

**FAIRFAX COUNTY
BOARD OF SUPERVISORS
AUGUST 4, 2008**

AGENDA

8:45 **Ribbon Cutting for the Herrity Building Green Roof**

9:30 **Done** Presentations

10:00 **Referred report recommendations to the County Executive** Report from the Commission on the Future of the Arts in Fairfax County

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

ADMINISTRATIVE ITEMS

1 **Approved** Additional Time to Commence Construction for Special Exception SE 2002-PR-018, James D. Clark (Providence District)

2 **Approved** Authorization to Advertise a Public Hearing on a Proposal to Prohibit Through Truck Traffic on Randolph Drive as Part of the Residential Traffic Administration Program (Mason District)

3 **Approved** Approval of Consideration for Cut-Through Restrictions, as Part of the Residential Traffic Administration Program (Providence District)

4 **Approved** Extension of Review Periods for 2232 Review Applications (Hunter Mill, Lee, Providence, and Sully Districts)

5 **Approved** Authorization to Advertise a Public Hearing to Consider an Ordinance Amending County Code Relating to the Establishment of a Central Absentee Voter Precinct

6 **Approved** Authorization to Advertise a Public Hearing to Establish the Ashgrove Plantation Community Parking District (Providence District)

7 **Approved** Streets into the Secondary System (Dranesville District)

8 **Approved** Supplemental Appropriation Resolution AS 09015 to Accept a U.S. Department of Commerce Public Safety Interoperable Communications Sub-Grant Award from the Virginia Department of Emergency Management

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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 U.S. Department of Justice, Office of Community Policing Services for the I/LEADR Project |
| 10 | Approved | Authorization for the Fairfax County Police Department to Apply for and Accept Grant Funding from the U.S. Department of Justice, Office of Community Policing Services for the Child Sexual Predator Program |
| 11 | Approved | Supplemental Appropriation Resolution AS 09020 for the Department of Information Technology to Accept a U.S. Department of Commerce Public Safety Interoperable Communications Sub-Grant Award from the Virginia Department of Emergency Management |
| 12 | Approved | Authorization to Advertise a Public Hearing on the Power to Consider Petitions to Create Community Development Authorities |
| 13 | Approved w/amendment | Authorization to Advertise a Public Hearing to Amend the Current Appropriation Level in the FY 2009 Revised Budget Plan |
| 14 | Approved | Board Authorization to Distribute Information on the November Referendum on the Issuance of County General Obligation Bonds for Parks and Park Facilities |

ACTION ITEMS

- | | | |
|---|-----------------------------|---|
| 1 | Approved | Parking Reduction for 6315 Backlick Road in the Springfield Commercial Revitalization District (LeeDistrict) |
| 2 | Approved w/amendment | Parking Reduction for 7250 Commerce Street in the Springfield Commercial Revitalization District (Lee District) |
| 3 | Approved | Virginia Railway Express Issuance of Debt for New Railcars |

**FAIRFAX COUNTY
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**ACTION ITEMS
(continued)**

- | | | |
|----|-----------------------------|---|
| 4 | Approved | Adoption of an Emergency Uncodified Ordinance to Provide for a Per-Trip Taxicab Fuel Surcharge and Authorization to Advertise a Public Hearing on a Permanent Increase in Taxicab Fares and Other Revisions to the County Code Pertaining to Taxicab Regulations |
| 5 | Approved | Proposed Federal Capital Improvements Program - National Capital Region, Fiscal Years 2009 - 2014 |
| 6 | Approved | Request Issuance of Fairfax County Redevelopment and Housing Authority Bond Anticipation Notes to Provide the Second Year of Interim Financing for Wedgewood Apartments (Braddock District) |
| 7 | Approved w/amendment | Endorsement of Design Plans for the Rolling Road Widening Project from North of the Fairfax County Parkway to Old Keene Mill Road (Springfield District) |
| 8 | Approved | Approval of Conditions Necessary for Fairfax County to Apply for and Accept Five Federal Transit Administration Grants for the Richmond Highway Public Transportation Initiative and One Grant for the Springfield Central Business District Park-and-Ride Lot (Lee and Mount Vernon Districts) |
| 9 | Approved | Approval of a Supplemental Project Agreement and Funding for the Widening of Spring Hill Road from Route 7 to International Drive (Hunter Mill and Providence Districts) |
| 10 | Approved | Approval of FY 2008 Year-End Processing |
| 11 | Approved | Authorization for Letter of Request to the Virginia Department of Game & Inland Fisheries to Permit the Use of Bait Under Chapter 17, Section 29.1-529 ¶ G of the <i>Code of Virginia</i> |
| 12 | Approved w/amendment | Approval of Criteria for the Purchase of Foreclosed Homes by the Fairfax County Redevelopment and Housing Authority and Proposed Support for Non-Profit Involvement in the Foreclosure Initiative |

**FAIRFAX COUNTY
BOARD OF SUPERVISORS
AUGUST 4, 2008**

INFORMATION ITEMS

- | | | |
|-------|--------------|---|
| 1 | Noted | Contract Award – Contract Amendment for Full Architectural/Engineering Design Services for Newington DVS Maintenance Facility (Mount Vernon District) |
| 2 | Noted | Contract Award – Sewer Capacity Improvements at Fenwick Road and Essex Avenue (Providence and Lee Districts) |
| 3 | Noted | Contract Award - Stryker Avenue Sanitary Sewer Extension and Improvement (Hunter Mill District) |
| 4 | Noted | Contract Awards and Approval of Street Acceptance Items During Board of Supervisors' Recess |
| 5 | Noted | Planning Commission Action on 2232-M08-4, Fairfax County Park Authority (Mason District) |
| 10:45 | Done | Matters Presented by Board Members |
| 11:35 | Done | Closed Session |

PUBLIC HEARINGS

- | | | |
|------|---|---|
| 3:30 | Approved | Public Hearing on RZ 2007-SU-014 (Bo Hwan Suk, Sun Ok Suk & Fairfax County Park Authority) (Sully District) |
| 3:30 | Approved | Public Hearing on PCA 74-2-150 (Fairfax County Park Authority) (Sully District) |
| 3:30 | Approved | Public Hearing on DPA B-846-03 (Reston Square Hotel LLC) (Hunter Mill District) |
| 3:30 | Approved | Public Hearing on SE 2008-MA-008 (Radley Automobiles, Incorporated) (Mason District) |
| 3:30 | Approved | Public Hearing on RZ 2007-HM-008 (Philip And Melinda R. Pon) (Hunter Mill District) |
| 3:30 | Public hearing deferred to 9/8/08 at 3:30 p.m. | Public Hearing on RZ 2006-PR-013 (Washington Property Company, LLC) (Providence District) |
| 3:30 | Public hearing deferred to 9/8/08 at 3:30 p.m. | Public Hearing on SE 2006-PR-005 (Washington Property Company, LLC) (Providence District) |

**FAIRFAX COUNTY
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**PUBLIC HEARINGS
(continued)**

4:00	Public hearing deferred to 9/22/08 at 4:00 p.m.	Public Hearing on Proposed Amendments to the Map of Chesapeake Bay Preservation Areas, Chapter 118 (Chesapeake Bay Preservation Ordinance) of The Code of the County of Fairfax, Virginia, Re: Resource Protection Area Boundaries on Map Pages No. 47-2 (Providence District) and 110-1 (Mount Vernon District)
4:00	Approved	Public Hearing on a Proposal to Abandon a Segment of Hooes Road (Lee District)
4:00	Public hearing held	Public Hearing on Proposed FY 2010 Transportation Enhancement Program Projects
5:00	Done	Public Comment from Fairfax County Citizens and Businesses on Issues of Concern



Fairfax County, Virginia
BOARD OF SUPERVISORS
AGENDA

Monday
August 4, 2008

9:30 a.m.

PRESENTATIONS

1. CERTIFICATE – To recognize the Department of Public Works and Environmental Services for receiving a Platinum Peak Award from the National Association of Clean Water Agencies. Requested by Supervisor Hyland.
2. CERTIFICATE – To recognize Vy Nguyen for her work on the Asian-American History Project Task Force and the development of a Fairfax County Vietnamese-American History Project Web site. Requested by Supervisor Bulova.
3. CERTIFICATE – To recognize Michael Rierson for his years of service with the Fairfax County Park Authority. Requested by Supervisor Frey.
4. CERTIFICATE – To recognize Ifty Khan for his years of service to Fairfax County. Requested by Supervisor McKay.
5. CERTIFICATE – To recognize the individuals and conservation groups associated with the effort to replant indigenous plants from the areas impacted by the HOT Lanes project. Requested by Chairman Connolly and Supervisor Smyth.
6. CERTIFICATE – To recognize Judith Rosen, founding director of the Office for Children, for her years of service to Fairfax County. Requested by Chairman Connolly.

STAFF:

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

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10:00 a.m.

Report from the Commission on the Future of the Arts in Fairfax County

ENCLOSED DOCUMENTS:

Separate from package

PRESENTED BY:

Dr. Alan Merten, Chairman of the Commission and President of George Mason University

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10:15 a.m.

Items Presented by the County Executive

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ADMINISTRATIVE - 1

Additional Time to Commence Construction for Special Exception SE 2002-PR-018, James D. Clark (Providence District)

ISSUE:

Board consideration of additional time to commence construction for SE 2002-PR-018, pursuant to the provisions of Section 9-015 of the Zoning Ordinance.

RECOMMENDATION:

The County Executive recommends that the Board approve twelve months additional time for SE 2002-PR-018 to April 28, 2009.

TIMING:

Routine.

BACKGROUND:

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

On October 28, 2002, the Board of Supervisors approved Special Exception SE 2002-PR-018, subject to development conditions. The special exception application was filed in the name of Jefferson Investment Group, Inc., to permit a drive-in bank, pursuant to Section 4-104 of the Fairfax County Zoning Ordinance, on the property located at Tax Map 39-2 ((1)) 18 (Attachment 1). On October 28, 2002, the Board of Supervisors also concurrently approved RZ 2001-PR-053, rezoning the property from R-1 to C-2, subject to proffers. The development conditions for SE 2002-PR-018 and proffers for RZ 2001-PR-053 are included as part of the Clerk to the Board's letters in Attachment 2. Pursuant to the development conditions, the Special Exception would expire, without notice, thirty months after the date of the approval, unless construction has commenced and been diligently prosecuted or the Board grants additional time.

On July 11, 2005, the Board of Supervisors approved twenty-four months additional time to commence construction to April 28, 2007. A copy of the Clerk to the Board's letter stating

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the Board's approval of additional time is contained in Attachment 3. On April 30, 2007, the Board of Supervisors approved twelve months additional time to commence construction to April 28, 2008. A copy of the Clerk to the Board's letter stating the Board's approval of additional time is contained in Attachment 4.

On April 22, 2008, the Department of Planning and Zoning (DPZ) received a letter dated April 22, 2008, from James D. Clark, requesting twenty-four months additional time to commence construction for the approved drive-in bank (Attachment 5). Previously, the property had been the subject of litigation between the applicant and a prior contract purchaser who failed to meet the terms of the sale agreement and had also failed to turn over plans and studies for the project to the owners. The issue was the subject of litigation in the Fairfax County Circuit Court (Case No. CL-2005-0000799), which was concluded in mid-2006. The owners received a favorable settlement, and subsequently put the property up for sale again. According to a follow up letter of June 3, 2008 (Attachment 5), the property is now under contract for purchase, and the applicant is therefore prepared to move forward with plans for development of the proposed bank.

Staff has reviewed Special Exception SE 2002-PR-018 and has established that, as approved, it is still in conformance with all applicable provisions of the Fairfax County Zoning Ordinance to permit construction of a drive-in bank in the C-2 District. Further, staff knows of no change in land use circumstances that affect the compliance of SE 2002-PR-018 with the special exception standards applicable to this use and which would cause the filing of a new special exception application and review through the public hearing process to be necessary. The Comprehensive Plan recommendation for this site has not changed since the SE was approved. The conditions associated with the Board's approval of SE 2002-PR-018 are still appropriate. Staff recommends that twelve months of additional time be approved to obtain the appropriate development approvals and commence construction.

FISCAL IMPACT:
None.

ENCLOSED DOCUMENTS:

Attachment 1: Locator Map and SE Plat

Attachment 2: Letters dated November 20, 2002, to Robert A. Young, from Nancy Vehrs, Clerk to the Board of Supervisors.

Attachment 3: Letter dated July 14, 2005, to James D. Clark, Trustee, from Nancy Vehrs, Clerk to the Board of Supervisors

Attachment 4: Letter dated April 30, 2007, to James D. Clark, Trustee, from Nancy Vehrs, Clerk to the Board of Supervisors

Attachment 5: Letters dated April 22, 2008 and June 3, 2008, from James D. Clark, to Eileen M. McLane, Zoning Administrator, Department of Planning and Zoning,

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STAFF:

Robert A. Stalzer, Deputy County Executive

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

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

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

Fred Selden, Director, Planning Division, DPZ

Cathy Belgin, Senior Staff Coordinator, ZED, DPZ

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ADMINISTRATIVE – 2

Authorization to Advertise a Public Hearing on a Proposal to Prohibit Through Truck Traffic on Randolph Drive as Part of the Residential Traffic Administration Program (Mason District)

ISSUE:

Board authorization to advertise a public hearing to be held on Monday, September 8, 2008, 4:00 p.m., for the purpose of endorsing the following road to be included in the Residential Traffic Administration Program (RTAP) for a through truck traffic restriction:

- Randolph Drive between Little River Turnpike and Braddock Road

RECOMMENDATION:

The County Executive recommends the Board authorize advertisement of a public hearing for the purpose of endorsing Randolph Drive, Between Little River Turnpike and Braddock Road, to be included in the RTAP for a through truck traffic restriction.

TIMING:

The Board should take action on August 4, 2008, to provide sufficient time for advertisement of the proposed public hearing scheduled for September 8, 2008, 4:00 p.m. (Attachment I).

BACKGROUND:

In a memorandum dated June 12, 2008, Supervisor Gross requested staff to work with the Virginia Department of Transportation (VDOT) to implement through truck traffic restrictions on Randolph Drive due to continuing safety concerns of residents regarding through trucks utilizing Randolph Drive as a shortcut between Little River Turnpike and Braddock Road. The increased truck traffic has exacerbated concerns for pedestrian safety for the neighborhood residents and students from Thomas Jefferson High School for Science and Technology. A possible alternate route is via Little River Turnpike to Braddock Road, from the intersection of Little River Turnpike and Randolph Drive to the intersection of Braddock Road and Randolph Drive (Attachment III).

Section 46.2-809, of the *Code of Virginia* requires a local jurisdiction to hold a duly advertised public hearing on any proposal to restrict through truck traffic on a primary or secondary road. Further, a resolution pertaining to prohibiting through truck traffic on

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these roads (Attachment II) has been prepared for adoption and transmittal to VDOT, which will conduct the formal engineering study of the through truck restriction request.

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

Attachment I: Notice of Public Hearing for Randolph Drive

Attachment II: Proposed Resolution to Restrict Through Truck Traffic on Randolph Drive

Attachment III: Area Map of Proposed Through Truck Traffic Restriction

STAFF:

Robert A. Stalzer, Deputy County Executive

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

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

William P. Harrell, Transportation Planner, (FCDOT)

Steven K. Knudsen, Transportation Planner, (FCDOT)

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ADMINISTRATIVE – 3

Approval of Consideration for Cut-Through Restrictions, as Part of the Residential Traffic Administration Program (Providence District)

ISSUE:

Board endorsement of the following street to be considered for cut-through measures, as part of the Residential Traffic Administration Program (RTAP):

- Sutton Road between Courthouse Road and Marywood Road

RECOMMENDATION:

The County Executive recommends that the Board approves a resolution (Attachments I-II) for consideration of a cut-through traffic restriction on:

- Sutton Road (Providence District)

TIMING:

Board action is requested on August 8, 2008.

BACKGROUND:

Cut-through employs the use of access restrictions (turn prohibitions, etc.) and/or physical devices such as speed humps, speed tables, raised pedestrian crosswalks, chokers, median islands, or traffic circles, to reduce the volume of traffic on a residential street. Multi-way stops may be employed for regulatory control of traffic. Due to the fact that Sutton Road is a collector street, no access restrictions are being considered, but only traffic calming type measures. Therefore an alternate route has not been identified. If the cut-through resolution is approved, a task force will be formed to recommend and formally adopt a cut-through plan, which will then be presented at a future public hearing before the Board of Supervisors.

FISCAL IMPACT:

None.

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ENCLOSED DOCUMENTS:

Attachment I: Cut-Through Traffic Restriction Resolution

Attachment II: Primary Use Area Map – Sutton Road

STAFF:

Robert A. Stalzer, Deputy County Executive

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

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

William P. Harrell, Transportation Planner, (FCDOT)

Steven K. Knudsen, Transportation Planner, (FCDOT)

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ADMINISTRATIVE – 4

Extension of Review Periods for 2232 Review Applications (Hunter Mill, Lee, Providence, and Sully Districts)

ISSUE:

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

RECOMMENDATION:

The County Executive recommends that the Board extend the review periods for the following applications: applications FS-L08-30 and FS-L08-31 to October 27, 2008; applications FS-Y08-32 and FS-L08-33 to November 1, 2008; and applications 2232-P08-10, 2232-P08-11, 2232-MD08-12, 2232-MD08-13, 2232-H08-14, and FS-Y08-36 to December 8, 2008.

TIMING:

Board action is required on August 4, 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-P08-10, 2232-P08-11, 2232-MD08-12, 2232-MD08-13, 2232-H08-14, and FS-Y08-36, which were accepted for review by the Department of Planning and Zoning (DPZ) between June 10, 2008, and July 2, 2008. These applications are for public facilities, and thus are not subject to the State Code provision for extending their review periods by no more than sixty additional days.

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The Board also should extend the review periods for applications FS-L08-30, FS-L08-31, FS-Y08-32, and FS-L08-33, which were accepted for review by DPZ between May 30, 2008, and June 4, 2008. These applications are for telecommunications facilities, and thus are subject to the State Code provision that the Board may extend the time required for the Planning Commission to act on these applications by no more than sixty additional days.

- | | |
|--------------|--|
| 2232-P08-10 | Metropolitan Washington Airports Authority
Tysons East Station (Metrorail)
Dolley Madison Boulevard / Old Meadow Road
Providence District |
| 2232-P08-11 | Metropolitan Washington Airports Authority
Tysons Central 123 Station (Metrorail)
Chain Bridge Road / Tysons Boulevard
Providence District |
| 2232-MD08-12 | Metropolitan Washington Airports Authority
Tysons Central 7 Station (Metrorail)
Leesburg Pike / Chain Bridge Road
Hunter Mill and Providence Districts |
| 2232-MD08-13 | Metropolitan Washington Airports Authority
Tysons West Station (Metrorail)
Leesburg Pike / Spring Hill Road
Hunter Mill and Providence Districts |
| 2232-H08-14 | Metropolitan Washington Airports Authority
Wiehle Avenue Station (Metrorail)
Dulles International Airport Access Highway / Wiehle Avenue
Hunter Mill District |
| FS-L08-30 | AT&T Mobility Corporation
Antenna colocation on existing monopole
7936 Telegraph Road (Kingstowne Fire Station)
Lee District |
| FS-L08-31 | AT&T Mobility Corporation
Antenna colocation on existing monopole
6601 Telegraph Road (Lee District Park)
Lee District |
| FS-Y08-32 | AT&T Mobility Corporation
Antenna colocation on existing electrical transmission pole |

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13630 Bellerose Drive
Sully District

FS-L08-33 AT&T Mobility Corporation
Rooftop antennas
5971 Kingstowne Village Parkway
Lee District

FS-Y08-36 Fairfax County Dept. of Public Works and Environmental Services
Renovation / expansion of Fair Oaks Fire & Police Station
12300 Lee Jackson Memorial Highway
Sully 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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ADMINISTRATIVE - 5

Authorization to Advertise a Public Hearing to Consider an Ordinance Amending County Code Relating to the Establishment of a Central Absentee Voter Precinct

ISSUE:

Authorization to advertise a public hearing to consider an ordinance that proposes to amend and readopt (1) the title of Article 1 of Chapter 7 to make it consistent with Virginia Code, (2) Section 7.1.1 of Article 1 to provide for the establishment of a Central Absentee Voter Precinct for use in all elections that are held within Fairfax County including the town elections, (3) Section 7.1.2 to update the address of the Central Absentee Voter Precinct location and (4) Section 7.1.3 to designate the General Registrar as the election official who has the responsibility for ballot security.

