C&I pledged revenues in FY 2009, because annual cash flow alone would not allow high priority projects to proceed as quickly as needed. The EDA would issue a one-time \$50 million transportation revenue bond using approximately \$5 million annually in C&I revenues to pay for the debt service until the debt is paid. This scenario estimates \$150 million in FY 2009 (\$100 million annual revenue and \$50 million EDA bond), and \$100 million in FY 2010 and FY 2011. The funding levels in this scenario are lower than the original list adopted by the Board on October 15, 2007. Therefore, FY 2011 funding is also required for the projects approved on October 15, 2007.

Funding Scenario 3: Approximately \$150 million annual revenue (two year funding of \$350 million, including NVTA bond – see Attachment 1). This scenario assumes full reinstatement of the NVTA revenues by the General Assembly correlating to approximately \$98 million annually for Fairfax County, plus \$52 million annually in C&I revenues. Scenario 3 includes an NVTA initial bond as originally planned, which will require approximately \$5.0 million annually of the NVTA revenue attributable to the County to pay for debt service on the NVTA bond until the debt is paid. This scenario does not include EDA transportation contract revenue bonds, because annual cash flow would allow high priority projects to proceed on a pay-as-you-go basis, at least initially. This scenario estimates \$200 million in FY 2009 (\$150 million annual revenue and \$50 million in NVTA bonds attributable to Fairfax County) and \$150 million in FY 2010 and also funds projects as closely as possible to the original list adopted by the Board on October 15, 2007.

To provide some flexibility to match projects and funding sources to achieve both the County's and NVTA's goals, the projects in Attachment 1 have not been allocated to specific funding sources. However, in general, large, more regional projects will likely be funded from the NVTA regional funds (in Scenarios 2 & 3), while smaller, localized and transit operating projects will likely be funded from the C&I revenues. All projects will still be subject to the standard budget approval processes. It should also be noted that by funding some projects completely with non-federal funds, additional federally mandated procedures will be eliminated. This will allow some projects to be implemented more quickly.

As indicated on October 15, 2007, for the listed projects and funding strategies, County staff has focused primarily on existing, partially funded projects, high priority projects

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that have not previously received funding, existing transit service needs previously identified for the Board of Supervisors, and anticipated transit service needs. In preparing the funding scenarios, staff has included a C&I tax rate of \$0.11/\$100 valuation. In addition, the cash flows for each of the projects listed in the different scenarios of Attachment 1 are still being determined.

FISCAL IMPACT:

There is no impact to the General Fund as a result of the funding scenarios presented above. Projects funded from the transportation C&I tax and any restored NVTA funds have been appropriated within Fund 124, County and Regional Transportation Projects. Revenue estimates, capital project expenditures, and transit project expenditures will be updated as part of the *FY 2008 Carryover Review* to reflect the above funding scenario that is implemented. Scenario 1 will move forward if approved with implementation of projects, with approximately \$52 million in C&I funding, and planning for a \$50 million EDA revenue bond issue.

Although restoration of NVTA's funding is uncertain, County staff has developed the estimates of potential NVTA funding in the three scenarios based on the language in HB 3202 and regional estimates developed by the Virginia House Appropriations Committee staff. Although the details of the funding restoration remain to be resolved, the scenarios provide order of magnitude estimates of funds potentially available to Fairfax County over the next 2 - 3 years. More detailed information will be available during the next several months. In addition, staff intends to seek Board approval for the issuance of EDA transportation contract revenue bonds payable from pledged C&I revenues.

ENCLOSED DOCUMENTS:

Attachment I: Fairfax County Projects for Funding from the Northern Virginia Transportation Authority Revenues and Fairfax County's Commercial Real Estate Tax for FY 2009, FY 2010, and FY 2011

STAFF:

Robert A. Stalzer, Deputy County Executive  
Katharine D. Ichter, P.E., Director, FCDOT  
Ellen F. M. Posner, Assistant County Attorney  
Len Wales, County Debt Manager  
Tom Biesiadny, Chief, Coordination and Funding Division, FCDOT  
Ellen Gallagher, Chief, Capital Projects and Operations Division, FCDOT  
Karyn Moreland, Chief, Capital Projects Section, FCDOT  
Jay Guy, Coordination and Funding Division, FCDOT

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## INFORMATION - 1

### Contract Award – Temporary Nursing Services and Continuous Duty Nursing

In order to meet the health care needs of County residents, the Department of Health requires the temporary services of Registered Nurses (RN), X-Ray Technicians and Certified Nursing Assistants to augment current staff and facilitate the needed health care services. The Health Department is also responsible for coordinating daily nursing services for children with complex medical needs who attend Fairfax County Public Schools in order to comply with the Individuals With Disabilities Education Act (IDEA). IDEA is a law ensuring services to children with disabilities throughout the nation. IDEA governs how states and public agencies provide early intervention, special education and related services to more than 6.5 million eligible infants, toddlers, children and youth with disabilities. This contract provides the required nursing services when such supportive services are required.

