

**FAIRFAX COUNTY
BOARD OF SUPERVISORS
NOVEMBER 16, 2009**

AGENDA

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|-------|---|--|
| 8:30 | Held | Fairfax/Falls Church Community Services Board 40 th Anniversary Reception Conference room 4/5 |
| 9:30 | Done | Presentations |
| 10:30 | Board accepted report & referred recommendation to Board Committee and Staff | Presentation of the Environmental Quality Advisory Council (EQAC) Annual Report |
| 10:50 | Done | Appointments to Citizen Boards, Authorities, Commissions, and Advisory Groups |
| 10:50 | Done | Items Presented by the County Executive |
| | ADMINISTRATIVE ITEMS | |
| 1 | Approved | Approval of Supplemental Appropriation Resolution AS 10077 for the Health Department to Accept a Department of Health and Human Services Sub-Grant Award Through the Virginia Department of Health for Public Health Emergency Preparedness |
| 2 | Approved | Approval of Supplemental Appropriation Resolution AS 10007 for the Department of Family Services to Accept Grant Funding from the Virginia Department of Education to Continue the Virginia Preschool Initiative Program |
| 3 | Approved | Approval of Supplemental Appropriation Resolution AS 10085 for Various Fairfax Agencies to Accept Department of Homeland Security Urban Areas Security Initiative Sub-Grant Awards from the District of Columbia Homeland Security and Emergency Management Agency |
| 4 | Approved | Approval of Supplemental Appropriation Resolution AS 10071 for the Department of Information Technology to Accept Department of Homeland Security Urban Areas Security Initiative Sub-Grant Awards from the District of Columbia Homeland Security and Emergency Management Agency |
| 5 | Approved | Authorization for the Fairfax County Fire and Rescue Department to Apply for and Accept Grant Funding from the U.S. Agency for International Development to Continue Support for a Program in International Urban Search and Rescue |
| 6 | Approved | Extension of Review Periods for 2232 Review Applications (Lee, Mason, Mount Vernon, Providence, and Sully Districts) |

**FAIRFAX COUNTY
BOARD OF SUPERVISORS
NOVEMBER 16, 2009**

**ADMINISTRATIVE
ITEMS**
(continued)

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| 7 | Approved | Authorization to Advertise a Public Hearing on Proposed Revisions to Chapter 3, Article 6 of the Code of Fairfax County to Abbreviate the Deferred Compensation Ordinance by Authorizing Maintenance of a Separate Deferred Compensation Plan Document |
| 8 | Approved | Streets into the Secondary System (Hunter Mill and Springfield Districts) |
| 9 | Approved | Authorization to Advertise a Public Hearing on a Proposed Cut-Through Traffic Mitigation Plan for Sutton Road as Part of the Residential Traffic Administration Program (Providence District) |
| 10 | Approved | Authorization to Advertise a Public Hearing to Establish the Franklin Farm Community Parking District (Sully District) |
| 11 | Approved | Authorization to Advertise a Public Hearing to Consider Adopting an Ordinance Establishing the George Mason University Residential Permit Parking District, District 40 (Braddock District) |
| 12 | Approved | Authorization to Advertise a Public Hearing to Consider Adopting an Ordinance Expanding the Springdale Residential Permit Parking District, District 33 (Mason District) |
| 13 | Approved | Authorization to Advertise a Public Hearing to Establish the Amberwood Community Parking District (Hunter Mill District) |
| 14 | Approved | Approval of Traffic Calming Measures and Installation of Multi-Way Stop and "Watch for Children" Signs as Part of the Residential Traffic Administration Program (Sully, Lee, and Springfield Districts) |
| 15 | Approved | Authorization to Advertise a Public Hearing to Consider Amending Fairfax County Code Section 82-5-7 Related to Parking of Commercial Vehicles in Residential Districts |

ACTION ITEMS

- | | | |
|---|-----------------|---|
| 1 | Approved | Approval of State Litter Prevention and Recycling Grant Funding Transfer to Clean Fairfax Council, Incorporated |
| 2 | Approved | Issuance by the Industrial Development Authority of its Health Care Revenue Bonds (Inova Health System Project) |

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BOARD OF SUPERVISORS
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ACTION ITEMS

(continued)

- | | | |
|---|-----------------|---|
| 3 | Approved | Approval of Agreement Between Fairfax County and the Virginia Railway Express (VRE) for the Environmental Work, Preliminary Engineering, and Final Design of the Lorton VRE Station Second Platform and the Local Match Payment for the Project |
| 4 | Approved | Endorsement of FY 2011 Virginia Department of Transportation's Enhancement Program Project Applications |
| 5 | Approved | Authorization to Use Route 28 Tax District Funding for Design of Spot Improvements |