RECOMMENDATION:

The County Executive recommends that the Board authorize advertisement of a public hearing on Monday, September 8, 2008, at 4:00 p.m. to consider this ordinance.

TIMING:

Board action is requested on August 4, 2008, to provide sufficient time to advertise the proposed public hearing for adoption of this ordinance on September 8, 2008, at 4:00 p.m. and to complete the federal preclearance process thereafter in advance of the 2009 election in the Town of Vienna.

BACKGROUND:

Virginia Code permits the governing body of each county and city to establish by ordinance one or more central absentee precincts for the purpose of receiving, counting and recording absentee ballots. The Code further requires the governing body to state in its ordinance the location of the central absentee precinct and the elections for which a central absentee precinct shall be used.

The Office of Elections requests that the Board of Supervisors create a Central Absentee Voting Precinct (CAP) for the towns of Clifton, Herndon, and Vienna, when town elections are held. This action was requested by the Fairfax County Electoral Board which administers elections for the three towns. Creating a CAP will speed up the processing of absentee votes without impacting any other aspect of town elections.

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Historically, both in-person and by-mail absentee voters in town elections cast their votes on paper ballot. These paper absentee ballots were delivered to the town precincts, counted by the town officers of election and added to their precinct results after the polls closed.

In 2007, however, the General Assembly passed legislation requiring the use of at least one accessible voting device at each polling place which also includes the polling place used for in-person absentee voting in the Office of Elections. For the May 2008 town elections, the Office of Elections was required to provide one touch screen machine for in-person absentee voting for each of the three towns. These absentee machines along with the mailed-in paper absentee ballots were delivered to each of the town precincts on Election Day. After the polls closed, the town officers of election had to tally the absentee paper ballots and the absentee machine and then add these results to their precinct totals. This process added both extra time and complexity for the town officers of election to ascertain their election results.

After hearing concerns about this process from many jurisdictions and towns around the commonwealth, the State Board of Elections recommended to the local electoral boards that they ask their governing body to establish a CAP for their town elections. At their meeting on May 7, 2008, following this year's town elections, the Fairfax County Electoral Board voted to ask the Board of Supervisors to amend the county ordinance to provide for the establishment of a CAP for town elections. The proposed change will allow the towns' absentees to be counted at the Government Center and remove the necessity of delivering absentee machines and paper ballots to the town precincts on Election Day.

The Office of Elections believes that utilizing a CAP for the town elections will speed up the counting of the absentee ballots and simplify the polls closing process and the paperwork for the election officers serving in the town precincts. The CAP election officers will phone their results to the town election officers and the unofficial results will be announced in the town precincts and given to the town Public Information Officers, as always. Both time and money (gasoline) will be saved by phoning the absentee returns to the towns instead of physically transporting the absentee machines and ballots to the town precincts.

By memorandum from the General Registrar, the Mayors and Town Council Members of the Towns of Clifton, Herndon and Vienna were advised of this CAP proposal and the date and time of the public hearing.

Specifically, the following changes to County Code are requested:

(1) The title of Article 1 of Chapter 7 currently reads "Central Absentee Voter Election District." The proposed change is "Central Absentee Voter Precinct" which will make the title consistent with Va. Code Section 24.2-712.

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(2) Section 7.1.1 of Article 1 currently establishes a Central Absentee Precinct (CAP) for use in all Countywide elections and in those elections where “more than two polling places” are used to conduct any election.

(3) Section 7.1.2 currently designates the location for a CAP as the “offices of the General Registrar and the Electoral Board in the Fairfax County Government Center at 12000 Government Center Parkway, Suite 323, Fairfax, Virginia.” The proposed change would delete the reference to a specific office and suite in the Government Center. The proposed change will permit the CAP to operate in one or more of the Government Center’s conference rooms when the extra space is needed for counting absentees during the high-turnout elections.

(4) Section 7.1.3 currently designates the Secretary of the Electoral Board as the official responsible for the security and the accounting of the unvoted and voted ballots. Since the General Registrar is the designated Agency Head for the Office of Elections and since the Secretary of the Electoral Board is no longer a fulltime position within the County workforce, the proposed change would replace the references to the “Secretary of the Electoral Board” with “General Registrar.”

FISCAL IMPACT:

None. Although the cost of town elections is paid for by the towns, this change is not expected to increase their costs.

ENCLOSED DOCUMENTS:

Attachment 1 - Virginia Code Pertaining to Town Elections, Accessible Voting Devices and a Central Absentee Voter Precinct
Attachment 2 - Proposed Ordinance
Attachment 3 - Draft Advertisement

STAFF:

Rokey W. Suleman II, General Registrar
Michael Long, Senior Assistant County Attorney

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ADMINISTRATIVE – 6

Authorization to Advertise a Public Hearing to Establish the Ashgrove Plantation
Community Parking District (Providence 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 Ashgrove Plantation Community Parking District (CPD).

RECOMMENDATION:

The County Executive recommends that the Board authorize advertisement of a public hearing for September 8, 2008, at 4:00 p.m. (Attachment III) to consider adoption of a Fairfax County Code amendment (Attachment I) to establish the Ashgrove Plantation CPD in accordance with current CPD restrictions.

TIMING:

The Board of Supervisors should take action on August 4, 2008, to provide sufficient time for advertisement of the public hearing on September 8, 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 Ashgrove Plantation 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 \$500 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 Ashgrove Plantation 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 – 7

Streets into the Secondary System (Dranesville District)

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>
Webb Property	Dranesville	Balls Hill Road Route 686 (Additional Right of Way Only)

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 - 8

Supplemental Appropriation Resolution AS 09015 to Accept a U.S. Department of Commerce Public Safety Interoperable Communications Sub-Grant Award from the Virginia Department of Emergency Management

ISSUE:

Board approval of Supplemental Appropriation Resolution AS 09015 for the Fire and Rescue Department (FRD) to accept a grant in the amount of \$400,000 from Virginia Department of Emergency Management (VDEM) serving as the State Administrative Agency for the U.S. Department of Commerce, to enhance the Virginia Strategic Communications Cache. The grant performance period is retroactive from April 2008 through March 2010. The 20 percent Local Cash Match requirement will be met through in-kind contributions.

RECOMMENDATION:

The County Executive recommends that the Board approve Supplemental Appropriation Resolution AS 09015 for FRD to accept the FY 2007 Public Safety Interoperable Communications Grant Program award in the amount of \$400,000.

TIMING:

Board action is requested on August 4, 2008.

BACKGROUND:

The National Telecommunications and Information Administration (NTIA), in cooperation with the Federal Emergency Management Agency (FEMA), designed the Public Safety Interoperable Communications Grant Program (PSIC) to complement other federal interoperable communications grant programs. PSIC provides public safety agencies with the opportunity to achieve measurable improvements to public safety communications interoperability through the efficient use of telecommunications resources. One funding goal of the PSIC program is to pre-establish strategic technology reserves for immediate deployment to emergency events.

In response to the need to establish multiple coordinated, identically equipped, and locally staffed radio caches throughout the state, the Office of Commonwealth Preparedness (OCP) allocated \$5 million of the FY 2006 State Homeland Security funds to establish three regional caches. Fairfax County was awarded \$1.9 million to establish a Type II strategic radio cache serving both Region VII (Northern Virginia) and Region II (located to the southwest of the Northern Virginia Region). Funds to establish two other regional caches

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were awarded to the City of Chesapeake and Rockingham County. Fairfax funding was used to purchase equipment to establish the cache, including a mobile antenna tower with repeaters tuned to national interoperability channels, a cache of 350 portable radios capable of communicating on all public safety frequencies, tactical portable gateways, repeaters to connect disparate radio systems, support supplies, a trailer and tow vehicle to transport equipment. Personnel and administrative costs for build-out and staff training were included. This project has provided Fairfax County, the region, and the Commonwealth with a highly flexible asset to enhance tactical interoperable communications.

The PSIC project will provide funding to upgrade and expand interoperability capability through the purchase of additional communications equipment and continued support for operations and maintenance.

There are several benefits that support maintenance and enhancement of this resource for the region:

Increased Capacity – The cache compensates for the lack of VHF and UHF communications resources within our region. National Interoperability Channels within those bands provide additional capability during a catastrophic event.

Increased Flexibility – The regional cache will avoid communications challenges local responders experienced during deployments to the Gulf Coast for Hurricane Katrina. The cache's response area is expanded beyond the National Capital Region. It provides full support to the region's Incident Management Team, provides support to other established regional resources for out-of-area deployments.

Increased Participation – Although the current NCR Radio Cache team is comprised of Fairfax City Fire, Fairfax County Fire, and Fairfax County Sheriff members, the strategic statewide cache allows a broader regional and multi-discipline presence. The combined force team and additional shared training opportunities generate more participation from the Northern Virginia Region and beyond.

FISCAL IMPACT:

The FY 2007 Public Safety Interoperable Communications Grant Program award will support the upgrade and expansion of interoperability capability through the purchase of additional communications equipment and continued support for operations and maintenance. The 20 percent Local Cash Match requirement will be met with in-kind contributions consistent with the Code of Federal Regulations, 15 C.F.R. 24.3, 24.24. Acceptance of the funding will not increase the expenditure level in Fund 102, Federal/State Grant Fund, as funds are held in reserve for unanticipated grant awards. Included in the award is funding to cover management and administrative costs.

CREATION OF NEW POSITIONS:

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No new positions will be created by this grant.

ENCLOSED DOCUMENTS:

Attachment 1: Commonwealth of Virginia, Department of Emergency Management Award letter

Attachment 2: Supplemental Appropriation Resolution AS 09015

STAFF:

Robert A. Stalzer, Deputy County Executive

Ronald L. Mastin, Fire Chief

David L. Rohr, Assistant Fire Chief

Daryl L. Louder, Assistant Fire Chief

John J. Caussin, Assistant Fire Chief

Cathi Schultz Rinehart, Grants Coordinator, Fire and Rescue Department

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ADMINISTRATIVE - 9

Authorization for the Fairfax County Police Department to Apply for and Accept Grant Funding from the U.S. Department of Justice, Office of Community Policing Services for the I/LEADR Project

ISSUE:

Board approval for the Fairfax County Police Department to apply for and accept funding, if received, from the U.S. Department of Justice, Office of Community Oriented Policing Services (COPS) in the amount of \$266,200. Funding in the amount of \$266,200 will provide financial assistance for the Integrated Law Enforcement AFR, Dispatch, and RMS (I/LEADR) project through several technology equipment and training initiatives to include:

- CAD/RMS workstation equipment for the integrated system training needs;
- Law enforcement technology conferences and seminars during the next several years;
- Intranet server and storage for the new departmental intranet that enhances communications to remote locations including police cruisers; and
- High capacity color printers for each station and other facilities for the distribution of wanted posters, policing brochures, and community information packets.

No Local Cash Match or in-kind match will be required. The grant period for the FY 2008 grant award is approximately October 1, 2008 through September 30, 2011. 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 U.S. Department of Justice COPS Office. Funding in the amount of \$266,200 will be used by the Police Department for the I/LEADR project through the enhancement of technology needs and training. The project will be implemented in accordance with the grant program guidance documents.

TIMING:

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Because of a June 27, 2008 submission deadline, the application was submitted pending Board approval. If the Board does not approve this request, the application will be immediately withdrawn.

BACKGROUND:

The Fairfax County Police Department has a national reputation for utilizing technology to further its community policing activities. Currently the department is utilizing a records management system (RMS) that was developed over 20 years ago which runs on a mainframe computing platform. The mainframe RMS is limited in its ability to provide support to a modern police force in today's world. Among the problems is the inability to input data from a field location; edit data at the point of entry into the RMS; make timely corrections to reported data; share information with other agencies or jurisdictions; and deliver timely and accurate ad hoc reports to the agency leadership and the community.

The following four initiatives, which would be funded by the COPS Technology Grant, will allow the department to enhance its interaction with the community through technology:

- Additional CAD/RMS Mobile Computer Terminals (MCTs) to more efficiently train sworn officers and detectives on their new records management system (RMS) that will be implemented during calendar year 2009. This new RMS and its accompanying modules will allow for more accurate data capture and subsequent reporting to local, state, and federal entities. Proper training is an essential piece in implementing any new computer systems but these additional MCTs will allow the training to occur much closer to the actual implementation date thereby increasing the user's retention of the robust functionality of the system.
- Travel monies to attend law enforcement technology conferences in order to understand the direction of emerging technologies and their applicability for the department and the community. Also, these conferences highlight data standards and development methodologies which are becoming increasingly important in data sharing between local jurisdictions and the federal government.
- Robust server hardware that has the capacity to host the department's intranet system that will allow officers on the street to easily access the large volume of information that is currently given out at roll call meetings. Items that can be disseminated easily with an intranet include officer safety, legislative related matters, policy and procedures and online training.
- High capacity color printer replacements for the district stations and other specialty units that serve and interact with the community. This will facilitate a greater interaction between the police and the community by having the ability to quickly print and distribute visually appealing crime maps, community brochures and timely wanted posters.

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By pursuing these four initiatives the Police Department can be proactive in understanding and using technology and how it can help the larger community. These initiatives address the idea of being more informed and providing additional interaction with the community.

A professional project team consisting of Police Department and County employees are currently assigned to this project and will manage the grant program to include the processing of the acceptance of the grant award, coordination of the procurement items allowed under the requirements of the grant, all while complying with all Department of Justice reporting requirements.

FISCAL IMPACT:

Grant funding in the amount of \$266,200 has been requested from the U.S. Department of Justice COPS Office technology grant. These funds will be used to enhance the capability and capacity of the department's information technology base. 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 unanticipated grant awards in FY 2009. This grant does not allow the recovery of indirect costs.

CREATION OF NEW POSITIONS:

No positions will be created through this grant award.

ENCLOSED DOCUMENTS:

Attachment 1 – Excerpts of the Grant Application

STAFF:

Robert A. Stalzer, Deputy County Executive
Colonel David M. Rohrer, Chief of Police
Robert M. Ross, Assistant County Attorney

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ADMINISTRATIVE – 10

Authorization for the Fairfax County Police Department to Apply for and Accept Grant Funding from the U.S. Department of Justice, Office of Community Policing Services for the Child Sexual Predator Program

ISSUE:

Board approval for the Fairfax County Police Department to apply for and accept funding, if received, from the U.S. Department of Justice, Office of Community Oriented Policing Services (COPS) in the amount of \$578,000, including \$78,000 in Local Cash Match, for the Child Sexual Predator Program (CSPP). Grant funding in the amount of \$578,000 will provide financial assistance to re-establish two detective positions in the Protecting Children Against Sexual Offenders (P'CASO) unit through September 30, 2010. The cost for the two new positions over a two-year period, along with P'CASO overtime and training expenses will be \$578,000.

The grant period is approximately October 1, 2008 through September 30, 2010. 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 U.S. Department of Justice COPS Office in the amount of \$578,000, including \$78,000 in Local Cash Match, to be used by the Police Department for P'CASO to provide for the re-establishment of 2/2.0 SYE grant positions, overtime and training.

TIMING:

Because of a July 11, 2008 submission deadline, the application was submitted pending Board approval. If the Board does not approve this request, the application will be immediately withdrawn.

BACKGROUND:

P'CASO positions had previously been funded through ChildSafeNet by a grant from the U.S. Department of Justice, Office of Juvenile Justice and Delinquency Programs under the FY 2005 and 2006 Earmarks - Office of Juvenile Justice and Delinquency Demonstration Programs Division. The establishment of the detective positions has proven to be an excellent decision in serving and protecting children in Fairfax County.

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The team of specially trained detectives has had a positive impact on making the community safer. The unit has proactively monitored the compliance of sex offenders with the terms of their release. Registry laws have been aggressively enforced to apprehend those in violation.

Federal grant funding for the six P'CASO detectives ceased as of FY 08. Recognizing the value of the program in serving and protecting children in the county, the Board of Supervisors, as part of the FY 09 adopted budget, voted to use county General Fund dollars to fund the continuation of four of the detective positions.

Currently, the Fairfax County Police Department maintains electronic investigative intelligence files on 501 known sex offenders with connections to Fairfax County. This file is significantly more accurate and up to date compared to the Virginia State Police Sex Offender Registry, is available to all Fairfax County Police Officers and Detectives, and is coordinated with other county agencies upon request.

With the award of the grant, this program will continue to advance the goals of ChildSafeNet, which focuses on reducing the likelihood that children in Fairfax County will become victims of sexual predators. The goals remain:

1. To provide comprehensive criminal investigations of child exploitation, utilizing the Internet, to include the solicitation of children for sex and the distribution of child pornography.
2. To reduce the safety risk posed by sex offenders released back into the community, especially to children, through proactive, aggressive monitoring and enforcement of the terms of their release, and of the requirements to register as convicted sex offenders with the Virginia State Police.
3. Utilizing community education and awareness campaigns, raise the public's consciousness of the risks these issues pose to children, empower parents to help prevent their child from becoming a victim and, to access help if they suspect their child is being or has been exploited.

FISCAL IMPACT:

Grant funding in the amount of \$500,000 has been requested from the U.S. Department of Justice COPS Office Child Sexual Predator Program. These funds will be used to re-establish 2/2.0 SYE grant positions, to include overtime and training funding through September 30, 2010. Sworn officer salary and fringe benefits costs apply to new, full-time entry-level sworn career law enforcement officers not already funded in the applicant's local budget. Under the grantor's guidelines, two experienced officers can be assigned to P'CASO and backfill the positions with newly hired grant-funded officers. Additionally, costs for overtime by P'CASO detectives can be reimbursed up to 50 percent of the grant

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award amount, along with training specific to the grant guidelines. Remaining personnel costs, plus all operating and capital equipment expenses, are required to be paid by local funds. In the first fiscal year, the budget impact to the County will be \$42,199. This represents personnel costs not covered by the Federal grant reimbursement, and some operating expenses.

Selected costs for hiring, training and supporting the two additional officers, along with overtime and training expenses for the P'CASO unit during the 24-month grant period will amount to \$578,000, and includes salaries, fringe benefits and some operating expenses. The breakdown, by fiscal year, is as follows:

First Fiscal Year: Total Expenditures of \$303,305
Expenditures of \$190,305 2/2.0 SYE officers
Overtime Expenditures of \$80,000 for Sexual Predator
Enforcement and Apprehension Detail (SPEAD) detectives
Training Costs of \$33,000 for SPEAD Detectives

Federal Share: \$261,106 (salaries and fringe benefits;
overtime; training costs)

County Share: \$42,199 (personnel costs not covered by
Federal share; operating expenses)

Second Fiscal Year: Total Expenditures of \$274,695
Expenditures of \$193,533 for continuing expenses for 2/2.0
SYE officers (including inflationary and salary increases)
Overtime Expenditures of \$81,162 for SPEAD detectives

Federal Share: \$238,894 (salaries and fringe benefits;
overtime)

County Share: \$35,801 (salaries and fringe benefits not
covered by Federal share; operating expenses)

This action does not increase the expenditure level of Fund 102, Federal/State Grant Fund, as funds are held in reserve for unanticipated grant awards in FY 2009. The Local Cash Match of \$78,000 is available from the unanticipated Local Cash Match Reserve in Fund 102, Federal/State Grant Fund. This grant does not allow the recovery of indirect costs.

CREATION OF POSITIONS:

Approval of this grant will provide for the establishment of 2/2.0 SYE grant positions. Funding for these positions and related operating expenses and capital equipment will

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amount to \$190,305 in Fiscal Year 1 and \$193,533 in Fiscal Year 2. The County has no obligation to continue funding these positions when the grant period ends.