On August 2, 2007, the Department of Purchasing and Supply Management issued a Request for Proposal (RFP08-936414-32) for the provision of Temporary Nursing Services and Continuous Duty Nursing. The County currently provides these services under various contracts and agreements. The intent of this contract award is to consolidate the services under one single contract to provide the Health Department with a variety of sources to provide the required services.

The solicitation notice was sent to approximately 1139 firms, and 10 firms submitted timely responses. 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 contracts to four (4) firms: Medforce Inc., MPS Healthcare Inc. d/b/a Continuum Pediatric, Interim Healthcare Staffing and Maxim Staffing Solutions.

The SAC selected these vendors based upon their demonstrated ability to provide quality temporary healthcare services and continuous duty nursing services as described below:

Continuum Pediatric Nursing has been recruiting, testing, training and deploying pediatric home care LPNs and RNs since 1992. Continuum Pediatric Nursing has extensive experience and success in caring for medically fragile children in the Mid-Atlantic region. Continuum has been serving the County since December 2006.

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Interim HealthCare is a National Franchise organization and the nation's largest provider of supplemental health care staffing. Founded in 1966, Interim has a network of service locations throughout the United States. Offices are independently owned and operated, in this case by D.H. Porter Enterprises, LLC. The principals include Hope Porter, RN, BSN, JD and David Porter.

Maxim Healthcare Services has been providing medical staffing services for over 19 years. Established in 1988 to address the nursing shortage, Maxim has since evolved to service every sector of the healthcare industry. The County has contracted with Maxim for the provision of temporary healthcare services and continuous duty nursing services since June 2000.

Medforce, Inc. has been in existence since 2002 and was created to alleviate the burden of finding qualified medical health care workers. Medforce, Inc. has been ranked in the top 10 as one of the most reliable staffing companies in the Mid-Atlantic.

The Department of Tax Administration has verified that MPS Healthcare Inc. dba Continuum Pediatric Nursing Services possess the appropriate Fairfax County Business, Professional and Occupational License (BPOL), and that Maxim HealthCare Services, Medforce Inc. and Interim Healthcare of Washington D.C. 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 these offerors in order to best meet the needs of providing Temporary Nursing Services and Continuous Duty Nursing to residents in Fairfax County.

FISCAL IMPACT:

The first year of the contracts (FY 2009) with the selected vendors have a projected total of \$720,000, consistent with the current projection of \$720,000 for this fiscal year. Continuous Duty Nursing services account for approximately \$600,000 of the expenditures, while utilization of Certified Nursing Assistants, X-Ray Technicians, and Public Health Nurses account for the remaining \$120,000. The actual contract values will vary, depending upon actual number of students enrolled in Fairfax County Public Schools that require continuous duty nursing services and Health Department requirements for Certified Nursing Assistants, X-Ray Technicians, and Public Health Nurses. Other than typical inflationary costs associated with contracts, no additional funding will be requested in future years.

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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

Ken Garnes, Director, Department of Administration for Human Services

Dr. Gloria Addo-Ayensu, Director, Fairfax County Health Department

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## INFORMATION - 2

### Contract Award – Operation, Management and Staffing of the Primary Health Care Centers

In January 2007, the Fairfax County Board of Supervisors established the Fairfax County Safety Net Health Center Commission, consistent with the statutory authority granted by the 2006 General Assembly. The Commission was formed to restructure and strengthen the health safety net in our community. The current system is at or near capacity and faces numerous challenges including: health care sites that are geographically remote from many patients, sites that are not large enough to accommodate patient volume or needs, patients with specialized needs including cultural and language barriers, and the inability to leverage Federal, State, or private funding to strengthen the system. The Commission's goals are to improve the quality of care, expand patient resources, and partner with a firm that can manage and operate the current County operated safety net services, and build upon those services while meeting the Commission's goals.