ENCLOSED DOCUMENTS:

Attachment 1 – Excerpt of the Grant Application
Attachment 2 – Cost Summary of New Positions

STAFF:

Robert A. Stalzer, Deputy County Executive
David M. Rohrer, Chief of Police
Robert M. Ross, Assistant County Attorney

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ADMINISTRATIVE – 11

Supplemental Appropriation Resolution AS 09020 for the Department of Information Technology to Accept a U.S. Department of Commerce Public Safety Interoperable Communications Sub-Grant Award from the Virginia Department of Emergency Management

ISSUE:

Board approval of Supplemental Appropriation Resolution AS09020 in the amount of \$4,985,641 for the Department of Information Technology to accept funding from the Virginia Department of Emergency Management (VDEM) for the U.S. Department of Commerce 2007 Public Safety Interoperable Communications (PSIC) Grant award. These funds are made available by Commerce through VDEM who is serving as the State Administration Agent (SAA) for the Commonwealth of Virginia. Commerce has provided this financial assistance to enhance public safety interoperable communications with respect to voice, data, and/or video capabilities. The grant was approved to provide interoperability of Computer Aided Dispatch (CAD) data between Northern Virginia localities and interconnecting jurisdictional fiber I-Nets. Fairfax County has been selected by the Northern Virginia Region 7 jurisdictions as the Managing Jurisdiction for implementation. A 20 percent Local Cash Match or in-kind contribution match is required and is outlined in Attachment 1. The match is being fulfilled with County staff time, indirect costs, and a percentage of County IT assets that are part of the interoperable capability that is being established. Partner localities may also provide their contribution through staff time, and/or cash if the elect to. The grant period for the sub-grant award is retroactive from October 1, 2007 through March 31, 2010.

RECOMMENDATION:

The County Executive recommends that the Board approve Supplemental Appropriation Resolution AS09020 in the amount of \$4,985,641.

TIMING:

The Board of Supervisors approval is requested on August 4, 2008, as funding is available immediately.

BACKGROUND:

These funds support the establishment of data exchanges between the Computer-Aided Dispatch (CAD) systems in the Fire and Rescue/Emergency Medical Service/Public Safety Communications agencies in Fairfax County, Arlington and Alexandria, signatories of the Northern Virginia Emergency Services Mutual Response Memorandum of Agreement. These real-time interfaces supporting 24 x 7 mission critical emergency functions will improve mutual aid coordination, information and situational awareness, reduce dispatch times and improve incident response times and service to the community. Additionally, the funds will

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support the completion of the jurisdictionally owned fiber network (NCRnet) connections for Alexandria, Arlington, Loudoun, Manassas, Manassas Park, and Prince William County. All projects will be implemented in accordance with the PSCI grant guidelines and Council of Governments Chief Technology Officers adopted regional technology standards. All jurisdictional participants will contribute FTE time, services, or other funding to meet the required 20 percent in-kind match.

The 2007 Public Safety Interoperable Communications funds from the U.S. Department of Commerce are provided as financial assistance to the 56 States and Territories to enhance public safety interoperable communications with respect to voice, data, and/or video signals. A portion of the funds is also earmarked to establish and implement a strategic technology reserve (STR) to pre-position or secure interoperable communications in advance for immediate deployment in an emergency situation or major disaster. These funds, however, may not be used to supplant ongoing, activities, including operations and maintenance costs associated with salaries, benefits, and overtime for existing employees, sworn officers, grant writers and other staff who do not directly contribute to the implementation of the project.

FISCAL IMPACT:

Grant funding in the amount of \$4,985,641 is available in the Commerce PSIC grant funds through the Virginia Department of Emergency Management. These funds will be used to enhance capabilities in public safety interoperable communications. A 20 percent Local Cash Match or in-kind match is required and participating jurisdictions will contribute/track FTE time and service contributions to meet the requirement. Acceptance of the funding will not increase the expenditure level of Fund 102, Federal/State Grant Fund, as funds are held in reserve for unanticipated grant awards in FY 2009.

CREATION OF NEW POSITIONS:

No new positions will be created by this grant.

ENCLOSED DOCUMENTS:

Attachment 1 - Sample Concurrence Letter from Participating Jurisdictions

Attachment 2 - No VA PSIC Spend Plan

Attachment 3 - Commonwealth of Virginia, Department of Emergency Management Award letter

Attachment 4 - Supplemental Appropriation Resolution AS 09020

STAFF:

David J. Molchany, Deputy County Executive

Wanda Gibson, Director and Chief Technology Officer, Department of Information Technology

Lynn Hadden, Interoperability Architect, Department of Information Technology

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ADMINISTRATIVE - 12

Authorization to Advertise a Public Hearing on the Power to Consider Petitions to Create Community Development Authorities

ISSUE:

Board authorization of a public hearing on the adoption of an ordinance which would permit Fairfax County to assume the power to consider petitions for the creation of community development authorities.

RECOMMENDATION:

The County Executive recommends that the Board advertise the proposed ordinance.

TIMING:

Authorization to advertise this item on August 4, 2008, will permit the public hearing to be scheduled for September 8, 2008, at 4:30 p.m.

BACKGROUND:

On July 21, 2008, the Board adopted 16 Principles for Public Investment in Support of Commercial Redevelopment ("Principles") in order to provide policy guidance related to requests for public investment in designated redevelopment, revitalization and other strategic areas of the County.

The County has various funding methods available that can be used to assist commercial investment. One mechanism by which public investment may be requested is through the establishment of a Community Development Authority (CDA). A CDA is established by petition to the Board from a majority (51%) of land owners within a proposed area, and is governed by appointees of the Board of Supervisors. The 51% can be based on either land area or assessed value. A CDA can cover a variety of areas ranging from a single shopping mall to a mixed use development to a downtown redevelopment area. The land within a CDA may be owned by a single entity or by multiple owners. A CDA is a flexible tool that can be used to address a broad range of infrastructure needs, as well as services. It is funded by ad valorem special taxes or special assessments, as negotiated with the petitioners. No general fund or debt impact is intended, unless the CDA is coupled with tax increment financing.

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Prior to considering any petition for the creation of a CDA, Article 6 of Title 15.2 of the Code of Virginia requires that the County elect to assume the power to consider such petitions by adopting an ordinance to that effect. The relevant portion of Section 15.2-5152 states:

§ 15.2-5152. Localities may consider petitions for creation of authority.

C. Any county may by ordinance elect to assume the power to consider petitions for the creation of community development authorities in accordance with this article. A public hearing shall be held on such ordinance.

Once the County has elected to assume this power, it can receive requests for the establishment of a CDA. Evaluation of such requests will be based upon the Principles, and, as required by the Code of Virginia, shall be the subject of a separate public hearing.

FISCAL IMPACT:

Adoption of the ordinance will have no fiscal impact. However, any Community Development Authority established pursuant to this authority will have fiscal implications. Any such future requests will be the subject of separate Board actions.

ENCLOSED DOCUMENTS:

Attachment 1: Proposed Ordinance

STAFF:

Anthony H. Griffin, County Executive

Barbara A. Byron, Director, Office of Community Revitalization and Reinvestment

Leonard P. Wales, County Debt Manager, Department of Management and Budget

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ADMINISTRATIVE – 13

Authorization to Advertise a Public Hearing to Amend the Current Appropriation Level in the FY 2009 Revised Budget Plan

ISSUE:

Board approval of an advertisement to increase the FY 2009 appropriation level. The advertisement encompasses both the County and the Schools' *FY 2008 Carryover Reviews*. Section 15.2 – 2057 of the Code of Virginia requires that a public hearing be held prior to Board Action.

RECOMMENDATION:

The County Executive recommends that the Board authorize staff to publish the advertisement for a public hearing to be held on September 8, 2008, at 10:00 a.m.

TIMING:

Board action is requested on August 4, 2008.

BACKGROUND:

As the *FY 2008 Carryover Review* includes potential increases in appropriation greater than \$500,000, a public hearing is required prior to Board action. In addition, the Code of Virginia requires that a synopsis of proposed changes be included in the advertisement for a public hearing.

Details of the proposed changes shown in the advertisement are provided to the Board in the enclosed *FY 2008 Carryover Review* documents. As stated in the advertisement, copies of these documents will be made available for citizen review at governmental centers, libraries and the Government Center.

The School Board funding adjustments included in the advertisement is based upon the School Board's actions on July 24, 2008.

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ENCLOSED DOCUMENTS:

Attachment A: Proposed advertisement for public hearing

Attachment B: August 4, 2008 Memorandum to the Board of Supervisors from Anthony H. Griffin, County Executive, with attachments, transmitting the County's *FY 2008 Carryover Review* with appropriate resolutions

Attachment C: Fairfax County School Board's FY 2008 Final Budget Review and Appropriation Resolutions

STAFF:

Anthony H. Griffin, County Executive

Edward L. Long, Jr., Deputy County Executive

Susan Datta, Director, Department of Management and Budget

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ADMINISTRATIVE - 14

Board Authorization to Distribute Information on the November Referendum on the Issuance of County General Obligation Bonds for Parks and Park Facilities

ISSUE:

Board authorization of the preparation and printing of a “plain English” explanation for the referendum question to be submitted to County voters on whether the County government should be authorized to borrow a total of \$77 million for the Fairfax County Park Authority (\$65 million) and the Northern Virginia Regional Park Authority (\$12 million) for parks and park facilities.

RECOMMENDATION:

The County Executive recommends that the Board authorize the printing and distribution of the plain English explanation included within the Enclosed Documents.

TIMING:

Board action is requested on August 4, 2008, to provide time for the printing and distribution of this explanation before absentee voting begins on September 19, 2008.

BACKGROUND:

On June 2, 2008, the Board adopted a resolution asking the Fairfax County Circuit Court to order a special election on whether the County government should be authorized to issue bonds to provide for improved parks and park facilities. On June 6, 2008, Chief Judge Dennis J. Smith entered an order calling for that special election to be conducted in conjunction with the November general elections, as requested by the Board. The County has submitted its request for preclearance of the referenda as required by Section 5 of the federal Voting Rights Act of 1965, as amended, and that submission is under consideration by the U. S. Department of Justice.

Virginia Code § 24.2-687 permits the governing body of any county or city to provide for the preparation of an explanation of each referendum question, except for statewide referenda. Such explanations shall contain the ballot question and a neutral explanation of not more than 500 words. Each explanation shall be written in plain English, and it shall be prepared by the attorney for the county or city.

After coordination with affected County agencies, the County Attorney has prepared the enclosed explanation for the forthcoming referenda. Staff recommends that the Board

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authorize the printing and distribution of this explanation in sufficient numbers to make them available at County polling places for absentee voters beginning on September 19, 2008, and at all polling places during the conduct of these referenda on November 4, 2008.

FISCAL IMPACT:

Funding for the bond referendum public information campaign was approved at the Board's June 2, 2008, meeting, which included the production of a Plain English Statement. An appropriate adjustment will be made at a future quarterly review.

ENCLOSED DOCUMENTS:

Attachment 1 – Virginia Code § 24.2-687

Attachment 2 – Explanation of Parks and Park Facilities Bond Referendum

Attachment 3 – Order for a Special Election, CL 2008-7333 (entered June 6, 2008)

STAFF:

David P. Bobzien, County Attorney

Michael Long, Senior Assistant County Attorney

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ACTION - 1

Parking Reduction for 6315 Backlick Road in the Springfield Commercial Revitalization District (LeeDistrict)

ISSUE:

Board approval of approximately 9.89 percent reduction in required parking for 6315 Backlick Road (Tax Map Reference 80-4 ((6)) 3) in the Springfield Commercial Revitalization District (CRD), Lee District.

RECOMMENDATION:

The County Executive recommends that the Board approve a parking reduction of 9.89 percent for parcel 80-4 ((6)) 3 pursuant to Par. 3(A), Sect. A7-509, of the Zoning Ordinance on condition that:

1. A minimum of 82 parking spaces are maintained at all times.
2. All parking provided shall be in accordance with the applicable requirements of Article 11 of the Zoning Ordinance and the Fairfax County Public Facilities Manual (PFM), including the provisions referencing Americans with Disabilities Act ("ADA").
3. No parking spaces shall be restricted or reserved except for those required to meet the parking requirements of the ADA.
4. The current owners, their successors, or assigns of the parcels identified as Tax Map 80-4 ((6)) 3 shall submit a parking space utilization study for review and approval by the Board of Supervisors at any time in the future that the Zoning Administrator so requests. Following review of that study, or if a study is not submitted within 90 days after being requested, the Board may rescind this parking reduction or require alternative measures to satisfy parking needs, which may include requiring all uses to comply with the full parking space requirements as specified in Article 11 of the Zoning Ordinance.
5. The conditions of approval of this parking reduction set forth above shall run with the land and be recorded in the Fairfax County land records in a form acceptable to the County Attorney

TIMING:

Board action is requested on August 4, 2008.

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BACKGROUND:

The property is developed with a three-story building, constructed in 1962. The property is zoned C-8 and is not governed by proffered conditions or development conditions. The building contains 19,631 gross square feet of floor space which includes an office and retail uses (Bank of America, Allstate Insurance Services, Center for Autism, Alpha Tech, Party City) and vacant office space.

The property owner is seeking a parking reduction to lease a vacant portion of the building to the Board of Supervisors as the temporary relocation of the Richard Byrd library (7250 Commerce Street). A total of 91 parking spaces are required for the commercial uses in accordance with the Zoning Ordinance. However, 82 parking spaces are being provided on site due to site constraints of the size of the property.

The requested parking reduction, which equates to 9.89 percent is pursuant to Par. 3(A), Sect. A7-509 of the Zoning Ordinance, which provides that the Board may approve such a reduction in parking if it furthers the goals of the Commercial Revitalization District as set forth in the Comprehensive Plan.

A planning objective for the Springfield area is to promote the viability of community-serving uses and to integrate these uses through improved pedestrian and bicycle connections. The Fairfax County Comprehensive Plan, 2007 Edition, Area I, Franconia-Springfield Planning District, as amended through August 6, 2007 for the Springfield Community Business Center under Generalized Land Use Recommendations, p. 56 states:

“To implement the streetscape design, and allow development or redevelopment, provision should be made for additional sidewalks, pedestrian linkages, transit facilities and bike lanes.”

The perimeter sidewalks along Commerce Street and Backlick Road have already been improved through a streetscape improvement project, conducted by the Department Public Works and Environmental Services in August 2005. However, the property owner will make several improvements which will include resurfacing and restriping the parking lot to include pedestrian crosswalks from the perimeter sidewalks to the entrances of the building. Furthermore, the property owner will add metal bollards around a solitary telephone pole, located on the southern edge of the property, restripe the parking lot to include parallel parking along the same edge to better direct vehicles, and install wheel stops for the parking spaces, located at the eastern periphery of the property.

Based on these proposed improvements, the requested 9.89 percent parking reduction would support the Comprehensive Plan objective of maintaining the viability of community-serving, commercial uses and improved connectivity in the Springfield area.

Finally, it is important to note that while the lease is temporary, the parking reduction is permanent. However, the parking requirements in the Zoning Ordinance for libraries are

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higher than for a typical office use. Therefore, when the temporary relocation of the library has ended, the number of parking spaces provided would still meet the standards for an office use.

The recommended parking reduction reflects a coordinated review by the Department of Public Works and Environmental Services and the Department of Planning and Zoning.

ENCLOSED DOCUMENTS:

Attachment I: Proposed Parking Tabulation Revision

Attachment II: Proposed Site Plan

STAFF:

Robert A. Stalzer, Deputy County Executive

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

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

Marianne Gardner, Chief, Policy and Plan Development Branch, PD, DPZ

Meghan Van Dam, Planner III, PD, DPZ

Andrew G. Miller, Engineer III, CAP, Department of Public Works and Environmental Services (DPWES)

Richard B. Hayes, Code Analysis, DPWES

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ACTION – 2

Parking Reduction for 7250 Commerce Street in the Springfield Commercial Revitalization District (Lee District)

ISSUE:

Board approval of approximately 20 percent reduction in required parking for 7250 Commerce Street (Tax Map Reference 80-3 ((1)) 3C) in the Springfield Commercial Revitalization District (CRD), Lee District.

RECOMMENDATION:

The County Executive recommends that the Board approve a parking reduction of 20 percent for parcel 80-3 ((1)) 3C pursuant to Par. 3(A), Sect. A7-509, of the Zoning Ordinance on condition that:

1. A minimum of 100 parking spaces are maintained at all times.
2. All parking provided shall be in accordance with the applicable requirements of Article 11 of the Zoning Ordinance and the Fairfax County Public Facilities Manual (PFM), including the provisions referencing Americans with Disabilities Act (“ADA”).
3. No parking spaces shall be restricted or reserved except for those required to meet the parking requirements of the ADA.
4. The current owners, their successors, or assigns of the parcel identified as Tax Map 80-3 ((1)) 3C shall submit a parking space utilization study for review and approval by the Board of Supervisors at any time in the future that the Zoning Administrator so requests. Following review of that study, or if a study is not submitted within 90 days after being requested, the Board may rescind this parking reduction or require alternative measures to satisfy parking needs, which may include requiring all uses to comply with the full parking space requirements as specified in Article 11 of the Zoning Ordinance.
5. The conditions of approval of this parking reduction set forth above shall run with the land and be recorded in the Fairfax County land records in a form acceptable to the County Attorney.

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TIMING:

Board action is requested on August 4, 2008.

BACKGROUND:

The property is currently developed with the Richard Byrd Community Library constructed in 1965. The existing one-story library building is approximately 10,700 square feet in area. The property is zoned R-20 and is not governed by proffered conditions or development conditions. The proposed library expansion is approximately 7,200 square feet and total floor area of the existing and proposed library will be approximately 17,753 square feet. A 2232 application has been filed for the proposed library expansion and on June 25, 2008, the Planning Commission voted unanimously regarding the conformance of the library expansion with the recommendations of the Comprehensive Plan and considered the library as a "feature shown" pursuant to 15.2-2232 of the Code of Virginia, as amended.

The property owner is seeking a parking reduction to accommodate the additional parking required for the library expansion. A total of 125 parking spaces are required for the proposed library in accordance with the Zoning Ordinance. However, 100 parking spaces are being provided on site due to site constraints concerning the size of the property.

The requested parking reduction, which equates to 20 percent, is pursuant to Par. 3(A), Sect. A7-509 of the Zoning Ordinance, which provides that the Board may approve such a reduction in parking if it furthers the goals of the Commercial Revitalization District as set forth in the Comprehensive Plan.

A planning objective for the Springfield area is to promote the viability of community-serving uses and to integrate these uses through improved pedestrian and bicycle connections.

The Fairfax County Comprehensive Plan, 2007 Edition, Area I, Franconia-Springfield Planning District, as amended through August 6, 2007, for the Springfield Community Business Center lists the following recommendations:

Urban Design and Streetscape Guidelines, p. 54 and 55:

Parking

- Surface parking or structured parking should be attractively integrated with major pedestrian networks and accessible from side streets or exterior passageways between buildings;
- Provide space for trees in parking lots

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The proposal includes renovations to the existing parking lot to integrate it with the proposed pedestrian networks. The existing secondary entrance to the parking from Monticello Boulevard will be closed to prevent “cut-through” traffic and increase the safety for the patrons of the library. A pedestrian crosswalk striping will be added between the ADA parking spaces and the ADA ramp near the building entrance. Bicycle racks will be provided at the entrance of the library building according to the requirements of the Department of Transportation.

Several new plantings and replacements are proposed along the periphery of the parking lot according to the recommendations of the Urban Forest Management Division. The existing damaged trees will be replaced. Adequate number of planting islands have been provided in the interior of the parking lot for trees.

Streetscape

- Public spaces and amenities should directly access mass transit and the pedestrian network. Pedestrian connections to adjacent blocks are encouraged

There is a transit stop within 1/4th mile of the library that will be connected by the proposed pedestrian networks. The proposed pedestrian networks will also provide connections to the adjacent residential properties.

General Land Use Recommendations, p.56:

- To implement the streetscape design, and allow development or redevelopment, provision should be made for additional sidewalks, pedestrian linkages, transit facilities and bike lanes.

The perimeter sidewalks along Commerce Street and Backlick Road have already been improved through a streetscape improvement project conducted by the Department Public Works and Environmental Services in August 2005. In addition, an eight-foot trail will be provided along Commerce Street for conformance with the Countywide Trails Plan. A five-foot Reservation of the Right-of-Way will be provided for on-road bike routes and other future right-of-way improvements along Commerce Drive according to the requirements of the Department of Transportation, the Department of Planning and Zoning and the County Attorney’s office. An existing four-foot sidewalk along Monticello Boulevard will be maintained and a four-foot sidewalk will also be provided for consistency at the location where the existing entrance on Monticello Boulevard will be removed.

The proposed pedestrian connections will increase pedestrian and transit accessibility to the library and the proposed improvements will enhance vehicular and pedestrian safety. Therefore, the requested 20 percent parking reduction would support the

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Comprehensive Plan objective of maintaining the viability of community-serving, public uses and improved connectivity in the Springfield area.

The recommended parking reduction reflects a coordinated review by the Department of Public Works and Environmental Services and the Department of Planning and Zoning.

ENCLOSED DOCUMENTS:

Attachment I: Proposed Parking Tabulation Revision

Attachment II: Proposed Site Plan

Attachment III: Proposed Landscape Plan

STAFF:

Robert A. Stalzer, Deputy County Executive

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Richard B. Hayes, Code Analysis, DPWES

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ACTION – 3

Virginia Railway Express Issuance of Debt for New Railcars

ISSUE:

Board approval for the Virginia Railway Express (VRE) to purchase ten new railcars and incur debt to finance the costs of this purchase in accordance with the terms of VRE's Master Agreement.

RECOMMENDATION:

The County Executive recommends that the Board:

1. Approve VRE's purchase of ten new bi-level railcars from the Sumitomo Corporation of America.
2. Approve incurring debt to partially finance the ten railcars, according to VRE's Master Agreement which requires the consent of all participating and contributing jurisdictions before any additional debt can be assumed.
3. Approve defeasing (put funds aside to service the remaining debt) on the outstanding Series 1997 bonds used to finance the Kawasaki railcars being sold to the Maryland Transit Administration to pay a portion of the cost of the new railcars. (The financial details of the transactions are provided in Attachment I).
4. Approve, in substantial form, the resolution authorizing issuance of debt for VRE equipment (Attachment II).

TIMING:

Board approval is requested on August 4, 2008, because the Notice to Proceed (NTP) for the purchase agreement between VRE and Sumitomo for the ten railcars must be issued no later than September 26, 2008, with VRE making its best effort to issue a NTP by August 31, 2008, under the terms of Sumitomo's response to the Request For Proposals (RFP).

BACKGROUND:

In March 2008, the VRE Operations Board authorized the Chief Executive Officer to pursue the sale of 13 Kawasaki railcars and issue an RFP for the purchase of ten new Gallery cars to replace the Kawasaki cars, if a financially attractive sales agreement was

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reached. The two transactions were linked, because the Kawasaki railcars could not be sold, unless sufficient funds were available to purchase replacement cars.

VRE posted both the Intent to Sell and RFP on the VRE web site. In response to the RFP for new cars, VRE received one proposal from the Sumitomo Corporation of America. VRE and Sumitomo negotiated a purchase price of \$22,000,000 for ten Gallery-style railcars. The total cost of the new cars, with construction oversight and contingency is estimated to be \$24,980,000. The VRE Operations Board recommends the purchase contingent upon the sale of 13 Kawasaki railcars under the terms described below.

The funding for the ten new railcars would come from two sources: (1) the net cash generated by the sale of the Kawasaki cars; and (2) the remaining available loan funds previously authorized by the Northern Virginia Transportation Commission (NVTC) and the Potomac and Rappahannock Transportation Commission (PRTC) and included in the Federal Railroad Administration (FRA) financing that was used for the purchase of 50 railcars over the past several years. The increased payments for the FRA loan would then, in turn, be paid for using funding originally allocated for the repayment of the Kawasaki bonds.

The FRA approved a loan to VRE for \$72.5 million in 2005. However, only \$57.5 million of the total loan amount was needed for the 50 railcar purchase. The state provided additional grant funds before the purchase was completed which further reduced the loan amount to \$55 million. This leaves an available loan balance of over \$17 million. FRA has approved the addition of ten cars to the current loan in principle.

With respect to the sale of the 13 Kawasaki railcars, VRE publicly posted its intent, and initiated discussions with four commuter rail agencies to stimulate interest in the sale. VRE received one written offer from the Maryland Transit Administration (MTA) for \$22 million, including associated spare parts, and assumption of the remaining federal interest. After reviewing the terms of that offer, VRE staff recommended acceptance. PFM, VRE's financial advisor, estimates that \$14.3 million is needed to defease (put funds aside to service the remaining debt) the outstanding Series 1997 bonds used to finance the Kawasaki railcars. The MTA offer provides sufficient funds to defease the bonds and pay for a portion of the purchase price of the replacement cars. The remainder of the purchase price will be funded using the FRA loan. Loan payments will be made with federal formula funds currently used for the debt service on the Series 1997 Kawasaki bonds.

Total funding for the ten new railcars will be provided for as follows:

Cash remaining from sale of Kawasaki railcars	\$ 7,700,000
FRA loan	<u>17,280,000</u>
Total	\$24,980,000

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The financial details of both transactions are provided in Attachment I. The FRA loan capacity is already in place and can be accessed immediately, providing the Commissions and jurisdictions approve the assumption of this debt. NVTC approved the assumption at its regular meeting on July 3, 2008, and PRTC approved it at their regular meeting on July 17, 2008. The loan carries a 4.74% interest rate and allows prepayment at any time without penalty.

The combined transaction will allow VRE to standardize its rail car fleet. This will result in reduced maintenance costs and greater operating flexibility in the future.

FISCAL IMPACT:

As shown below, the reduction in debt service costs that will result from this transaction will allow funds to be shifted to other eligible uses. This savings will not directly impact the local subsidy, but leaves more flexibility in the VRE budget to address operating and capital needs. The sale of the Kawasaki cars will also have a one-time positive impact in FY 2009, since the debt service on the older cars will end in September 2008, and the new debt costs will not begin until the following spring. VRE will present ways to use this savings to defray a portion of the higher fuel costs for the year in their mid-year budget amendment.

The financial impact of the sale of 13 Kawasaki railcars and purchase of ten new Gallery railcars is projected as follows:

Decrease in outstanding debt	\$13,535,000
Increase in new debt	<u>17,280,000</u>
Net increase in total debt	\$ 3,745,000
Decrease in annual debt service costs	\$ 712,151

VRE performed an analysis which compared the costs of debt repayment and maintenance for the 15 year period from FY 2009 to FY 2023, for the purchase of the new railcars and the retention of the existing railcars. The decrease in gross costs for the period, as a result of the requested purchase, is estimated at approximately \$4.0 million. The decrease in costs on a net present value basis for the same period is approximately \$5.3 million, as both the maintenance and financing costs are lower in the near term, if the new Gallery railcars are purchased.

ENCLOSED DOCUMENTS:

Attachment I – Sale of Kawasaki Railcars and Purchase of New Gallery Railcars
Attachment II – Resolution Approving Issuance of Debt for Virginia Railway Express Equipment

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STAFF:

Robert A. Stalzer, Deputy County Executive

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

Tom Biesiadny, Chief, Coordination and Funding Division, FCDOT

Leonard P. Wales, County Debt Manager, Department of Management and Budget

Ellen F. M. Posner, Assistant County Attorney

Mike Lake, Senior Transportation Planner, Coordination and Funding Division, FCDOT

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ACTION - 4

Adoption of an Emergency Uncodified Ordinance to Provide for a Per-Trip Taxicab Fuel Surcharge and Authorization to Advertise a Public Hearing on a Permanent Increase in Taxicab Fares and Other Revisions to the County Code Pertaining to Taxicab Regulations

ISSUE:

Board approval of an emergency uncodified ordinance that will provide for an additional one dollar increase in the taxicab gasoline surcharge. Owners of two companies providing taxicab service in Fairfax County have requested that the Board of enact emergency rate relief (Attachments 1 and 2). Section 84.1-6-2(g) of the County Code provides for emergency rate relief when petitioners demonstrate dire financial needs as a result of circumstances beyond their control (Attachment 3).

RECOMMENDATION:

The County Executive recommends that the Board adopt the emergency uncodified ordinance providing for an emergency \$1.00 per-trip fuel surcharge, effective from August 15, 2008 through October 14, 2008 (Attachment 4). This emergency surcharge will supplement the \$1.00 per-trip temporary surcharge currently in effect through October 31, 2008, for a total taxicab fuel surcharge of \$2.00 per trip. In addition, the Board should authorize the advertisement of a public hearing for September 22, 2008, for a permanent increase in taxicab fares and other revisions to the Code pertaining to taxicab regulation (Attachment 5).

TIMING:

Board adoption of an emergency per-trip taxicab fuel surcharge, effective from August 15, 2008 through October 14, 2008, and authorization to advertise a public hearing for September 22, 2008, at 4:00 p.m., for a permanent increase in taxicab fares and other revisions to the Code pertaining to taxicab regulation.

BACKGROUND:

This recommendation responds to requests for emergency taxicab rate relief submitted on June 19, 2008, by Murphy Brothers, Inc. (Murphy Brothers), owner of Falls Church Yellow Cab, and on June 27, 2008, by Paul Wallace Management, Inc. (PWM), owner of Springfield Yellow Cab. Both letters cite the economic hardship on drivers relating to high costs of gasoline, and note that the current fuel surcharge of \$1.00 was implemented to defray fuel costs at approximately \$3.00 per gallon, whereas gasoline prices are now exceeding \$4.00 per gallon.

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Section 84.1-6-2 (c) of the Code provides for a biennial review of taxi rates in odd-numbered years upon petition by a certificate holder or a driver association. That petition must be filed by March 31 of the odd-numbered year. Section 84.1-6-2(g), however, provides for emergency rate relief when petitioners demonstrate dire financial needs as a result of circumstances beyond their control. Further, under Section 84.1-6-2(b), the Board may consider changes in rates, fares or charges upon recommendation of the Consumer Protection Commission (CPC) or the Director of the Department of Cable Communications and Consumer Protection.

Permanent taxicab fare rates were last increased in June 2005, based on average regular-grade gasoline prices in March 2005 of \$2.13 a gallon. Retail gasoline prices have experienced wide price increases since then, resulting in the periodic approval of emergency and temporary fuel surcharges. No biennial rate review was requested by the industry in March 2007, however, largely because gasoline prices at that time were not significantly above the March 2005 level of \$2.13. Following a series of taxicab fare gasoline surcharges enacted since October 2005, the Board last approved a \$1.00 taxicab fare surcharge at its January 28, 2008 meeting, effective for the period February 1, 2008 through October 31, 2008.

Staff has analyzed the request for an emergency taxicab fuel surcharge and for the reasons set forth in the attached staff report has concluded that an additional \$1.00 per-trip emergency surcharge appears justified (Attachment 6). As staff's report notes, the U.S. Department of Energy's Energy Information Administration (EIA) anticipates that strong demand and tight oil supplies will keep gasoline prices high through 2009. According to EIA's most recent projections, a gallon of regular-grade gasoline is expected to average \$3.84 in 2008 and \$4.06 in 2009. As shown in Table 3 of staff's report, supplementing the current surcharge with a \$1.00 emergency surcharge, for a total fuel surcharge of \$2.00, should offset gasoline costs up to about \$3.75 per gallon, which is very close to EIA's projected average 2008 price. Consequently, a \$1.00 emergency surcharge should provide relief to current taxi drivers, who are suffering economic hardship as a result of high gasoline prices.

Many surrounding jurisdictions have extended or instituted fuel surcharges in response to sustained high gasoline prices. A \$1.00 surcharge is in effect in Alexandria, which has based its taxi rates on an average gasoline price of \$3.00. A \$1.00 fuel surcharge is also in effect in Arlington County, Prince William County and the District of Columbia. In late May 2008, Montgomery County approved a \$1.50 emergency surcharge despite a February 2006 fare increase intended to offset increased gasoline costs.

The Chairman of the CPC has been advised of the proposed emergency per-trip fuel surcharge of \$1.00 and has endorsed staff's recommendation. On September 9, 2008, the CPC will hold a public hearing to address a proposed permanent fare increase as well as other proposed revisions to the County Code pertaining to taxicab regulation. In addition to taxicab rates and charges, these revisions will include: vehicular fuel efficiency requirements; new and revised grounds for certificate suspension or revocation; operator

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licensing; the timing of rate requests; cell phone use by drivers; provisions regarding credit and debit cards; meter accuracy; and filing and hearing deadlines. A more thorough description is contained in both the proposed public hearing advertisement and staff report (Attachments 5 and 6).

ENCLOSED DOCUMENTS:

- Attachment 1 – Letter of Charles O. King, Vice President, Murphy Brothers, Inc.
- Attachment 2 – Letter of Nancy Wallace, President, Paul Wallace Management, Inc.
- Attachment 3 – Section 84.1-6-2
- Attachment 4 – Emergency Uncodified Ordinance
- Attachment 5 – Proposed Public Hearing Advertisement
- Attachment 6 – Staff Report on Emergency Rate Relief and Proposed Code Revisions

STAFF:

- David J. Molchany, Deputy County Executive
- Michael S. Liberman, Director, Department of Cable Communication and Consumer Protection (DCCCP)
- Dave Reidenbach, Chief, Regulatory and Licensing Branch, DCCCP
- Steve Sinclair, Chief, Utilities Branch, DCCCP
- Susan Hafeli, Utility Analyst, DCCCP

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ACTION – 5

Proposed Federal Capital Improvements Program - National Capital Region, Fiscal Years 2009 - 2014

ISSUE:

Request by the National Capital Planning Commission (NCPC) for review and comment by Fairfax County on the proposed Federal Capital Improvements Program (FCIP) for the National Capital Region.

RECOMMENDATION:

The County Executive recommends that the Board submit the comments provided in Attachment 1 to NCPC concerning the proposed Federal Capital Improvements Program FY 2009 – FY 2014. Because all identified Fairfax County projects which are recommended for funding are located at Fort Belvoir, the comments state that the County cannot provide any specific endorsement for these projects until full project information and details are received and additional roadway and transit commitments identified. The comments also provide County support of the “Dulles Corridor Rapid Transit Project”, the “Light Rail Projects in the District of Columbia, Virginia and Maryland”, and the “Regional Park System” which are projects listed in the FCIP as Commission Submitted Projects: Recommended for Future Programming.

TIMING:

NCPC has requested comments on the proposed program by August 5, 2008 and is tentatively scheduled to adopt the FCIP on September 4, 2008. Board approval is requested on August 4, 2008 so that an official Board position can be transmitted to NCPC.

BACKGROUND:

The FCIP for the National Capital Region, Fiscal Years 2009-2014, contains the federal land acquisition and development proposals in the National Capital Region that are recommended for funding over the next five federal fiscal years. The FCIP identifies nineteen projects to be located in Fairfax County at Fort Belvoir with a five-year funding requirement of \$1.931 billion. Three of these projects are listed as “Recommended” and sixteen of the projects are listed as “Projects Requiring Additional Planning Coordination.”

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Provided below is a description of each of the projects contained in the FCIP which is proposed to be located in Fairfax County at Fort Belvoir. An asterisk (*) by the project name indicates it is a new project in the FCIP.

The “recommended” project category includes three projects submitted by federal agencies that are considered to be in conformance with NCPC and local planning policies; planning initiatives identified in the Comprehensive Plan; identified federal interests and objectives; federal agency system plans; master plans for individual installations; and NCPC-approved site or building plans. Projects in this category include:

1. Construct New Hospital. \$361,600,000 programmed over the FY2009 – FY 2011 period. The estimated total project cost is \$765,000,000; the project has received \$403,400,000 in prior funding. This project is for the construction of an 868,800 gross square foot (GSF) community hospital. This facility will include primary and specialty patient care, medical and administrative offices and supporting unit hospital functions. All related support facilities will be included. A total of 2,600 parking spaces will be provided through structured parking.

NCPC notes that at its September 6, 2007 meeting, it approved the concept site and building plans for the hospital. As a related recommendation, NCPC asked the Fort Belvoir Command to coordinate and complete an agreement to collaborate with Fairfax County, so that the county authorities can repair the county force sewer main from the Dogue Creek Pump Station across Fort Belvoir’s northeast areas of the South Post.

2. Defense Access Road. \$13,000,000 estimated project cost programmed in FY 2009. The estimated total project cost is \$31,000,000; the project has received \$18,000,000 in prior funding. This project finances the design, right-of-way acquisition, and construction of new off-installation entrances to Army activities, urgently needed improvements of existing highways serving Army activities; the Federal Government share of the cost of relocating highways severed by expansion or construction of new Army facilities; and alteration to roads near Army activities to accommodate special military vehicles. The funds will be transferred to the Federal Highway Administration (FHA) for execution of the work. This work is needed to mitigate the closure of Beulah Street and Woodlawn Road, and to upgrade the road network in and around Fort Belvoir.

NCPC notes that funding and design of this road has been the subject of considerable discussion between the Army, FHA, State of Virginia, and Fairfax County. It is anticipated that the project, although federally funded and designed, will be turned over to the State of Virginia once constructed.

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3. National Geospatial Agency. \$573,000,000 estimated project cost programmed over FY2009 and FY2010. The estimated total project cost is \$1,124,100,000 and the project has received \$551,100,000 in prior funding. This project will construct a 2,419,000 GSF facility to house the National Geospatial Agency. This complex will consist of a sensitive compartmented information facility (SCIF), Tier II data center, remote inspection facility, visitor's center, auditorium, technical library, cafeteria, physical fitness facility, and training and laboratory facilities, emergency generator, HVAC, and includes electrical service, water distribution and wastewater collections lines, stream and chilled water distribution lines, access road with bridge, paving curb and gutter, site improvements and information systems. A total of 5,100 parking spaces will be provided through structured parking.

Sixteen projects at Fort Belvoir are listed by NCPC as "Projects Requiring Additional Planning Coordination." This project category includes projects which may not conform to the submitting agency's own approved master plan, federal agency system plans or NCPC-approved site and building plans; projects which lack sufficient basic information for review, such as building programs or conceptual plans, out-year projects that are still in development; projects which significantly conflict with existing adopted federal, regional or local plans, planning initiatives identified in the Federal Comprehensive Plan, or is contrary to federal interests as defined by adopted planning guidelines or policies. Significant planning issues might also be identified through consultation with NCPC staff or through NCPC review.

NCPC has provided the following general comment concerning these 16 projects:

"Fort Belvoir is preparing for significant growth by 2011 due to the implementation of the BRAC actions. Many of the projects listed are not identified in the existing master plan, but are being included in the significantly expanded master planning and environmental review process being undertaken by the Army. The Army is currently working with NCPC, Fairfax County and other local, regional and state entities to identify and address the impacts of the anticipated growth. In recognition of these identified impacts and pending the completion of an updated master plan that includes these projects, these projects are categorized as "Requiring Additional Planning Coordination."

Projects in this category include:

1. Child Development Center (Main Post). \$14,200,000 estimated total project cost programmed in FY2009. This project will construct a 15,400 GSF, 198-child standard design, child development center. Building will include patron

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classroom modules, entry/reception and administration area, related amenities and security systems. Parking spaces have not been determined. This project first appeared in the FY 2008 – FY 2013 FCIP.