The County's current safety net includes an array of public and private arrangements to provide primary health care services to the community. These arrangements include the Community Health Care Network (CHCN) and contractual agreements with hospitals, laboratories, radiology practices, physician practices, and the private medical sector.

On December 7, 2007, the Department of Purchasing and Supply Management issued a Request for Proposal (RFP08-956400-32) for the provision of the Operations, Management and Staffing of the Primary Health Care Centers.

The solicitation notice was sent to approximately 562 firms, and one firm 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 proposal in accordance with the criteria established in the RFP. Upon completion of the final evaluation of the proposal, the SAC negotiated with the top ranked offeror and recommended to award the contract to Molina Healthcare of Virginia, Inc.

Molina Healthcare, Inc. is among the most experienced managed health care companies serving patients who have traditionally faced barriers to quality health care, including individuals covered under Medicaid, the Healthy Families Program, the State Children's Health Insurance Program (SCHIP) and other government-sponsored health insurance programs. Molina has health plans in California, Michigan, New Mexico,

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Ohio, Texas, Utah and Washington as well as 19 primary care clinics located in Northern and Southern California. The company's corporate headquarters are in Long Beach, California. Molina's success is based on the fact that it has focused primarily on the Medicaid and low-income population, and is committed to case management, member outreach and low-literacy programs.

More than 25 years ago, the late C. David Molina, MD, founded the company to address the special needs of Medicaid patients. Today, Molina carries out his mission of emphasizing individualized care that places the physician in the pivotal role of managing healthcare.

- According to Hispanic Business Magazine, Molina Healthcare is the 3rd largest Hispanic Business in America in terms of revenue and growth.
- Business Ethics Magazine named Molina Healthcare among the 100 Best Corporate Citizens in 2006.
- Molina Healthcare is among the top 15 national managed care firms, according to InterStudy, a national managed care research organization.
- Molina Healthcare was among the leaders in establishing a Cultural and Linguistics Services Program to help practitioners and employees understand how patients' cultural backgrounds affect their approach to healthcare.
- Fortune Magazine lists Molina Healthcare in its 2007 rankings of the 1000 largest U.S. corporations.

The Department of Tax Administration has verified that Molina Health Care of Virginia does possess the appropriate 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 Molina Health Care of Virginia in order to best meet the needs of residents in Fairfax County. The contract is a two year contract with four (4) one-year renewal options. The total estimated amount of this contract for FY2009 is \$6,896,627.

FISCAL IMPACT:

The first year of the contract (FY 2009) with Molina totals \$6,896,627, an increase of \$376,024, or 5.76%, over the current contract amount of \$6,520,603. It is important to note that this modest increase in the contract includes one-time implementation costs. Savings from the current (FY 2008) contract, with a different vendor, will cover the one-time implementation costs. Therefore, the Health Department is not requesting additional funds for the new contract. Other than typical inflationary costs associated with contracts, no additional funding will be requested in future years.

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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  
Ken Garnes, Director, Department of Administration for Human Services  
Dr. Gloria Addo-Ayensu, Director, Fairfax County Health Department

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INFORMATION - 3

### Quarterly Status Report on the Board's Second Four-Year Transportation Program

On October 15, 2007, the Board of Supervisors approved their Second Four-Year Transportation Program for FY 2008 through FY 2011. Supported by the \$110 million Transportation Bond approved by voters in November 2007, the Second Four-Year Plan is multi-modal and includes projects for major roadways, pedestrian and spot improvements, and transit. The plan also includes innovative project design and delivery and programs designed to serve special populations. In addition to the 2007 Transportation Bond Projects, the Second Four-Year Plan also includes a number of projects funded through partnerships with State, Federal, and Regional agencies. The Second Four-Year Transportation Plan is designed to enhance mobility, promote safety, and create choices for the commuting public. The Plan seeks to follow an ambitious schedule to implement these projects and programs within a four-year timeframe.

This report has been compiled by Fairfax County Department of Transportation (FCDOT) staff in consultation with their implementation partners in the Department of Public Works and Environmental Services (DPWES) and the Virginia Department of Transportation (VDOT) Northern Virginia District.

Staff provides a status update every quarter for the Four-Year Program, and an annual report in the fall on all active transportation projects. The status reports are posted on the FCDOT web site following the Board's review.

#### ENCLOSED DOCUMENTS:

Attachment 1: March 2008 Status Report on the Fairfax County Board of Supervisors' Four-Year Transportation Program for FY 2008 through FY 2011

#### 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  
Katharine D. Ichter, Director, Fairfax County Department of Transportation (FCDOT)  
Ellen Gallagher, Chief, Capital Projects and Operations Division, FCDOT  
Karyn Moreland, Chief, Capital Projects Section  
Beth Iannetta, Capital Projects Section, FCDOT  
Chip Galloway, Capital Projects Section, FCDOT

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#### INFORMATION - 4

#### Contract Award – Master Developer for the Adaptive Reuse of the Former Lorton Reformatory and Penitentiary

The Department of Purchasing and Supply Management issued Request for Proposal RFP08-943415-40 soliciting qualified firms to provide to provide consultant services for the development of a Master Development Plan for the County's former Lorton prison adaptive reuse site.

Services provided under this contract will include:

- 1) Conceptual Design concepts,
- 2) Development of information pertaining to the necessary permitting required at the site,
- 3) Development and land use planning services,
- 4) Financial analysis including the development of a development *pro forma*, and
- 5) Citizen coordination services related to the proposed development of the 80-acre parcel, and Coordination activities with county agencies and, as required, with State agencies, Board-appointed commissions and committees, and citizens as stipulated in the Memorandum of Agreement.

RFP08-943415-40 was publicly advertised and notice was directly sent to 949 potential offerors. Four firms submitted proposals. A Selection Advisory Committee (SAC) was formed and comprised of representatives from the County's Departments of Planning and Zoning, Purchasing & Supply Management, Management and Budget, Facilities Management, and the Fairfax County Park Authority. A Technical Advisory Committee (TAC) was also formed to provide technical input. The TAC was comprised of members from the Department of Planning and Zoning, Facilities Management, and the County Attorney's Office. The SAC and TAC evaluated the proposals in accordance with the criteria and procedures established in the RFP. The evaluation process considered the written proposals and follow-up questions to all four firms submitting proposals. The top two candidates were interviewed and asked to provide responses to additional follow-up questions. The Business Proposals of the top two candidates were also reviewed.

The SAC evaluated and ranked the proposals in accordance with the criteria and procedures established in the RFP.

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Upon completion of negotiations with the two top-ranked offerors, the recommended award of the contract is to The Alexander Company.

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

The Business Classification of the contractor is as follows:  
The Alexander Company is a small business.

Unless otherwise directed by the Board of Supervisors, the County Purchasing Agent will proceed to award this contract to The Alexander Company. The total amount of this contract is \$150,000.

FISCAL IMPACT:

The contract amount is \$150,000. Funding is available in Fund 303, Project 009506.

ENCLOSED DOCUMENTS:

Attachment 1: List of Offerors for RFP08-943415-40

STAFF:

Edward L. Long, Jr., Deputy County Executive

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

Jim Zook, Director, Department of Planning and Zoning

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10:45 a.m.

Matters Presented by Board Members

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12:30 p.m.

CLOSED SESSION:

- (a) Discussion or consideration of personnel matters pursuant to Virginia Code § 2.2-3711(A) (1).
- (b) Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Virginia Code § 2.2-3711(A) (3).
- (c) Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, and consultation with legal counsel regarding specific legal matters requiring the provision of legal advice by such counsel pursuant to Virginia Code § 2.2-3711(A) (7).
  - 1. *David P. Mugan v. Maria Isabel Salas Guevara and Soudy Chamanara*, Record No. 072541 (Va. Sup. Ct.)
  - 2. *Eileen M. McLane, Fairfax County Zoning Administrator v. Simone M. Wyvell and Christopher Wyvell*, Case No. CL-2007-0009865 (Fx. Co. Cir. Ct.) (Dranesville District)
  - 3. *Eileen M. McLane, Fairfax County Zoning Administrator v. Joun Suk Lim, et al.*, Case No. CL-2007-0015312 (Fx. Co. Cir. Ct.) (Providence District)
  - 4. *Eileen M. McLane, Fairfax County Zoning Administrator v. Board of Zoning Appeals of Fairfax County, Virginia, and Nutley Street, L.L.C.*, Case Nos. CL-2007-0010307 and CL-2007-0012668 (Fx. Co. Cir. Ct.) (Providence District)
  - 5. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Leonor Lopez*, Case No. CL-2008-0002002 (Fx. Co. Cir. Ct.) (Mason District) (Strike Team Case)
  - 6. *Eileen M. McLane, Fairfax County Zoning Administrator v. Monica Peredo, Roxana Tania Peredo, and Alicia Linares*, Case No. CL-2008-0000617 (Fx. Co. Cir. Ct.) (Mason District) (Strike Team Case)