2. Construct New Barracks. \$47,000,000 estimated total project cost programmed in FY2011. This project provides for construction of a 500 unit barracks complex that includes living module, hallways, stairwells, utilities, and security and information systems. Parking has not been determined. This project first appeared in the FY 2008 – FY 2013 FCIP.
3. Construct New Physical Fitness Center at EPG. \$19,500,000 estimated total project cost programmed in FY2012. This project provides for construction of a 71,799 GSF medium, standard-design physical fitness facility with multi-purpose courts, racquetball courts, aerobic exercise and strength training rooms, jogging track, indoor 25-meter swimming pool, athletic fields and men's and women's locker rooms and related amenities, supporting facilities and security systems. A total of 120 parking spaces will be provided. This project first appeared in the FY 2008 – FY 2013 FCIP.
4. Dental Clinic. \$11,800,000 estimated total project cost programmed in FY2010. This project will construct a 16,000 GSF dental clinic with office space, waiting area, restrooms, and related supporting facilities and security, lighting and information systems. Parking spaces have not been determined. This project first appeared in the FY 2008 – FY 2013 FCIP.
5. Emergency Services Center. \$6,200,000 estimated total project cost programmed in FY2009. This project provides for construction of an emergency services center consisting of a remote military police station and a modified, standard two-company satellite fire station with drive through bays. Building will include watch/alarm room, emergency medical services/decontamination, administrative offices, kitchen, dining/dayroom, and related supporting facilities and security and information systems. This project first appeared in the FY 2008 – FY 2013 FCIP.
6. Flight Control Tower. \$8,300,000 estimated total project cost programmed in FY2010. This project will construct a permanent, 12-story, fire-resistant flight control tower at Davison Army Airfield. This project will include radar operations, air traffic control equipment and operations, training rooms, administrative areas, and related supporting facilities and security and information systems. This project first appeared in the FY 2008 – FY 2013 FCIP.

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7. Fort Belvoir Infrastructure. \$152,000,000 estimated total project cost programmed over the FY2009 – FY2011 period for construction of infrastructure facilities at Fort Belvoir. Work includes a communications center, communication lines, access control facilities, underground electrical lines with substation, transformers and switches; hot water and chilled water generation plants and distribution lines, elevated potable water storage tank, water distribution mains and laterals; sanitary sewer main and laterals, natural gas pipelines, storm water collection and management structures, roads, bridges and perimeter fencing, and supporting facilities. This project first appeared in the FY 2008 – FY 2013 FCIP.
8. Information Dominance Center. Estimated total project cost of \$179,000,000 programmed over the FY 2011 - FY2013 period. This project will construct 290,000 GSF and renovate an existing 200,000 GSF for the Information Dominance Center (IDC) Sensitive Compartmented Information Facility (SCIF); consisting of specialized operations space; special equipment storage; an Intrusion Detection System; classrooms; a conference center; a server room; a wellness room with shower; warehouse area; mechanical/utility rooms; training and storage areas; a library, office space, and administrative support areas and related supporting facilities and security and information systems. A total of 1,440 parking spaces will be provided. This project first appeared in the FY 2004 – FY 2009 FCIP.
9. Addition to Building 358, Joint Personnel Recovery Agency. \$19,000,000 estimated total project cost programmed in FY2010 to construct a 62,892 GSF permanent addition and renovate 24,842 GSF of Building 358 on Fort Belvoir. Work includes private open office areas, SCIF areas, conference and storage rooms, an auditorium, a technical library, and related supporting facilities and security and information systems. A total of 237 parking spaces will be provided. This project first appeared in the FY 2006 – FY 2011 FCIP.
10. Network Operations Center. \$8,300,000 estimated total project cost programmed in FY2009 to construct a 21,525 GSF Network Operations Center with operations control, research/development/engineering/integration/testing, secure communications/video teleconferencing, secure storage, and related supporting facilities and security and information systems. Parking spaces have not been determined. This project first appeared in the FY 2008 – FY 2013 FCIP.
11. North Atlantic Regional Medical Command (NARMC) Headquarters Building. \$25,000,000 estimated total project programmed in FY2010 to construct a 50,000 GSF medical command headquarters building. Primary facilities include administrative areas and building information systems. Related supporting

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facilities and security and information systems will also be provided. This project first appeared in the FY 2004 – FY 2009 FCIP.

12. North Post Road Control Point. \$7,700,000 estimated total project cost programmed in FY2010 for the construction of a control point with a vehicle inspection station, access control building, booth and canopy, vehicle turnarounds, security lighting, backup generator, building information systems, a two-lane access road with sidewalks/bike path, street lighting, drainage, traffic signal, and left and right turn controls for Richmond Highway (US Route 1). The project will also install active barriers funded through other procurement measures. Related supporting facilities and security systems will also be provided. This project first appeared in the FY 2006-2011 program.
13. Renovate Buildings 211, 214, 215, & 220. \$26,000,000 estimated total project cost programmed in FY2011. This project, part of the BRAC modernization of Building's 211, 215, 219 and 220, totaling 133,160 gross square feet provides administrative space, emergency operations center, and a SCIF. Secure and non-secure conference rooms, video teleconference center, data processing center, technical library, General Officer/Senior Executive Service office suites, storage, administrative support areas, and related supporting facilities and security and information systems will be provided. This project first appeared in the FY 2008 – FY 2013 FCIP.
14. Structured Parking, 200 Area. \$8,900,000 estimated total project cost programmed in FY2013 to construct a parking structure with a capacity of 400 spaces. This structure will be reinforced concrete with structural steel framing, parking decks, and a sloped interior ramp system. Related supporting systems are included. One 12,974 GSF building will be demolished. This project first appeared in the FYs 2006-2011 program.
15. Warriors in Transition (WIT) Complex.* \$70,000,000 estimated total project cost programmed in FY2013 to construct a standard design Warriors in Transition Complex. WIT primary facilities include barracks, soldier and family assistance center and an administration and operations facility. Supporting facilities and security and information systems also will be provided.
16. Washington Headquarters Services. \$821,561,000 estimated total project cost, \$440,900,000 of which is prior funding and \$380,661,000 programmed over FY 2009 and FY2010. This project includes the construction of a 2,242,778 GSF facility for Washington Headquarters Services. Work will include open and private office space, sensitive compartmented information facility, command center, conference rooms, video teleconferencing center, training and instruction

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facilities, auditorium, General Officer/Senior Executive Service office suites, administrative support areas, storage, cafeteria, physical fitness facility and related supporting facilities security and information systems. This project first appeared in the FY 2008 – FY 2013 FCIP.

In addition to the nineteen Fort Belvoir projects, the FCIP contains projects that have been submitted by NCPD and are “recommended for future programming.” Included in this Program category are three projects of interest to Fairfax County: the Dulles Corridor Rapid Transit Project; Light Rail Projects in the District of Columbia, Virginia, and Maryland; and the Regional Park System. A description of these three projects is provided below. Projects in this category include those that have not been submitted by federal agencies but that the Commission believes should be submitted by a particular agency for future programming to advance and implement NCPD and/or local planning policies; planning initiatives identified in the Comprehensive Plan; identified federal interests and objectives; federal agency system plans; master plans for individual installations; or NCPD-approved site and building plans. Projects in this category may or may not currently be recommended in NCPD plans and could be conceptual in nature. These projects may or may not have budget estimates, although the Commission recommends that estimates be prepared for these projects by the responsible federal agency(s). The three projects include:

1. Dulles Corridor Rapid Transit Project. This project calls for the extension of Metrorail between the existing Orange Line (between East and West Falls Church stations) and eastern Loudoun County via Tyson’s Corner, Reston/Herndon and Dulles International Airport. The draft Environmental Impact Statement, completed in FY 2002, recommends Metrorail as the Locally Preferred Alternative.

The Federal Transit Administration (FTA) on May 12, 2008 approved the request by the Metropolitan Washington Airports Authority (MWAA) to advance the Dulles Corridor Metrorail Project into the final design stage of the FTA’s new Starts Process. The FTA committed approximately \$159 million to be used for project administration, final design work, utility relocations, right-of-way acquisitions, engineering and the costs for designing rail cars. Moving into final design is the key step in the process of obtaining a Full Funding Grant Agreement anticipated to be \$900 million. State and Fairfax County dollars to support the project have long been identified.

Phase 1 of the project which runs from East Falls Church to Wiehle Avenue is expected to begin revenue service in 2013. Phase 2, which will extend the line to Ashburn in Eastern Loudoun County, is expected to open in 2015. The project is

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being managed by the MWAA. This project was first submitted to NCPC in the FY2004 - FY2009 program.

2. Light Rail Projects in the District of Columbia, Virginia, and Maryland. NCPC's Comprehensive Plan for the National Capital: Federal Element recommends planning and implementing regional transportation systems – operated by state and local governments and other authorities – that accommodate the transportation requirements of federal facilities, including employee, visitor, and service needs. This project calls for various rail projects that complement the existing regional transit system, including the Inner Purple Line in Montgomery County and Prince George's County; a trolley system in the District; and light rail in the Route 1 Corridor in Arlington County and the City of Alexandria. This project was first submitted by NCPC in the FY 2004 –FY 2009 program.
3. Regional Park System. This project seeks to protect or acquire, in coordination with local jurisdictions, a connected outer ring of major open spaces at the region's periphery that link new and existing local properties with federal properties. This will provide a varied zone that encompasses continuous wildlife habitats, local recreational amenities, and federal research and training areas. This project was first submitted by NCPC in the FY 2204 – FY 2009 program.

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

Attachment 1: Proposed letter from Gerald E. Connolly, Chairman of the Board of Supervisors, to NCPC transmitting the Board of Supervisor's comments on the Proposed Federal CIP.

STAFF:

Robert A. Stalzer, Deputy County Executive
James P. Zook, Director, Department of Planning and Zoning (DPZ)
Fred R. Selden, Director, Planning Division (PD), DPZ
David B. Marshall, Chief, Facilities Planning Branch, PD, DPZ

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ACTION - 6

Request Issuance of Fairfax County Redevelopment and Housing Authority Bond Anticipation Notes to Provide the Second Year of Interim Financing for Wedgewood Apartments (Braddock District)

ISSUE:

Approval by the Board of a resolution (Attachment 1) to request a Public Sale by the Fairfax County Redevelopment and Housing Authority (FCRHA) for roll-over bond anticipation notes (BAN) to refinance the previous bond anticipation notes issued for the benefit of Wedgewood Apartments.

RECOMMENDATION:

The County Executive recommends approval of the attached resolution (Attachment 1) relating to the issuance of Fairfax County Redevelopment and Housing Authority (FCRHA) BANs (Affordable Housing Acquisition) Series 2008B (Series 2008B BANs) per the schedule shown on Attachment 2. The Board resolution authorizes the following actions:

- Request the FCRHA issue Bond Anticipation Notes (BANs) for the purpose of providing the second year of interim financing and pay off the principal amount of the outstanding note issued to finance the acquisition of Wedgewood Apartments which mature on October 9, 2008 (2007 BANs). The principal amount of the Series 2008B BANs shall not exceed \$106,500,000.
- Approve the form of a Notice of Sale calling for bids for the purchase of the Notes. (Attachment 3)
- Approve the form, execution, and delivery of the Payment Agreement between Fairfax County and the FCRHA. (Attachment 4)
- Approve the form of the Assignment Agreement from FCRHA and acknowledged by the County. (Attachment 5)
- Approve the form, execution, and delivery of the Lease Agreement between Fairfax County and the FCRHA. (Attachment 6)
- Approve the form, execution and delivery of a Continuing Disclosure Agreement. (Attachment 7)
- Approve the form of the Notes. (Attachment 8)
- Approve the form of the Preliminary Official Statement and the delivery of a final Official Statement to the winning bidder of the Note. (Attachment 9)

TIMING:

Approval by the Board is requested on August 4, 2008.

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BACKGROUND:

Fairfax County purchased the Wedgewood Apartment complex on November 28, 2007. Wedgewood Apartments is a 672-unit multi-family development located on Little River Turnpike and McWhorter Road in Annandale, Virginia; three (3) parcels on 34.8 acres of land. The property is adjacent to Annandale Terrace Elementary School and Ossian Hall Park. Annandale High School is also nearby. The project consists of three parcels: Wedgewood Manor – 125 units; Wedgewood West – 424 units; and Wedgewood East – 123 units. The approximate unit distribution is: 165 one-bedroom units, 452 two-bedroom units, 40 three-bedroom units, 4 two-bedroom townhouse units, 11 three-bedroom townhouse units. The project, at the time it was purchased, was a market-rate property with no subsidies and the rents were affordable to households with incomes between 60% area median income (AMI) and 70% AMI, except for the townhouses where rents were affordable at 80% AMI.

Interim financing was obtained through a competitive bidding process, with Wachovia Bank being the lowest responsive bidder. A total of \$105.485 million was financed. The interest on the note, in the amount of \$3,303,365.33 is due October 9, 2008. The interest rate was fixed at a tax-exempt rate of 3.625%. The FCRHA reserved \$4,000,000 in funding from Fund 319, the Penny for Affordable Housing Fund for Project 014268, Wedgewood for the cost of the interest payment in FY 2009.

According to state law, at least 20% of the tenants in FCRHA-operated properties must be low-income (60% area median income) and the balance must have moderate incomes. The FCRHA defines “moderate income” as the area median income. The final income mix will be determined once the certification process is complete and the permanent financing has been structured. Those over 100% AMI will be required to move but will be provided a relocation payment. The FCRHA has a year from the date of purchase to ensure that all units are occupied by low and moderate income households. The tenant income certification process is well underway and will be completed before November 28, 2008.

During the past seven months, the Department of Housing and Community Development (HCD) has been certifying the income of the 672 households at Wedgewood Apartments. A 120-day notice has been sent to all households with income exceeding 100% AMI and to households that have not responded to the request for income certification. HCD anticipates completing the certification process in August. This will ensure that all households residing in Wedgewood will have income not exceeding the income limits for the property, a year from the date of purchase.

Due to the size of the project, HCD intends to finance each of the three parcels separately. HCD will complete the permanent financing for Wedgewood West and all land for the three parcels first. The refinancing of the land and the permanent financing for Wedgewood West is anticipated to take place early next year. Wedgewood Manor and Wedgewood East are anticipated to be refinanced later that year.

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This approach is necessary in order to take advantage of federal tax credits which are limited annually. The proposed permanent financing for the land and Wedgewood West anticipates using low income housing tax credits (tax credits); tax-exempt bonds (private activity and government), the Penny for Affordable Housing Fund (for both payment of debt service on the tax-exempt bonds and equity for the Wedgewood West financing) and deferred developer fee. HCD is working with the County's debt manager and a financial advisor to determine optimum financing scenarios. HCD anticipates presenting the financing plan for the land and the permanent financing of Wedgewood West to the FCRHA for approval in the Fall 2008. Since the state bond allocation for 2008 is completely subscribed, HCD will need to wait until January 2009 to apply for the new year's allocation. Once the allocation is obtained, the permanent financing will proceed.

The financing plans for Wedgewood East and Wedgewood Manor anticipate applying for either 9% tax credits or 4% tax credits with tax-exempt bonds. It is also anticipated that amounts from the Penny for Affordable Housing Fund will be used as equity in both of these projects. These smaller parts of Wedgewood will be permanently financed after the larger Wedgewood West is completed. Financing plans for these sections are anticipated to be presented next spring.

At the time of the refinancing of all or a portion of the overall project, it is anticipated that the Series 2008B BANs will be paid off accordingly. The Series 2008B BANs will have a maturity date of one year but the FCRHA will be able to pay off all or part of the note after six months as the financing of the land and the three parcels takes place.

FISCAL IMPACT:

The interest cost of the 2007 BANs for this sale is being paid for from Fund 319 the Penny for Affordable Housing Fund. Funds in the amount of \$4,000,000 will be reallocated subject to approval by the Board of Supervisors in the FY 2009 budget in Fund 319, the Penny for Affordable Housing to pay the interest on the 2007 BANs. These funds will be reallocated from Project 014196 Affordable Workforce Housing to Project 014268 Wedgewood. Subject to appropriations by the Board of Supervisors in FY 2010, \$4,000,000 in funding from Fund 319, the Penny for Affordable Housing Fund will be reallocated from Project 014196 Affordable Workforce Housing to Project 014268, Wedgewood for the cost of the interest payment on the Series 2008B BANs. The cost of issuance on the Series 2008B BANs will be paid out of Series 2008B BANs proceeds.

HCD is currently in the process of developing the financing plan for the refinancing of the land and the acquisitions, preservation and rehabilitation of Wedgewood West and it is anticipated that the financing plan will be presented to the Board either in fall 2008 or early winter 2009. Fund 319, The Penny for Affordable Housing Fund (Penny Fund), along with tax-exempt bonds, and tax credits, is projected to be included in the financing plan. In addition, ongoing support for this project from the Penny Fund on an annual basis is anticipated to be in the \$6.0 million range.

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It is anticipated that the sale will occur on or around September 23, 2008 in order to meet the October 9, 2008 maturity date deadline for the 2007 BANs.

ENCLOSED DOCUMENTS:

- Attachment 1 – Board Resolution
- Attachment 2 – Critical Path Events
- Attachment 3 – Notice of Sale
- Attachment 4 – Payment Agreement
- Attachment 5 – Assignment Agreement
- Attachment 6 – Lease Agreement
- Attachment 7 – Continuing Disclosure Agreement
- Attachment 8 – Form of Note
- Attachment 9 – Preliminary Official Statement (Delivered under separate cover)

STAFF:

- Edward L. Long, Jr., Deputy County Executive
- Verdia L. Haywood, Deputy County Executive
- Paula C. Sampson, Director, Department of Housing and Community Development, HCD
- Leonard P. Wales, County Debt Manager
- Aseem K. Nigam, Director, Real Estate Finance and Grants Management Division, HCD

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ACTION - 7

Endorsement of Design Plans for the Rolling Road Widening Project from North of the Fairfax County Parkway to Old Keene Mill Road (Springfield District)

ISSUE:

Board endorsement of the Virginia Department of Transportation (VDOT) design plans for widening Rolling Road (Route 638) from 0.369 mile north of the Fairfax County Parkway (Route 7100) to Old Keene Mill Road (Route 644) to four lanes with curb and gutter, including pedestrian and bicycle accommodations.

RECOMMENDATION:

The County Executive recommends that the Board endorse the design plans for widening Rolling Road from 0.369 mile north of the Fairfax County Parkway (Route 7100) to Old Keene Mill Road (Route 644) to four lanes, generally as presented at the June 12, 2008, public hearing, with the following conditions:

- Investigate whether a signal at the intersection of Rolling Road and Viola Street may be warranted
- Investigate whether access can be provided from Kenwood Avenue across to the Sunoco station/shopping center
- Review providing a 5-foot concrete sidewalk on the west side in lieu of an 8-foot asphalt trail
- Review reducing the overall median width from 16 to 15 feet; also review minimizing the median (to 4 feet) where it is not required for turning lanes.
- If desired by the community following further coordination, provide on-street parking
- Review reducing the potential on-street parking lane from 6-feet to 5-feet (plus gutter pan)
- Review the feasibility of undergrounding utilities where it may cost-effective to reduce easement costs
- Consider providing bus pull-offs where appropriate

TIMING:

The Board should take action on this matter as soon as possible to allow VDOT to proceed with final design plans.

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BACKGROUND:

Rolling Road is classified as an urban minor arterial road that extends from I-95 in the south to Braddock Road in the north and connects two principal roads, the Fairfax County Parkway and Old Keene Mill Road within these project limits. This road currently experiences traffic congestion during peak hours, and this condition is expected to worsen considerably when military installations on Fort Belvoir and the Engineering Proving Ground are expanded significantly under the Base Realignment and Closure (BRAC) action. This widening project will help to address the existing and anticipated traffic. The widening of Rolling Road has been a part of the Fairfax County Comprehensive Plan as well as regional transportation plans for several decades.

This is a \$27.9 million project to widen Rolling Road from a two-lane roadway to a four-lane divided roadway with curb and gutter. This includes a wide curb lane to accommodate bicyclists and to provide an additional buffer area for parked cars. Other features shown on the public hearing plans include a raised grass median with landscaping, an 8-foot asphalt trail on the west side, a 5-foot concrete sidewalk on the east side, turn lanes at intersecting streets, and preservation of existing on-street parking where possible. If determined to be cost-effective according to federal criteria, noise barriers may be constructed after investigation of potential locations.

Rolling Road is designated as one of the top priorities in the VDOT Secondary Six-Year Plan for Fairfax County. The intent of this project is to relieve the congested conditions that regularly occur during hours of peak usage, as well as to accommodate future traffic increases in traffic, and improve safety along the corridor. In addition to the new lanes and pedestrian facilities, improvements will be made to both vertical and horizontal curves.