7. *Eileen M. McLane, Fairfax County Zoning Administrator v. Juan A. Argueta and Maria D. Argueta a/k/a Maria D'Angeles Argueta, Case No. CL-2008-0004425 (Fx. Co. Cir. Ct.) (Lee District) (Strike Team Case)*
8. *Eileen M. McLane, Fairfax County Zoning Administrator v. Ivan Bladimir Delgadillo and Maria Del Carmen Delgadillo a/k/a Maria C. Delgadillo, Case No. CL-2008-0004627 (Fx. Co. Cir. Ct.) (Springfield District) (Strike Team Case)*
9. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Hester E. Marshall, Case No. CL-2008-0005399 (Fx. Co. Cir. Ct.) (Mount Vernon District)*
10. *Eileen M. McLane, Fairfax County Zoning Administrator v. Luz Lourdes Vargas, Case No. CL-2008-0005011 (Fx. Co. Cir. Ct.) (Lee District)*
11. *Eileen M. McLane, Fairfax County Zoning Administrator v. MacArthur Weston, Case No. CL-2008-0005012 (Fx. Co. Cir. Ct.) (Springfield District)*

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3:30 p.m.

Board Decision to Consider Amendments to The Code of the County of Fairfax, Chapter 109.1, Solid Waste Management

ISSUE:

To provide a Board Decision 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 the amendments to *The Code of the County of Fairfax*, Chapter 109.1, Solid Waste Management.

TIMING:

The Board deferred this item from April 28, 2008, to May 5, 2008 for decision only.

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 processes

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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:

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

Board Agenda Item  
May 5, 2008

3:30 p.m.

Public Hearing on RZ 2007-LE-012 (Lee Village At Silver Lake, LLC) to Permit the Development of a Public Library (up to 45,900 Square Feet) 900 Square Foot Fast Food Restaurant Within Building, Workforce Housing (up to 111 Multi-Family Dwelling Units) and Independent Living Units (up to 89 Units) at an Overall FAR of 1.0 on the 6.64 Acres Previously Approved for a Public Library (3.72 Acres in the PDH-8 District and 2.82 Acres in the PRM District). The Applicant is also Seeking Approval of the Respective Conceptual and Final Development Plans, RZ 2007-LE-012 Proposes to Rezone 2.82 acres from PDH-8 to PRM, Lee District

and

Public Hearing on PCA 1996-LE-034-02 (Lee Village At Silver Lake, LLC) to Permit the Development of a Public Library (up to 45,900 Square Feet) 900 Square Foot Fast Food Restaurant Within Building, Workforce Housing (up to 111 Multi-Family Dwelling Units) and Independent Living Units (up to 89 Units) at an Overall FAR of 1.0 on the 6.64 Acres Previously Approved for a Public Library (3.72 Acres in the PDH-8 District and 2.82 Acres in the PRM District) The Applicant is also Seeking Approval of the Respective Conceptual and Final Development Plans. PCA 1996-LE-034-02 (2.19 Acres Zoned PDH-8) Proposes to Amend Proffers and Conceptual Development Plans for RZ 1996-LE-034 Previously Approved for Residential Development to Permit Site Modifications, Lee District

and

Public Hearing on PCA 82-L-030-12 (Lee Village At Silver Lake, LLC) to Permit the Development of a Public Library (up to 45,900 Square Feet) 900 Square Foot Fast Food Restaurant Within Building, Workforce Housing (up to 111 Multi-Family Dwelling Units) and Independent Living Units (up to 89 Units) at an Overall FAR of 1.0 on the 6.64 Acres Previously Approved for a Public Library (3.72 Acres in the PDH-8 District and 2.82 Acres in the PRM District). The Applicant is also Seeking Approval of the Respective Conceptual and Final Development Plans. PCA 82-L-030-12 (4.45 Acres Zoned PDH-8) Proposes to Amend Proffers and Conceptual Development Plans for RZ 82-L-030 to Permit Modifications to Site Design. FDPA 82-L-030-9 (1.63 Acres Zoned PDH-8) Proposes to Amend the Final Development Plan to Permit Modifications to the Site Design and Conditions, Lee District

The application property is located in the northeast quadrant of the intersection of Silver Lake Boulevard and Beulah Street, Tax Map 91-3 ((9)) 8B pt.