The design of this project was originally approved in the early 1990s by the Fairfax County Board of Supervisors and the Commonwealth Transportation Board. However, due to funding constraints at the time, it was never constructed. It is now fully funded in VDOT's Six-Year Program with federal and state funds.

VDOT and County staff have held several meetings with homeowners, Springfield Golf and Country Club (SGCC), businesses, and county agencies to solicit input on the design. The design plans were presented at a public hearing held on Thursday, June 12, 2008, at West Springfield High School, Springfield. A copy of the public hearing brochure is attached (Attachment I).

This project was coordinated through the State Environmental Review Process (SERP) and no significant impacts were identified. Pursuant to the requirements of the national Environmental Policy Act (NEPA), a Categorical Exclusion was prepared. The Federal Highway Administration approved the Categorical Exclusion on December 8, 2006.

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Public Hearing Comments

A Public Hearing was held on Thursday, June 12, 2008, from 5 to 8 pm. A total of 96 people attended the hearing. Written comments were received from 103. Of the 103 comments received, 21 indicated support of the project as proposed and 36 indicated opposition to the project.

Major concerns expressed were as follows:

- Several residents requested that the posted speed limit be reduced to 30 mph versus the 35 mph that is shown in the design plans
- Citizens expressed concern about impacts and that property values of homes on Rolling Road would drop, reducing value to the homeowner and the county tax base
- Residents favored undergrounding utilities
- Several speakers requested that funding be secured for the “southern segment” of Rolling Road from DeLong Drive to Fullerton Road which has been dropped from the VDOT Secondary Six Year Plan for Fairfax County
- Some speakers suggested eliminating the wide curb lanes

Project Cost and Schedule

The 2008 estimated total cost of the project is \$27.9 million. This estimate includes \$2.4 million for preliminary engineering; \$10 million for right-of-way acquisition, relocation assistance, and utility relocation; and \$15.5 million for actual construction. Fairfax County staff and VDOT staff are investigating funding sources for the Rolling Road segment from DeLong Drive to Fullerton Road.

The latest anticipated schedule is:

Design Public Hearing - June 12, 2008
Finalize Design, Obtain Public Hearing Approval, and Obtain Authorization to Start Land Acquisition - Mid 2009
Advertise/Award Construction Contract - Late 2012
Construction - 2013

Sidewalks and Trails

The Countywide Trails Plan identifies a major paved trail on the west side of Rolling Road. The plans shown at the public hearing showed an 8-foot trail (reduced from the standard 10 foot) on the west side, a 5-foot sidewalk on the east side, and 14-foot wide curb lanes to accommodate bicyclists. The community desires a 5-foot concrete sidewalk on both sides rather than a trail to reduce impacts. The sidewalk requirements will meet the standards required by the Americans with Disabilities Act (ADA).

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FISCAL IMPACT:

No impacts to County budget. This project is a VDOT Secondary Road project which is being paid for through state and federal funds.

ENCLOSED DOCUMENTS:

Attachment I: Design Public Hearing Brochure

STAFF:

Robert A. Stalzer, Deputy County Executive
Katharine D. Ichter, Director, Department of Transportation, FCDOT
Ellen Gallagher, Chief, Capital Projects and Operations Division, FCDOT
Karyn L. Moreland, Chief, Capital Projects Section, FCDOT
Smitha L. Chellappa, Capital Projects Section, FCDOT

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ACTION - 8

Approval of Conditions Necessary for Fairfax County to Apply for and Accept Five Federal Transit Administration Grants for the Richmond Highway Public Transportation Initiative and One Grant for the Springfield Central Business District Park-and-Ride Lot (Lee and Mount Vernon Districts)

ISSUE:

Board approval of conditions necessary for Fairfax County to apply for and accept, if received:

- Five Federal Transit Administration (FTA) grants for the Richmond Highway Public Transportation Initiative (RHPTI). The total funding for the five FTA grants of \$5,109,268 consists of \$4,087,414 in FTA Bus/Bus Facilities Grant funding and a required 20 percent Local Cash Match of \$1,021,854. The Local Cash Match requirement for the five grants will be met using \$500,000 in general obligation bonds approved by the voters for transportation purposes and \$521,854 in funds available in Fund 124, County and Regional Transportation Projects, Richmond Highway Public Transportation Initiative Project. This project is included in the Board's Four-Year Transportation Program.
- One Federal Transit Administration (FTA) grant for the Springfield Central Business District (CBD) Park-and-Ride Lot. The total funding for this grant of \$1,237,500 consists of \$990,000 in FTA Bus/Bus Facilities Grant funding and a required 20 percent Local Cash Match of \$247,500. The Local Cash Match requirement for the grant will be met using \$100,000 in general obligation bonds approved by the voters for transportation purposes and \$147,500 in funds available in Fund 124, County and Regional Transportation Projects, Springfield CBD Park-and-Ride Project.

If the actual awards received or required Local Cash Match are significantly different from the application amounts, another item will be submitted to the Board requesting appropriation of grant funds. Otherwise, staff will process the awards administratively as per Board policy.

RECOMMENDATION:

The County Executive recommends that the Board:

- 1) Approve an amendment (Attachment I) to the County's agreement with the Fairfax County Economic Development Authority (EDA), specifically related to labor protection requirements associated with FTA grants (also known as the 1990 Fairfax County/Fairfax EDA, Park-and-Ride Lots Arrangements) for the projects to be funded

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by grant # E2006-BUSP-1012; and ask the EDA to approve the amendment at its next meeting.

- 2) Approve an amendment (Attachment I) to the County's agreement with the EDA, specifically related to labor protection requirements associated with FTA grants (also known as the 1990 Fairfax County/Fairfax EDA, Park-and-Ride Lots Arrangements) for the projects to be funded by grant # E2006-BUSP-1013; and ask the EDA to approve the amendment at its next meeting.
- 3) Approve an amendment (Attachment I) to the County's agreement with the EDA, specifically related to labor protection requirements associated with FTA grants (also known as the 1990 Fairfax County/Fairfax EDA, Park-and-Ride Lots Arrangements) for the projects to be funded by grant # E2006-BUSP-1031; and ask the EDA to approve the amendment at its next meeting.
- 4) Approve an amendment (Attachment I) to the County's agreement with the EDA, specifically related to labor protection requirements associated with FTA grants (also known as the 1990 Fairfax County/Fairfax EDA, Park-and-Ride Lots Arrangements) for the projects to be funded by grant # E2007-BUSP-0609; and ask the EDA to approve the amendment at its next meeting.
- 5) Approve an amendment (Attachment I) to the County's agreement with the EDA, specifically related to labor protection requirements associated with FTA grants (also known as the 1990 Fairfax County/Fairfax EDA, Park-and-Ride Lots Arrangements) for the projects to be funded by grant # E2007-BUSP-0610; and ask the EDA to approve the amendment at its next meeting.
- 6) Approve an amendment (Attachment I) to the County's agreement with the EDA, specifically related to labor protection requirements associated with FTA grants (also known as the 1990 Fairfax County/Fairfax EDA, Park-and-Ride Lots Arrangements) for the projects to be funded by grant # E2006-BUSP-1026; and ask the EDA to approve the amendment at its next meeting.
- 7) Authorize the Department of Transportation to apply for, execute grant agreements for, and accept funding, if received, from the FTA for the RHPTI and Springfield CBD Park-and-Ride Lot. The total funding of \$5,109,268 for the RHPTI consists of \$4,087,414 in FTA funding and a required 20 percent Local Cash Match of \$1,021,854. The Local Cash Match requirement will be met using \$500,000 in general obligation bonds approved by the voters for transportation purposes and \$521,854 in funds available in Fund 124, County and Regional Transportation Projects. The total funding of \$1,237,500 for the Springfield CBD Park-and-Ride Lot consists of \$990,000 in FTA funding and a required 20 percent Local Cash Match of \$247,500. The Local Cash Match requirement will be met using \$100,000 in general obligation bonds approved by the voters for transportation purposes and \$147,500 in

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funds available in Fund 124, County and Regional Transportation Projects. If the actual awards received or required Local Cash Match is significantly different from the application amounts, another item will be submitted to the Board requesting appropriation of grant funds. Otherwise, staff will process the awards administratively as per Board policy.

- 8) Authorize staff to take all necessary measures to ensure County compliance with the conditions of the FTA grants, as authorized by Virginia law.

TIMING:

Board approval is requested on August 4, 2008, so that the EDA may consider the amendments at their August 19, 2008, scheduled meeting, and the grant applications can be approved by FTA prior to the September 30, 2008, deadline.

BACKGROUND:

The RHPTI is part of the County's Four-Year Transportation Plan adopted by the Board on February 9, 2004. The Four-Year Transportation Plan identified \$215 million to improve major highway and transit projects, spot capacity, safety intersection improvements, and pedestrian improvements throughout the County. This plan expedites a number of delayed projects and focuses on relieving bottlenecks around the County.

The RHPTI was developed based on a Route 1 Corridor Bus Study that was conducted by the Northern Virginia Transportation Commission (NVTC). Fairfax County staff has refined the study's recommendations and expanded on them. The RHPTI is a \$55 million program to upgrade transit services and facilities in the Richmond Highway Corridor. It includes establishing new transit centers and park-and-ride lots, upgrading bus stops and crosswalks, increasing bus service, and implementing an intelligent transportation system to increase service reliability. A summary of the program is included as Attachment II.

In federal Fiscal Years 2006 and 2007, Congress appropriated \$4,087,414 in funding for the RHPTI, which requires a 20 percent Local Cash Match. A copy of the County's FTA grant application is included as Attachment III. If approved, this funding will provide an additional \$5,109,268 for the RHPTI.

The Springfield CBD Park-and-Ride Lot needs funding for the design, land acquisition and construction of multi-modal transportation facility. The lot will be located near Old Keene Mill Road and I-95. This facility will include up to 1,000 parking spaces for commuters and others who ride buses or carpool, particularly those using the I-95/395 High Occupancy Vehicle (HOV) lanes. It is expected that this facility will be a multi-level parking structure.

In federal Fiscal Years 2006, Congress appropriated \$990,000 in funding for the Springfield CBD Park-and-Ride Lot, which requires a 20 percent Local Cash Match. A copy of the

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County's FTA grant application for this project is included as Attachment IV. If approved, this funding will provide an additional \$1,237,500 for the facility.

FTA grant applications require that applicants comply with the labor protection provisions of the Urban Mass Transportation Act of 1964, as amended, often known as "13(c) Provisions." Virginia's localities are authorized to seek FTA grants requiring 13 (c) Labor Protection Arrangements in situations where funds for the local match are derived from general obligation bond funds.

Previously, Fairfax County negotiated 13(c) Labor Protection Arrangements to allow the County to receive \$43 million in Suburban Mobility funds from the FTA for park-and-ride lot construction. These 13(c) arrangements were negotiated and executed between the Fairfax County Economic Development Authority (EDA) and the local transit and mechanics unions. Fairfax County backed these arrangements, subject to annual appropriations. The agreement between Fairfax County and the EDA was amended in October 2003, to accept Job Access and Reverse Commute (JARC) funds for the HJR-276 projects in the Tysons Corner area, again in October 2005 and July 2006, to accept FTA funds for the RHPTI and most recently in September 2006 to accept funds for the Burke Centre Virginia Railway Express (VRE) station garage.

In order for the County to accept the FTA Grants for the RHPTI and Springfield CBD Park-and-Ride Lot, the EDA and the County need to amend their separate agreement, whereby the County has agreed to fund any valid 13(c) claims the EDA receives, subject to annual appropriations. Upon County approval of the amendment, the EDA will consider this item on August 19, 2008. To date, the EDA has received no valid claims associated with its 13(c) Labor Protection Arrangements.

FISCAL IMPACT:

The total project cost for these grants is \$6,346,768, including \$5,077,414 from the FTA grants awarded to Fairfax County and the 20 percent Local Cash Match of \$1,269,354. Fund 102, Federal/State Grant Fund, will reflect the FTA grant funds. 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 2009. Partial funding for the Local Cash Match is available from bond funds approved by the voters on November 6, 2007, for transportation purposes (\$600,000). The remainder of the Local Cash Match is available in Fund 124, County and Regional Transportation Projects, Richmond Highway Public Transportation Initiative Project (\$521,854), and Springfield CBD Park-and-Ride Project (\$147,500). An adjustment to appropriate the bond funds in Fund 304, Transportation Improvements is included in the *FY 2008 Carryover Review*. None of these funds will be used for bus purchases or operation.

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CREATION OF NEW POSITIONS:

No positions will be created by this grant.

ENCLOSED DOCUMENTS:

Attachment I – Fifth Supplemental Amendment to 1991 Fairfax County and Fairfax County Economic Development Authority Transportation and Cooperation Agreement

Attachment II – Richmond Highway Public Transportation Initiative Summary

Attachment III – Fairfax County’s FTA Grant Application for Richmond Highway Bus Shelters/Access 2

Attachment IV – Fairfax County’s FTA Grant Application for the Springfield CBD Park-and-Ride Lot

STAFF:

Robert A. Stalzer, Deputy County Executive

Ellen F. M. Posner, Assistant County Attorney

Len Wales, County Debt Manager

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

Tom Biesiadny, Chief, Coordination and Funding Division, FCDOT

Jay Guy, Coordination and Funding Division, FCDOT

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Board Agenda Item
August 4, 2008



ACTION - 9

Approval of a Supplemental Project Agreement and Funding for the Widening of Spring Hill Road from Route 7 to International Drive (Hunter Mill and Providence Districts)

ISSUE:

Board of Supervisors' approval to execute a supplemental project agreement (Attachment I) to update the project cost and amount of funds reimbursed to the County from the Virginia Department of Transportation for the construction of the widening of Spring Hill Road (Route 684) from Route 7 to International Drive. This action, if approved, will increase the appropriation of funds for the project. The total cost for improvements associated with this amendment is estimated to be \$10,900,000.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors approve the supplemental project agreement, in substantial form, for VDOT Secondary Road Funds totaling \$9,779,000. The Board has previously approved \$7,700,000 for this project. An additional \$1,100,000 is anticipated from Fairfax Water and \$2,100,000 is anticipated from VDOT. VDOT costs are estimated to be \$21,000. The total project estimate is now \$10,900,000.

TIMING:

The Board of Supervisors' approval is requested on August 4, 2008, so that the project can proceed.

BACKGROUND:

On June 28, 2001, the County executed an agreement with VDOT for the construction of the widening of Spring Hill Road (Route 684) from Route 7 to International Drive. Since the original agreement was executed, final design, utility relocations and land acquisition have been completed and the project is now ready to proceed to construction.

In order to fully fund the project, an increase in funding is needed to provide sufficient reimbursement to the County for current estimated costs for design, right-of-way acquisition and construction of the project.

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FISCAL IMPACT:

Funding has been previously appropriated in Fund 304, Transportation Improvements, Project 064233, Spring Hill Road, in the amount of \$7,700,000. An amount of \$3,200,000 will be appropriated, upon Board approval, to this project as part of the *FY 2008 Carryover Review*. This action will increase the appropriation for the project to \$10,900,000. This amount includes \$9,779,000 from VDOT, \$21,000 in VDOT costs, and \$1,100,000 from the Water Authority.

ENCLOSED DOCUMENTS:

Attachment I – Standard Supplemental Agreement for Locality Administered Projects

STAFF:

Robert A. Stalzer, Deputy County Executive
Katharine D. Ichter, Director, Fairfax County Department of Transportation (FCDOT)
Tom Biesiadny, Chief, Coordination and Funding Section, FCDOT
Jimmie D. Jenkins, Director, Department of Public Works and Environmental Services
Ellen F. M. Posner, Assistant County Attorney
Jay Guy, FCDOT

Board Agenda Item
August 4, 2008

ACTION – 10

Approval of FY 2008 Year-End Processing

ISSUE:

Board approval to allow staff to process payment vouchers for items previously approved and appropriated in FY 2008. In addition, this item is to inform the Board that one General Fund agency requires additional appropriations for FY 2008. It should be noted that no other County funds or School Board funds require additional appropriations for FY 2008. As a result of required personnel services and contractual requirements in the Office of the Sheriff one General Fund agency requires additional appropriations for FY 2008.

RECOMMENDATION:

The County Executive recommends that the Board approve the following actions:

- Authorize staff to process payment vouchers for items previously approved and appropriated in FY 2008 for the interim period from July 1 until the Board approves the *FY 2008 Carryover Review*, which is scheduled for action on September 8, 2008.
- Supplemental Appropriation Resolution AS 08148 for the one General Fund agency requiring additional appropriations for FY 2008.

Since these adjustments do not increase the actual total expenditure level for all funds, a public hearing is not required.

TIMING:

Board approval is required on August 4, 2008, since the *FY 2008 Carryover Review* is not scheduled for Board action until September 8, 2008.

BACKGROUND:

The *FY 2008 Carryover Review* is scheduled for final action on September 8, 2008, following a public hearing. In the interim, Board approval is requested to allow staff to process payment vouchers for items previously approved and appropriated in FY 2008 such as capital construction projects, grant-funded programs, and capital equipment purchases for the period of July 1 to September 8, 2008 or until final action is taken on the *FY 2008 Carryover Review*. Similar action has been taken in prior years as part of the year-end closeout.

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In addition, based on unanticipated overtime and contractual requirements in the Office of the Sheriff the following agency requires an additional appropriation for FY 2008.

- Agency 91, Office of the Sheriff (\$2,287,922)

The agency shortfall of \$2,287,922 is primarily due to increased use of overtime by sworn staff, increased contractual security requirements in the expanded court house complex, increased daily inmate population, and higher than anticipated expenses for items such as drugs, medicines and other pharmaceuticals which are partially driven by the number of inmates and their unique needs. The agency continues to experience a high vacancy rate, primarily associated with smaller than anticipated new classes of trainees, resulting in an increased use of overtime by current Deputy Sheriff staff. The nearly ten percent vacancy rate for sworn positions, coupled with mandatory staffing levels required the extensive use of overtime by more costly, senior employees to fill the vacancies. The agency attempted to reduce the amount of overtime by restricting discretionary overtime and implementing revised staffing standards among several units. The Office of the Sheriff has worked closely with the Office of the Financial and Program Auditor in determining the issues that are causing the current situation. As a result of this work, an amount of \$900,000 has already been included in the FY 2009 Adopted Budget Plan to allow for individuals working in the Adult Detention Center at the rank of 1st Lieutenant or below, to receive an additional \$2,500 environmental incentive pay in order to address recruitment and retention issues.

In addition, one non-appropriated fund, Fund 117, Alcohol Safety Action Program (ASAP) exceeded their expenditure authority in FY 2008 and client fees and other fee revenue were significantly lower than projected resulting in a negative ending balance for the fund of \$27,046. It should be noted that this fund does not require a supplemental appropriation resolution for FY 2008 as non-appropriated funds do not require appropriation resolutions. As part of the *FY 2008 Carryover Review*, a General Fund Transfer in this amount is included to cover this shortfall. The agency is working to fix this imbalance through eliminating any discretionary programs not generating enough revenue to cover costs, further reducing salary expenditures by reducing the number and/or frequency of classes and increasing the class size of those still held, and not filling any position vacancies that may occur from this point forward. In addition, the agency will work with state agencies to increase fees and recovery rates based on the actual cost of service provision.

FISCAL IMPACT:

Approval of Supplemental Appropriation Resolution AS 08148 will result in no net increase in FY 2008 total expenditures for all funds. In addition, this item relates to funding for previously appropriated items approved in FY 2008 and carried forward to FY 2009 for payment.

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ENCLOSED DOCUMENTS:

Attachment 1 - Supplemental Appropriation Resolution AS 08148

STAFF:

Edward L. Long, Jr., Deputy County Executive

Susan Datta, Director, Department of Management and Budget

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Board Agenda Item
August 4, 2008

ACTION – 11

Authorization for Letter of Request to the Virginia Department of Game & Inland Fisheries to Permit the Use of Bait Under Chapter 17, Section 29.1-529 ¶ G of the Code of Virginia

ISSUE:

In the 2008 Session, the Virginia General Assembly unanimously approved a revision to § 29.1-529 ¶ G of the *Code of Virginia* to allow counties which participate in the special late antlerless deer season, to utilize bait in their deer population control programs. Fairfax County is a participatory county and the use of bait would increase the safety and efficacy of the Fairfax County Integrated Deer Management Program.