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PLANNING COMMISSION RECOMMENDATION:

The Planning Commission public hearing will be held on April 30, 2008. The Commission's recommendation will be forwarded to the Board 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

Board Agenda Item  
May 5, 2008

3:30 p.m.

Public Hearing on SEA 2006-MA-016 (PNC Bank, N.A.) to Amend SE 2006-MA-016 Previously Approved for a Drive-In Bank to Permit Waiver of Minimum Lot Size, Minimum Lot Width and Modifications to Site Design and Development Conditions, Located on Approximately 32,624 Square Feet Zoned C-6, Mason District

The application property is located at 6950 Braddock Rd. Tax Map 71-4 ((1)) 28A.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission public hearing was held Thursday, April 17, 2008 and the decision was deferred to May 1, 2008. The Commission's recommendation will be forwarded to the Board subsequent to that date.

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  
May 5, 2008

4:00 p.m.

Public Hearing on Proposed Out-of-Turn Plan Amendment S08-II-M1, Addressing the McLean Community Business Center Open Space Design Standards (Dranesville District)

ISSUE:

The proposed Plan Amendment considers updates to the McLean Community Business Center Open Space Design Standards that include: editorial modifications to the design standards; illustrations updating guidance for the provision of streetscapes, sidewalk installation and street furniture; and illustrations and new guidance for exterior light fixtures which are consistent with current Fairfax County outdoor lighting standards.

PLANNING COMMISSION RECOMMENDATION:

On Thursday, April 10, 2008, the Planning Commission voted unanimously (Commissioner Litzenberger absent from the meeting) to recommend that the Board of Supervisors amend the Comprehensive Plan by updating the McLean Open Space Design Guidelines, as shown on pages 3 through 76 of the staff report dated March 27, 2008, with the following clarifications (Attachment II) proposed by staff to better link the Open Space Design Standards with Subarea Guidelines that are located elsewhere in the Area II Plan:

- On page 3 of the staff report, modify the fourth sentence under Introduction to read as follows: "During the review of a development application, County staff will evaluate the proposal for conformity with the design guidance provided herein, as well as the Mclean CBC Subarea Guidelines and other aspects of the Comprehensive Plan";
- On pages 9, 11, 13, 14, 15, 17, 19, 21, 23, 25, 28, 31, 33, and 35 of the staff report, change the references to Appendix 9 from "As shown on the table in Appendix 9" to "as described in the Mclean Subarea Guidelines," followed by a new sentence that reads: "A map and location index is provided in Appendix 9";
- On page 71 of the staff report, change the title of Appendix 9 to "Subarea Map and Location Index," with a note indicating that this index must be used with the Mclean CBC Subarea Guidelines"; and

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- On page 60 of the staff report, replace the sketch with a photo of a prototype bus shelter provided by the Mclean Planning Committee and change the caption from “street furniture/bus shelter” to “prototype bus shelter.”

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors adopt the Planning Commission recommendation for proposed Plan Amendment S08-II-M1.

TIMING:

Planning Commission public hearing – April 10, 2008  
Board of Supervisors’ public hearing – May 5, 2008 at 4:00 p.m.

BACKGROUND:

The Board of Supervisors authorized an Out-of-Turn Plan Amendment for the subject area on February 11, 2008, to consider changes to the McLean Community Business Center Open Space Design Standards as proposed by the McLean Planning Committee.

FISCAL IMPACT:

None

ENCLOSED DOCUMENTS:

Attachment I: Planning Commission Verbatim  
Attachment II: Planning Commission Recommendation

STAFF:

James P. Zook, Director, Department of Planning and Zoning (DPZ)  
Fred R. Selden, Director, Planning Division (PD), DPZ  
Sterling R. Wheeler, Chief, Policy and Plan Development Branch, PD, DPZ  
Bernard Suchicital, Planner I, PD, DPZ  
Barbara Byron, Director, Office of Community Redevelopment and Reinvestment (OCRR)  
Jeffrey Levine, Planner, OCRR

Board Agenda Item  
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4:00 p.m.

Public Hearing on a Proposed Zoning Ordinance Amendment Re: Advertising on Public Transit Passenger Shelters

ISSUE:

Proposed Zoning Ordinance amendment to permit advertising on County owned public transit passenger shelters, including bus shelters, located outside of the Virginia Department of Transportation (VDOT) right-of-way (ROW).

PLANNING COMMISSION RECOMMENDATION

The Planning Commission public hearing was held on February 13, 2008, and the decision was deferred to April 30, 2008. The Commission's recommendation will be forwarded to the Board subsequent to that date.

RECOMMENDATION:

The County Executive recommendation will be forwarded to the Board prior to the Board's public hearing.

TIMING:

Board of Supervisors authorization to advertise on January 7, 2008; Planning Commission public hearing on February 13, 2008; Deferred Planning Commission decision to February 27, 2008, Deferred Commission decision to March 5, 2008 and deferred again to April 23, 2008; Board of Supervisors' public hearing on April 28, 2008 at 4:00 p.m.

BACKGROUND:

The proposed amendment is on the 2007 Priority 1 Zoning Ordinance Amendment Work Program and would permit advertising on County owned bus shelters located outside of VDOT ROW.

In 2003, the Virginia General Assembly amended the *Code of Virginia* to permit the display of advertisements on public transit passenger shelters (including bus shelters) owned by the County that are located in the VDOT ROW or that are within 15 feet of a highway. This State code amendment eliminated previous restrictions on advertisements in VDOT ROW and within 15 feet of a highway. While the Zoning Ordinance does not regulate activities within a road ROW, it does apply to private and

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County owned property, and bus shelter advertising on such property is considered to be an off-site sign, similar to a billboard and is not permitted. On February 5, 2007, the Board adopted a policy entitled "Guidelines for Advertising on Fairfax County Bus Shelters." The policy contains the specific information regarding the advertising standards and size, materials and placement of the advertising on bus shelters.

Although the *Code of Virginia* now allows advertising on bus shelters located within VDOT ROW and within 15 feet of such ROW, and the Board has adopted the bus shelter advertising policy, the Zoning Ordinance still prohibits such advertising on bus shelters located outside the VDOT ROW. The proposed Ordinance amendment furthers the implementation of the Board's advertising policy by allowing for such advertising on County owned bus shelters outside the ROW. A more detailed discussion of the proposed amendment is set forth in the Staff Report contained in Attachment 1.

On February 13, 2008 the Planning Commission held a public hearing and deferred decision in order to more fully consider issues that were raised at the hearing concerning the implementation of the Board adopted policy for advertising on County bus shelters, and to allow citizens additional time to review the amendment. In response, Katharine Ichter, Director Department of Transportation, wrote a memorandum to the Planning Commission addressing the issues raised at the Planning Commission public hearing. A copy of this memorandum is contained in Attachment 2. On February 27, 2008, the Planning Commission had additional discussion on the Board adopted policy and deferred decision again.

The Fairfax County Department of Transportation (FCDOT) plans to offer advertising space in certain County bus shelters and received public comment about this plan at a public meeting held on April 19, 2008. FCDOT expects the advertising in these bus shelters to generate revenue for transportation. In addition to generating revenue, the advertising vendor will be required to build new bus shelters, which will benefit bus passengers by providing cover from the elements. A total of 110 bus stop locations have been identified and targeted for this program. The advertisement on the bus shelters will be governed by the February 2007 Board adopted policy, and advertising on bus shelters located outside the VDOT ROW would only be permitted upon the adoption of this amendment.

REGULATORY IMPACT:

The proposed amendment will allow advertising on public transit passenger shelters located outside of VDOT ROW in accordance with Board adopted policy.

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FISCAL IMPACT:

While this Zoning Ordinance amendment does not have a fiscal impact, if approved, the County would realize advertising revenue from shelters that are located outside of the ROW.

ENCLOSED DOCUMENTS:

Attachment 1 – Staff Report

Attachment 2 – February 20, 2008 Memorandum from Katharine D. Ichter

STAFF:

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

Katharine D. Ichter, Director, Department of Transportation

Eileen M. McLane, Zoning Administrator, DPZ

Lorrie Kirst, Deputy Zoning Administrator for Amendments, DPZ

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