RECOMMENDATION:

The County Executive recommends that the Board authorize the County Executive to send the required certified letter requesting authorization from the Director of the Virginia Department of Game & Inland Fisheries to use bait in conjunction with the presently permitted sharpshooting option of the adopted Fairfax County Integrated Deer Management Program.

TIMING:

Board action is requested on August 4, 2008 to permit time for the letter of request to reach the Virginia Department of Game & Inland Fisheries and to ensure receipt of the authorization to coincide with the beginning of the sharpshooting permit on September 1, 2008.

BACKGROUND:

Since 1998, Fairfax County has had an Integrated Deer Management Program to stem the growth of an overabundant deer population. This population has caused extensive habitat damage throughout most parklands within the County. An estimated 4,000 to 5,000 deer/automobile collisions occur annually within the County. Deer also play an integral role in the life cycles of ticks and the diseases they can transmit to humans, with Lyme disease being the most notable.

Through managed public hunts, extended deer hunting seasons and a sharpshooting program, local herds have been decreased or stabilized. Sharpshooting in some parks can be quite difficult and, in some cases, has been removed as an option due to the

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size or shape of the park. The use of baiting would allow a location to be chosen within any park and have the deer be drawn to that location. The Integrated Deer Management Program has successfully demonstrated that deer can be culled in an urban setting safely and efficiently. The use of bait would increase the safety margin and enable the program to cull more deer in fewer man-hours. Consistent with the current management program, all deer collected will be processed and distributed to the needy.

FISCAL IMPACT:

The cost of the bait and the additional processing fees associated with the harvest of additional deer can be absorbed within the existing deer management budget.

ENCLOSED DOCUMENTS:

Attachment 1: 2008 Acts of Virginia General Assembly Chapter 17, Amendment to Section 29.1-529, *Code of Virginia*

Attachment 2: Letter of Request

STAFF:

Robert A. Stalzer, Deputy County Executive

Colonel David M. Rohrer, Chief of Police

Chief ACO Michael Lucas, Acting Commander, Animal Services Division

Earl L. Hodnett, Fairfax County Wildlife Biologist

Board Agenda Item
August 4, 2008

ACTION – 12

Approval of Criteria for the Purchase of Foreclosed Homes by the Fairfax County Redevelopment and Housing Authority and Proposed Support for Non-Profit Involvement in the Foreclosure Initiative

ISSUE:

Board approval of 1) criteria used to identify up to ten foreclosed homes that may be purchased by the Fairfax County Redevelopment and Housing Authority (FCRHA) and 2) the proposed support for the non-profit involvement in the foreclosure initiative.

RECOMMENDATION:

The County Executive recommends that the Board approve the criteria to be used by the Fairfax County Department of Housing and Community Development (HCD) to identify up to ten foreclosed homes for purchase by the FCRHA and also recommends the approval of the proposed support of non-profit involvement in the foreclosure initiative.

TIMING:

Board of Supervisors' authorization is requested on August 4, 2008. The FCRHA approved these criteria and support for the non-profit community at its July 24, 2008 meeting.

BACKGROUND:

On March 31, 2008, the Board of Supervisors directed HCD to address the growing home foreclosure problem in the County by developing strategies to stabilize neighborhoods and, at the same time, providing affordable workforce housing opportunities. On May 12, 2008, HCD presented a report and proposed program to the Board's Housing Committee. HCD proposed a three-pronged approach, which includes counseling to homeowners in distress, the Silver Lining Initiative, and the neighborhood preservation efforts. The Board approved these approaches at their June 30, 2008 meeting, but asked HCD to develop more detailed criteria for the FCRHA purchase of up to ten foreclosed homes and to provide more details on ways to encourage non-profit organizations to participate in the overall effort.

Criteria for the FCRHA Purchase of Up to Ten Foreclosed Homes

Following is the process and criteria that will be utilized by the FCRHA to purchase ten foreclosed homes:

Required Criteria

- Must be townhouses or single-family homes.
- Must be a foreclosed property.
- Properties must be identified by a member of the Board of Supervisors, the Vacant Property Team or the Strike Force to be a problem property posing a negative impact on the neighborhood as a result of disrepair, vagrancy, neglect, or prolonged vacancy.
- Properties must pass a preliminary home inspection to identify any major structural defect.
- Price of properties, rehabilitation costs, settlement costs, and carrying costs must be less than maximum purchase price allowed for first-time homebuyers participating in the program; currently, that amount is \$385,000.
- Purchases must have the support of the District Supervisor/Chairman.
- Homes will be purchased within a range of resale values and located in neighborhoods throughout the County. No more than one property in any one neighborhood/subdivision will be purchased.

Guideline Criteria

- Properties must be free of liens and/or financial restrictions of record and must have the ability to obtain insurable title.
- Priority will be given to properties close to transportation hubs and/or employment centers.
- Properties must be vacant and bank-owned for a minimum of 180 days.
- All purchases will be authorized by the FCRHA, but purchases could be made by the FCRHA or a non-profit organization with real estate experience.

All foreclosed home purchases will be subject to review and approval by HCD's Loan Underwriting Committee. The Loan Underwriting Committee will ensure that the foreclosed home meets the criteria specified above and ensure the financial soundness of the purchase.

Changes in Loan Terms in the Silver Lining Initiative

It is recommended that the terms of the loans made under the Silver Lining Initiative require a 15-year balloon. The loan could be extended another 15 years only if the homeowner continues to income-qualify. This is consistent with the federal HOME program, from which some of this program will be funded. In no event may a homeowner benefiting from the Silver Lining Initiative own a second home.

Support for Non-profit Involvement in the Foreclosure Initiative

HCD is committed to working with the County's network of non-profit organizations in all of the approaches of the foreclosure initiative. Following is an overview of the proposed

support for the involvement of non-profit organizations, but will likely be augmented as opportunities are presented over the next two years of the initiative:

1. **Training opportunities for non-profit staff:** HCD will continue to coordinate with the Virginia Housing Development Authority (VHDA) to offer foreclosure prevention counseling training for staff of non-profit organizations.
2. **Coordinated Counseling Services:** Fairfax County will work closely with area non-profit organizations such as Non-Profit Virginia, Inc., to develop and fund a coordinated response to foreclosure counseling needs in Fairfax County and Northern Virginia up to \$25,000 in CDBG or other funds will be considered for use as a match to the foundation funds already committed (Freddie Mac) and to be applied for (United Way) by the non-profits. The funds would also be used to help troubled homeowners stay in their homes if their mortgage can be refinanced. Other jurisdictions will also be encouraged to participate.
3. **Provide technical assistance to non-profits to assist in purchasing, financing and rehabilitating foreclosed homes using the above criteria.**
4. **Opportunity for funding through the federal *Community Housing Development Organizations (CHDO) Set-Aside*:** HCD will make available Fiscal Year 2009 CHDO HOME set-aside funds of \$402,624 to certified non-profit CHDOs in assisting low-income homebuyers to purchase HOME-assisted housing that is owned, sponsored or developed by the certified CHDOs. The CHDOs may use these funds to buy foreclosed homes, rehabilitate the homes, if necessary, and either sell those homes to qualified first-time homebuyers or use those homes for rental purposes for qualified tenants. The Request for Proposals for such funds is expected to be released in August/September 2008. Additional federal funding could increase this pool.
5. **Pending County appropriation of the Penny for Affordable Housing in Fiscal Year 2010, set a goal of reserving ten percent of funding to be designated for the Home Equity Loan Program (HELP) through the Penny Fund for non-profit organizations for equity in the purchase of foreclosed homes:** The HELP program and its guidelines could be expanded to allow non-profits to obtain second mortgages for the purchase of approximately ten foreclosed homes. In addition, the ten homes to be purchased by the FCRHA could alternatively be purchased by a non-profit if all the criteria are met. Additional federal funding could increase non-profit activity and begin their involvement in FY 2009.

New Federal Legislation

As anticipated, Congress has taken action on the Housing and Economic Recovery Act and the President is expected to sign the bill. A significant component of this legislation

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is \$4 billion in emerging neighborhood stabilization funding, which will be allocated to localities and states for the acquisition and rehabilitation of foreclosed properties. As an entitlement Community Development Block Grant (CDBG) jurisdiction, Fairfax County can expect to receive its proportionate share of these funds. This legislation will also authorize the Federal Housing Administration (FHA) to refinance “underwater” mortgages (where mortgage amount exceeds the current value of the home) and provide funds for counseling—both of which will significantly help troubled homeowners to avoid foreclosure. The bill will increase resources available to the FCRHA and other to preserve and produce affordable housing, including additional tax-exempt bond authority and tax credit authority. A national housing trust fund is also expected to be developed as a result of additional reforms. These resources will be utilized to support and expand the County’s three-pronged approach to the foreclosure problem.

CREATION OF NEW POSITIONS:

None

FISCAL IMPACT:

The FCRHA will draw down up to \$2.95 million from its taxable line of credit with Bank of America in Fund 948, FCRHA Private Finance, Project 014275, Silver Lining Initiative, to be used for the purchase and rehabilitation of up to ten foreclosed homes. These funds will be repaid immediately once the property is resold to a first-time homebuyer. Funding for the non-profit support component of the initiative will be requested from Fund 319, The Penny for Affordable Housing, as part of the normal FY 2010 budget process.

ENCLOSED DOCUMENTS:

None

STAFF:

Verdia L. Haywood, Deputy County Executive
Paula C. Sampson, Director, Department of Housing and Community Development (HCD)
John Payne, Deputy Director, Real Estate, HCD

Board Agenda Item
August 4, 2008

INFORMATION - 1

Contract Award – Contract Amendment for Full Architectural/Engineering Design Services for Newington DVS Maintenance Facility (Mount Vernon District)

Consultant services are required to provide architectural and engineering design and construction administration services for a replacement building for the Newington DVS Maintenance Facility, Project 07A001, in Fund 311, County Bond Construction. The project will consist of the construction of an approximately 90,000 square-foot new vehicle maintenance facility and related site improvements to be located on the existing Newington DVS Maintenance Facility site. This project is included in the FY 2009 – FY 2013 Adopted Capital Improvement Program.

In accordance with the Fairfax County Purchasing Resolution, the architectural firm of Gauthier Alvarado and Associates, Inc. was selected to conduct a feasibility study for this project. The Board of Supervisors noted the selection of Gauthier Alvarado and Associates, Inc. at the September 25, 2006 Board meeting. The feasibility study solicitation included a provision for full design and construction administration services for this project at the County's option. This contract amendment for full design and construction administration services in the amount of \$3,013,599 increases the total contract from \$175,000 to \$3,188,599.

The current maintenance facility was constructed in 1968. Its mission has grown over the years and the facility has undergone three renovations between the mid 1970's and the mid 1980's. As a result, utilization of space within the facility has become inefficient.

To date, the program requirements have outgrown the present facility significantly. The total fleet of vehicles maintained by this facility (including school buses) has increased from 1360 in 1994 to the current number of 1823. The vehicle sizes have also increased with some of them surpassing the equipment capabilities and physical dimensions of the maintenance bays. Staff assigned to this facility has also increased from about 60 in the mid 1980's to the current 101.

The feasibility study conducted by Gauthier Alvarado and Associates, Inc. was completed in April 2007. The project was put on hold pending the result of the Fall 2007 Bond Referendum. Contract negotiations for the full design and contract administration were initiated in early 2008. Because of the current inefficient facility layout (a result of multiple past renovations), outdated equipment and technology, and small maintenance bay dimensions, a new facility will be constructed to replace the current building. The new facility will be designed to achieve a LEED (Leadership in Energy and

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Environmental Design) silver certification and incorporate up-to-date environmental measures and technology. The new facility will also include additional parking for school buses.

The Department of Tax Administration has verified that Gauthier Alvarado and Associates, Inc. is located in the City of Falls Church and is not required to have a Fairfax County Business, Professional and Occupational License.

The total contract amendment value including the design contingency is \$3,013,599.

Unless otherwise directed by the Board of Supervisors, the Department of Public Works and Environmental Services will proceed to award this contract amendment to Gauthier Alvarado and Associates, Inc. in the amount of \$3,013,599.

FISCAL IMPACT:

Funding in the amount of \$50,000,000 is available in Project 07A001, Fund 311, County Bond Construction, to award this contract and to fund the associated contingency and other project costs. Funding for this project was approved as part of the Fall 2007 School Bond Referendum.

ENCLOSED DOCUMENTS:

None (Copy of contract amendment available in the office of the Clerk to the Board)

STAFF:

Robert A. Stalzer, Deputy County Executive

James D. Gorby, Director, Department of Vehicle Services

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

Howard J. Guba, Deputy Director, DPWES

Board Agenda Item
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INFORMATION - 2

Contract Award – Sewer Capacity Improvements at Fenwick Road and Essex Avenue (Providence and Lee Districts)

Three sealed bids were received and opened on Thursday, July 10, 2008, for the construction of the Sewer Capacity Improvements at Fenwick Road and Essex Avenue, Project X00906, Sewer Line Enlargement, Fund 402, Sewer Construction Improvements. This contract award will provide 1,900 linear feet of new 10-inch and 12-inch sanitary sewer which will parallel the existing sanitary sewer along Fenwick Road and Essex Avenue. This project is included in the FY 2009 - FY 2013 Adopted Capital Improvement Program (with Future Fiscal Years to 2018).

The lowest responsive and responsible bidder is Bradshaw Construction Corporation. Its bid of \$1,742,500 is \$81,550 or 4.5% lower than the Independent Engineer's Estimate of \$1,824,050. The second lowest bid of \$1,857,762 is \$115,262 or 6.6% above the low bid. The highest bid of \$2,917,630 is \$1,175,130 or 67.4% above the lowest bid.

Bradshaw Construction Corporation has not completed a project for Fairfax County, however, they have satisfactorily completed several similar projects for other agencies such as; Virginia Department of Transportation; City of Baltimore, Maryland; Washington Suburban Sanitary Commission and Anne Arundel County, Maryland. Bradshaw Construction Corporation is considered a responsible contractor. The Department of Tax Administration has verified that Bradshaw Construction Corporation has the appropriate Fairfax County Business, Professional and Occupational License. Bradshaw Construction Corporation is a small business firm.

This bid may be withdrawn after August 24, 2008.

Unless otherwise directed by the Board of Supervisors, the Department of Public Works and Environmental Services will proceed to award this contract to Bradshaw Construction Corporation, in the amount of \$1,742,500.

FISCAL IMPACT:

Funding in the amount of \$2,049,077 is necessary to award this contract and fund the associated contingency and other project costs including contract administration, inspection, testing, permits, and fees. Funding in the amount of \$267,989 is available in

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this project and an additional \$2,000,000 will be reallocated from Project X00905, Replacement and Transmission, within Fund 402, Sewer Construction Improvements, as part of the FY 2008 carryover review.

ENCLOSED DOCUMENTS:

Attachment 1 – Order of Bidders
Attachment 2 – Vicinity Map of Fenwick Road
Attachment 3 – Vicinity Map of Essex Avenue

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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August 4, 2008

INFORMATION - 3

Contract Award - Stryker Avenue Sanitary Sewer Extension and Improvement (Hunter Mill District)

Nine sealed bids were received and opened on Tuesday, July 15, 2008, for the construction of the Stryker Avenue Sanitary Sewer Extension and Improvement, Project X00826, Extension Projects in Fund 402, Sewer Construction Improvements. This contract award will provide for construction of a gravity flow and force main sanitary sewer system which will make public sewer available to 31 existing properties located on Stryker Avenue and portions of Garrett Street and Woodrow Street in the Hunter Mill District of Fairfax County. The work also involves upgrades to the Little Vienna Pump Station to accommodate the additional flow resulting from this expansion. This project is included in the FY 2009 - FY 2013 Adopted Capital Program (with future Fiscal Years to 2018).

The lowest responsive and responsible bidder is William B. Hopke Company, Inc. The bid of \$1,124,070.65 is \$162,330.85 or 12.6% lower than the Engineer's Estimate of \$1,286,401.50. The second lowest bid of \$1,141,929.86 is \$17,859.21 or 1.6% above the low bid. The highest bid of \$1,986,642.00 is \$862,571.35 or 76.7% above the low bid.

The Department of Public Works and Environmental Services has analyzed the bids received on the referenced project. The fact that three bids were below the Engineer's Estimate and five bids above indicate a very competitive solicitation resulting in this favorable below estimate bid.

William B. Hopke Company, Inc. has satisfactorily completed several County projects and is considered a responsible contractor. The Department of Tax Administration has verified that William B. Hopke Company, Inc. has the appropriate Fairfax County Business, Professional and Occupational License.

This bid may be withdrawn after August 29, 2008.

Unless otherwise directed by the Board of Supervisors, the Department of Public Works and Environmental Services will proceed to award this contract to William B. Hopke Company, Inc. in the amount of \$1,124,070.65.

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FISCAL IMPACT:

Funding in the amount of \$1,412,360 is necessary to award this contract and to fund the associated contingency and other costs including design, utility relocation, contract administration, surveying, testing, and inspection. Funding is currently available in the amount of \$5,234,481 in Project X00826, Extension Projects in Fund 402, Sewer Construction Improvements. The remaining funding will stay within this project to fund other scheduled sanitary sewer extension projects.

ENCLOSED DOCUMENTS:

Attachment 1 – Order of Bidders

Attachment 2 – Vicinity Map

STAFF:

Robert A. Stalzer, Deputy County Executive

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

Howard J. Guba, Deputy Director, DPWES

Board Agenda Item
August 4, 2008

INFORMATION – 4

Contract Awards and Approval of Street Acceptance Items During Board of Supervisors' Recess

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

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

ENCLOSED DOCUMENTS:

None

STAFF:

Catherine A. Chianese, Assistant County Executive

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Board Agenda Item
August 4, 2008

INFORMATION - 5

Planning Commission Action on Application 2232-M08-4, Fairfax County Park Authority,
Mason District

On Thursday, July 24, 2008, the Planning Commission voted unanimously (Commissioners Alcorn, Donahue, and Lusk absent from the meeting) to approve 2232-M08-4.

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

Application 2232-MD08-4 sought approval by the Fairfax County Park Authority to amend the Master Plan for improvements to Pine Ridge Park as follows: 1) expansion of two diamond fields; 2) improvements to three rectangular fields; 3) lighting for all six athletic fields; 4) parking expansion and improvements; 5) a concession stand and restrooms; 6) a water fountain building accessible to play fields; 7) an ADA accessible 8-foot wide path from the parking area to diamond fields; and, 8) low impact design feature for stormwater management. The property is located at 3401 Woodburn Road, Annandale, on Tax Map 59-1 ((1)) 20.

ENCLOSED DOCUMENTS:

Attachment 1: Verbatim excerpts from 7/24/08 Commission meeting

Attachment 2: Vicinity map

STAFF:

Robert A. Stalzer, Deputy County Executive

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

David B. Marshall, Assistant Director, Planning Division, DPZ

Barbara J. Lipka, Executive Director, Planning Commission Office

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10:45 a.m.

Matters Presented by Board Members

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11:35 a.m.

CLOSED SESSION:

- (a) Discussion or consideration of personnel matters pursuant to Virginia Code § 2.2-3711(A) (1).
- (b) Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Virginia Code § 2.2-3711(A) (3).
- (c) Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, and consultation with legal counsel regarding specific legal matters requiring the provision of legal advice by such counsel pursuant to Virginia Code § 2.2-3711(A) (7).
 - 1. *Suzanne Garbarino v. Margaret J. Kennedy, Case No. CL-2008-0004277; Tyler Armel v. Brian Harold Kennedy, et al., Case No. CL-2008-0004288 (Fx. Co. Cir. Ct.) (Sully District)*
 - 2. *Reena Sangwan v. Fairfax County Department of Family Services, Record No. 081017 (Supreme Court of Virginia)*
 - 3. *Louise Root v. D.L. Cook, Case No. CL-2008-0002380 (Fx. Co. Cir. Ct.)*
 - 4. *Forrest J. Hatcher and Marva K. Hatcher v. Fairfax County Park Authority, Case No. CL-2008-0005228 (Fx. Co. Cir. Ct.) (Providence District)*
 - 5. *Janet Lyon Haight, Conservator of the Estate of Jay Richard Lyon v. Robert Carlson, et al., Case No. 2008-0000671 (Fx. Co. Cir. Ct.)*
 - 6. *Eugenia B. White v. Fairfax County Government, Court No. 1:07-cv-696 (E.D. Va.)*
 - 7. *Michael C. Judge and Doris Y. Judge v. Fairfax County Board of Supervisors, Case No. CL-2007-0003562 (Fx. Co. Cir. Ct.) (Sully District)*

8. *John Alexander v. John Catron, Fairfax County, Fairfax County Police Department, and Mendota Insurance Co.*, Case No. 2008-0007057 (Fx. Co. Cir. Ct.)
9. *Geoff Livingston, et al. v. County of Fairfax and Virginia Department of Transportation*, Case No. CL-2008-0008875 (Fx. Co. Cir. Ct.)
10. *Tavores Wade v. PFC Romon Robinson, PFC Anthony Taormina, PFC Daniel Griffith, Mount Vernon District Station, and County of Fairfax, Virginia*, Case No. 1:07-cv-694 (E.D. Va.)
11. *The Rotonda Condominium Unit Owners Association v. Board of Supervisors of Fairfax County, Virginia*, Case No. CL-2005-0006708 (Fx. Co. Cir. Ct.) (Providence District)
12. *Franklyn St. Hilaire v. Donnel A. Clark and County of Fairfax*, Court No. GV-08-020039 (Fx. Co. Gen. Dist. Ct)
13. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. TWG Huntington, LLC*, Case No. CL-2007-0013577 (Fx. Co. Cir. Ct.) (Lee District)
14. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Tracey Barnes*, Case No. CL-2008-0001999 (Fx. Co. Cir. Ct.) (Mount Vernon District)
15. *Eileen M. McLane, Fairfax County Zoning Administrator v. Nelson Hernandez and Reina Villalobos*, Case No. CL-2007-0012868 (Fx. Co. Cir. Ct.) (Lee District) (Strike Team Case)
16. *Eileen M. McLane, Fairfax County Zoning Administrator v. Fidel M. Zoleta and Emilia M. Zoleta*, Case No. CL-2008-0006904 (Fx. Co. Cir. Ct.) (Lee District)
17. *Eileen M. McLane, Fairfax County Zoning Administrator v. Antoniel F. Deleon and Estela C. Barrios*, Case No. CL-2008-0004626 (Fx. Co. Cir. Ct.) (Mason District)
18. *Eileen M. McLane, Fairfax County Zoning Administrator v. Otis Perry and Elcetia L. Perry*, Case No. CL-2008-0005923 (Fx. Co. Cir. Ct.) (Providence District)

19. *T.W.P. Enterprises, Inc., Trading as T.W. Perry v. Antonio Pereira, et al.*, Case No. CL- 2008-0005401 (Fx. Co. Cir. Ct.) (Dranesville District)
20. *Eileen M. McLane, Fairfax County Zoning Administrator v. Carlos A. Gonzalez and Ada I. Gonzalez*, Case No. CL-2008-0004630 (Fx. Co. Cir. Ct.) (Lee District)
21. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Guillermo A. Menacho and Guillermo C. Menacho*, Case No. CL-2008-0008880 (Fx. Co. Cir. Ct.) (Mason District) (Strike Team Case)
22. *Eileen M. McLane, Fairfax County Zoning Administrator v. Jorge A. Zavala and Lorena N. Alvarada*, Case No. CL-2008-0009441 (Fx. Co. Cir. Ct.) (Lee District) (Strike Team Case)
23. *Eileen M. McLane, Fairfax County Zoning Administrator v. Maria Zelaya*, Case No. CL-2008-0007334 (Fx. Co. Cir. Ct.) (Mount Vernon District)
24. *Eileen M. McLane, Fairfax County Zoning Administrator v. Jose Velasquez and Halley Ruis Falcone*, Case No. CL-2008-0008038 (Fx. Co. Cir. Ct.) (Mason District)
25. *Eileen M. McLane, Fairfax County Zoning Administrator v. Harry Martin*, Case No. CL-2008-0008078 (Fx. Co. Cir. Ct.) (Sully District)
26. *Eileen M. McLane, Fairfax County Zoning Administrator v. Tuckerwyatt, L.L.C.*, Case No. CL-2008-0008358 (Fx. Co. Cir. Ct.) (Providence District)
27. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Guy Kreiser, Josefina Kreiser, and Joanne S. Kreiser*, Case No. CL-2008-0008940 (Fx. Co. Cir. Ct.) (Mount Vernon District)
28. *Eileen M. McLane, Fairfax County Zoning Administrator v. Barbara Lynn Mulhall and Lawrence E. Mulhall*, Case No. CL-2008-0008941 (Fx. Co. Cir. Ct.) (Providence District)
29. *Eileen M. McLane, Fairfax County Zoning Administrator v. Yongping Hu and Qin Wan*, Case No. CL-2008-0009033 (Fx. Co. Cir. Ct.) (Braddock District)

30. *Eileen M. McLane, Fairfax County Zoning Administrator v. Mirna Moreno*, Case No. CL-2008-0009111 (Fx. Co. Cir. Ct.) (Lee District)
31. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Khoa Nguyen*, Case No. CL-2008-0009339 (Fx. Co. Cir. Ct.) (Lee District)
32. *Eileen M. McLane, Fairfax County Zoning Administrator v. Efrain Abreu Jurado*, Case No. CL-2008-0009341 (Fx. Co. Cir. Ct.) (Springfield District)
33. *Eileen M. McLane, Fairfax County Zoning Administrator v. Athenie F. Munoz*, Case No. CL-2008-0009340 (Fx. Co. Cir. Ct.) (Lee District)
34. *Eileen M. McLane, Fairfax County Zoning Administrator v. Magnis Ibeth Zelaya-Gonzalez*, Case No. CL-2008-0009331 (Fx. Co. Cir. Ct.) (Lee District)
35. *Eileen M. McLane, Fairfax County Zoning Administrator v. Martha Tabares*, Case No. CL-2008-0009440 (Fx. Co. Cir. Ct.) (Mason District)
36. *Eileen M. McLane, Fairfax County Zoning Administrator v. Ibne Khuldoon*, Case No. CL-2008-0009516 (Fx. Co. Cir. Ct.) (Lee District)
37. *Board of Supervisors of Fairfax County, Virginia v. Burke & Herbert Bank & Trust Company*, Case No. CL-2008-0009338 (Fx. Co. Cir. Ct.) (Mason District)

Board Agenda Item
August 4, 2008

3:30 p.m.

Public Hearing on RZ 2007-SU-014 (Bo Hwan Suk, Sun Ok Suk & Fairfax County Park Authority) to Rezone from R-1, R-5, HC and WS to C-3, R-5, HC and WS to Permit Commercial Development and Public Park with an Overall Floor Area Ratio of 0.30, Located on Approximately 3.03 Acres, Sully District

and

Public Hearing on PCA 74-2-150 (Fairfax County Park Authority) to Amend the Proffers for RZ 74-2-150 Previously Approved for a Park to Permit a Land Swap with Adjacent Property and Deletion of Proffers to Permit Development of a Public Park and Office Uses and Associated Modifications to Site Design with an Overall Floor Area Ratio of 0.30, Located on Approximately 1.07 Acres Zoned R-5, HC and WS, Sully District

The application property is located on the east side of Old Centreville Road approximately 20 feet south of its intersection with Braddock Road. Tax Map 54-4 ((1)) 81 and 82; 54-4 ((8)) (6) K pt.

PLANNING COMMISSION RECOMMENDATION:

On Wednesday, April 30, 2008, the Planning Commission unanimously voted to recommend the following actions to the Board of Supervisors:

- Approval of PCA 74-2-150;
- Approval of RZ 2007-SU-014, subject to the execution of proffers consistent with those dated April 24, 2008;
- Modification of the transitional screening width along the northern and eastern property boundaries, from 35 to 25 feet, in favor of the existing vegetation with supplemental plantings, as shown on the Generalized Development Plan;
- Waiver of the transitional screening requirements adjacent to the proposed Stormwater Management/BMP facility to the south, in favor of the supplemental plantings as shown on the Generalized Development Plan; and
- Waiver of all barrier requirements.

ENCLOSED DOCUMENTS:

None. Staff Report previously furnished.

Board Agenda Item
August 4, 2008

STAFF:

Regina Coyle, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)
Shelby Johnson, Staff Coordinator, Zoning Evaluation Division, DPZ

Board Agenda Item
August 4, 2008

3:30 p.m.

Public Hearing on DPA B-846-03 (Reston Square Hotel LLC). to Permit the Third Amendment of the Development Plan for RZ B-846 Previously Approved for Hotel to Permit a Change in the approved Development Plan to Allow 200 Rooms Within the Proposed Hotel for a Portion of the Original 15.0 Acre Site with an Overall Floor Area Ratio of 1.07, Located on Approximately 19,159 Square Feet Zoned PRC, Hunter Mill District

The application property is located on the north side of Sunrise Valley Drive between Reston Parkway and Roland Clarke Place and south of Dulles Toll Road. Tax Map 17-4 ((31)) H.

PLANNING COMMISSION RECOMMENDATION:

On Thursday, June 26, 2008, the Planning Commission voted unanimously (Commissioner Harsel not present for the vote) to recommend that the Board of Supervisors approve DPA B-846-3, subject to the proposed Development Condition set forth in Appendix 1 of the staff report.

ENCLOSED DOCUMENTS:

None. Staff Report previously furnished.

STAFF:

Regina Coyle, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)
Kelli-Mae Goddard-Sobers, Staff Coordinator, Zoning Evaluation Division, DPZ

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Board Agenda Item
August 4, 2008

3:30 p.m.

Public Hearing on SE 2008-MA-008 (Radley Automobiles, Incorporated) to Permit a Vehicle Major Service Establishment and Modifications and Waivers in a Commercial Revitalization District, Located on Approximately 41,968 Square Feet Zoned C-8, CRD, HC and SC, Mason District

The application property is located at 5900 Seminary Road. Tax Map 61-2 ((20)) 3A, 4 and 15.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission public hearing is scheduled on July 31, 2008. The Commission's recommendation will be forwarded to the Board of Supervisors subsequent to that date.

ENCLOSED DOCUMENTS:

None. Staff Report previously furnished.

STAFF:

Regina Coyle, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)
Shelby Johnson, Staff Coordinator, Zoning Evaluation Division, DPZ

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Board Agenda Item
August 4, 2008

3:30 p.m.

Public Hearing on RZ 2007-HM-008 (Philip and Melinda R. Pon) to Rezone from R-1 to R-2 to Permit Residential Development at a Density of 1.5 Dwelling Units Per Acre Located on Approximately 2.0 Acres, Hunter Mill District

The application property is located on the north side of Old Courthouse Road between Arabian Avenue and Burlwood Court, Tax Map 28-4 ((1)) 5.

PLANNING COMMISSION RECOMMENDATION:

On Wednesday, June 25, 2008, the Planning Commission voted unanimously (Commissioner Hart not present for the votes; Commissioner Hall absent from the meeting) to recommend the following actions to the Board of Supervisors:

- Approval of RZ 2007-HM-008, subject to the execution of proffers consistent with those dated June 25, 2008; and
- Waiver of the sidewalk requirement and modification of the trail width requirement along Old Courthouse Road, in favor of the pedestrian facilities depicted on the Generalized Development Plan.

ENCLOSED DOCUMENTS:

None. Staff Report previously furnished.

STAFF:

Regina Coyle, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)
Suzanne Lin, Staff Coordinator, Zoning Evaluation Division, DPZ

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Board Agenda Item
August 4, 2008

3:30 p.m.

Public Hearing on RZ 2006-PR-013 (Washington Property Company, LLC) to Rezone from C-3, C-6, C-8 and HC to C-6 and HC to Permit Commercial Development with an Overall Floor Area Ratio of 0.04, Located on Approximately 13.52 Acres, Providence District

and

Pubic Hearing on SE 2006-PR-005 (Washington Property Company, LLC) to Permit a Drive-In Financial Institution and a Drive-In Pharmacy, Located on Approximately 3.68 Acres Zoned C-6 and HC, Providence District

The application property is located in the southwest quadrant of the intersection of Lee Highway and Nutley Street and the northwest quadrant of the intersection of Arlington Boulevard and Nutley Street at 9200 Arlington Blvd Tax Map 48-4 ((1)) 12.

PLANNING COMMISSION RECOMMENDATION:

On Wednesday, June 25, 2008, the Planning Commission voted 8-0-3 (Commissioners de la Fe, Murphy, and Sargeant abstaining; Commissioner Hall absent from the meeting) to recommend that the Board of Supervisors deny RZ 2006-PR-013 and SE 2006-PR-005 for the reasons set forth in the attached verbatim excerpts.

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
August 4, 2008

4:00 p.m.

Public Hearing on Proposed Amendments to the Map of Chesapeake Bay Preservation Areas, Chapter 118 (Chesapeake Bay Preservation Ordinance) of The Code of the County of Fairfax, Virginia, Re: Resource Protection Area Boundaries on Map Pages No. 47-2 (Providence District) and 110-1 (Mount Vernon District)

The Planning Commission voted to defer its decision to September 11, 2008. The Board of Supervisors public hearing is deferred to September 22, 2008, at 4:00 p.m.

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Board Agenda Item
August 4, 2008

4:00 p.m.

Public Hearing on a Proposal to Abandon a Segment of Hooes Road (Lee District)

ISSUE:

Public hearing to consider the abandonment of a segment of Hooes Road (Route 636).

RECOMMENDATION:

The County Executive recommends that the Board consider adoption of the attached order (Attachment II) to abandon this portion of the roadway.

TIMING:

The Board took action on June 30, 2008, to authorize a public hearing for August 4, 2008, at 4:00 p.m.

BACKGROUND:

By motion of the Board of Supervisors on June 18, 2007, staff was asked to begin processing the abandonment of a portion of Hooes Road. This request comes subsequent to the physical closure of the Hooes Road connection to Constantine Drive. Today, Hooes Road terminates in a cul-de-sac turnaround east of Bonnie Mill Lane. Constantine Drive terminates in a hammerhead configuration. This connection was closed by VDOT approximately 4 years ago with the construction of curbing, a vegetated area, and guiderail. A paved trail also cuts through the terminus at approximately the same angle as the area proposed for abandonment. The proposed abandonment would further preclude vehicular access from Hooes Road to Constantine Avenue.

Easements

Easement needs for Fairfax Water and Dominion Virginia Power have been resolved. Also a covenant for the trail that crosses the right-of-way has been executed.

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

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FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

Attachment I: Notice of Intent to Abandon
Attachment II: Order of Abandonment
Attachment III: Abandonment Plat
Attachment IV: Metes and Bounds Description
Attachment V: Vicinity map (Tax Map 90-2 & 90-4)

STAFF:

Katharine D. Ichter, Director, Department of Transportation
Angela Kadar Rodeheaver, Department of Transportation
Michael A. Davis, Department of Transportation

Board Agenda Item
August 4, 2008



4:00 p.m.

Public Hearing on Proposed FY 2010 Transportation Enhancement Program Projects

ISSUE:

Public hearing to solicit comments and input on proposed FY 2010 Transportation Enhancement Projects.

RECOMMENDATION:

Staff will return to the Board on September 22, 2008, with a list of recommended projects for endorsement. Unless otherwise directed by the Board, the list will include only those projects for which the applicant has identified a source of funds for the required 20 percent match.

TIMING:

On June 2, 2008, the Board of Supervisors authorized advertisement of a notice for a public hearing on the FY 2010 Transportation Enhancement Program (Attachment I). The deadline to identify potential projects for review and action by the Board of Supervisors is August 29, 2008. Staff will return to the Board of Supervisors on September 22, 2008, with a recommended list of projects for approval. Projects must be submitted to the Virginia Department of Transportation (VDOT) by November 1, 2008.

BACKGROUND:

The Safe, Accountable, Flexible and Efficient Transportation Equity Act (SAFETEA) continued the program established under the Intermodal Surface Transportation Efficiency Act (ISTEA) that provides ten percent of funds apportioned to a State under the Surface Transportation Program (STP) be made available for transportation enhancement activities. It is estimated that approximately \$21-22 million will be available statewide for enhancement projects this year; however, this amount could change depending on the Federal funding levels. In FY 2009, approximately \$22.0 million was available in this program. This amount represents the federal 80 percent share and does not include the 20 percent local match. Over the twelve years of the Transportation Enhancement Program, Fairfax County projects have only received \$10.186 million, or 3.6 percent of the \$232.848 million available.

A list of Fairfax County projects approved by the Commonwealth Transportation Board (CTB) for FY 2009 enhancement funds is provided as Attachment II. A spreadsheet of all Enhancement Funds received by Fairfax County is included as Attachment III.

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Under VDOT guidelines, enhancement projects may be initiated by any group or individual, but needs to be formally endorsed by a local jurisdiction or public agency.

Transportation enhancement projects are financed with up to 80 percent Surface Transportation Program (STP) funds and require a minimum 20 percent local match. Any project endorsed by the Board must have an identified source of funding for the 20 percent match. VDOT will generally administer an enhancement project, if it is located within the VDOT right-of-way.

Final selection of projects will be made by the CTB working through the VDOT Programming and Scheduling Division. The deadline to identify potential projects for FY 2010 funds to Fairfax County for inclusion in the September 22, 2008, Board Item is August 29, 2008. The deadline for submitting projects to VDOT is November 1, 2008.

On June 2, 2008, staff proposed the following schedule for the FY 2010 enhancement grant program:

June 2, 2008	Board Authorization to Advertise a Public Hearing on Enhancement Requests
August 4, 2008	Board Public Hearing
August 29, 2008	Deadline to Submit Projects for Board Consideration
September 22, 2008	Board Endorsement of Recommended Projects
October 1, 2008	Letters to Applicants Announcing Applications Endorsed by the Board
November 1, 2008	VDOT Submission Deadline

Criteria for Project Eligibility:

Transportation enhancements are activities or improvements that increase the value or growth of a project or make it more aesthetically pleasing. In other words, the project is “enhanced” by doing something that is not a common practice. Eligible transportation enhancement activities are:

1. Provision of facilities for bicycles and/or pedestrians;
2. Provision of safety and educational activities for pedestrians and bicycles;
3. Acquisition of scenic easements and scenic or historic sites;

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4. Scenic or historic highway programs;
5. Landscaping and other scenic beautification;
6. Historic preservation;
7. Rehabilitation and operation of historic transportation buildings, structures, or facilities including historic railroad facilities and canals;
8. Preservation of abandoned railway corridors, including the conversion and use thereof for pedestrian and bicycle trails;
9. Control and removal of outdoor advertising;
10. Archaeological planning and research;
11. Environmental mitigation to address water pollution due to highway runoff or reduce vehicle-caused wildlife mortality while maintaining habitat connectivity;
12. Establishment of transportation museums.

The Federal Highway Administration (FHWA) has determined that the above list is exclusive. Only those activities listed are eligible for transportation monies.

FISCAL IMPACT:

Transportation enhancement projects will require a minimum 20 percent local match. Any project endorsed by the Board must have an identified source of funding for the 20 percent match.

ENCLOSED DOCUMENTS:

Attachment I: Notice of intent to conduct a public hearing

Attachment II: List of projects approved by VDOT for FY 2010 enhancement funds

Attachment III: Enhancement Project Update Spreadsheet

STAFF:

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

Tom Biesiadny, Chief, Coordination and Funding Division, FCDOT

Carl Winstead, FCDOT

Jay Guy, FCDOT

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Board Agenda Item
August 4, 2008

5:00 p.m.

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

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