**INFORMATION
ITEMS**

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|---|--------------|--|
| 1 | Noted | Recognition of Comprehensive Annual Financial Reports and the Annual Budget by the Government Finance Officers Association; Performance Measurement Program by the International City/County Management Association; and Investment Policy by the Association of Public Treasurers |
| 2 | Noted | Planning Commission Action on Application 2232-D09-2, NewPath Networks, LLC and New Cingular Wireless PCS, LLC, Node GFE9, (Dranesville District) |
| 3 | Noted | Planning Commission Action on Application 2232-M09-23, Fairfax County Park Authority(Mason District) |
| 4 | Noted | Contract Award - Open Ended Contract for Cultural Landscape Reports and Treatment Services |
| 5 | Noted | Contract Award- Open Ended Contract for Archaeological Services |
| 6 | Noted | Planning Commission Action on Application 2232-Y09-18, T-Mobile Northeast LLC and Milestone Communications (Sully District) |
| 7 | Noted | Planning Commission Action on Application 2232-L09-13, New Cingular Wireless PCS, LLC, T-Mobile Northeast LLC, APC Realty & Equipment Company LLC/Sprint Nextel, and Cricket Communications, Inc. (Lee District) |
| 8 | Noted | Contract Award – Rehabilitation of the Dogue Creek Sewage Pumping Station (Mount Vernon District) |

**FAIRFAX COUNTY
BOARD OF SUPERVISORS
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**INFORMATION
ITEMS**

(continued)

9	Noted	Contract Award - Architectural/Engineering Design Services for Old Courthouse Renewal and Renovation (Providence District)
10	Noted	Contract Award – Architectural/Engineering (A/E) Basic Ordering Agreement (BOA) Contract for PSA-Dewberry, Incorporated
11	Noted	Planning Commission Action on Application 2232-L09-16, T-Mobile Northeast L.L.C., and Milestone Communications (Lee District)
11:20	Done	Matters Presented by Board Members
12:00	Done	Closed Session

**PUBLIC
HEARINGS**

3:00	Denied	Board Decision on RZ 2005-HM-028 (Pedro & Carmen M. Toscano, Jr.) (Hunter Mill District)
3:00	Denied	Board Decision on SE 2007-HM-023 (Pedro & Carmen M. Toscano, Jr.) (Hunter Mill District)
3:00	Approved	Public Hearing on AR-01-H-001 (HIU Newcomb Family LLC, Mariette H., Sarah, Hana, Lani Charles Newcomb and Anna Newcomb Bradford) (Dranesville District)
3:30	Public hearing indefinitely deferred	Public Hearing on RZ 2008-MV-007 (JK Investments, Inc.) (Mount Vernon District)
3:30	Public hearing indefinitely deferred	Public Hearing on SEA 85-L-137 (JK Investments, Inc.) (Mount Vernon District)
3:30	Public hearing indefinitely deferred	Public Hearing on RZ 2009-PR-002 (Square 1400, L.C.) (Providence District)
3:30	Public hearing deferred to 12/7/09 at 3:00 p.m.	Public Hearing on SE 2008-MV-031 (Trustees for Mount Vernon Lodge No. 219, A.F. & A.M., New Cingular Wireless PCS, LLC D/B/A AT&T Mobility and T-Mobile Northeast, LLC) (Mount Vernon District)
3:30	Approved	Public Hearing on SE 2009-LE-001 (Nazir A. Bhagat and Ashraf N. Bhagat) (Lee District)

**FAIRFAX COUNTY
BOARD OF SUPERVISORS
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**PUBLIC
HEARINGS**
(continued)

3:30	Approved	Public Hearing on RZ 2009-LE-001 (Tavares Family Limited Partnership (Lee District)
3:30	Approved	Public Hearing on PCA 1999-LE-036 (Tavares Concrete Company, Inc.) (Lee District)
3:30	Approved	Public Hearing on PCA 2000-LE-023 (Tavares Concrete Company, Inc.) (Lee District)
3:30	Approved	Public Hearing on PCA 2003-PR-037 (Beech Grove Neighborhoods LLC and Kendall Square Homeowners Association) (Providence District)
4:00	Approved	Public Hearing to Convey County-Owned Property to the Virginia Department of Transportation for the Fairfax County Parkway Expansion Project (Lee, Mount Vernon, and Springfield Districts)
4:00	Approved	Public Hearing for the Enlargement/De-Creation/Re-Creation of Small Sanitary Districts for Refuse and/or Leaf Collection Service (Dranesville, Mount Vernon and Providence Districts)
4:30	Approved	Public Hearing on Amendments to Fairfax County Code Section 82-1-32 and Chapter 82, Article 5, Related to the Parking of Motor Vehicles
4:30	Approved	Public Hearing to Convey County-Owned Property to the Fairfax County Park Authority to be Designated as a Cultural Resource Park (Dranesville District)
5:00	Public hearing held; record remained open	Public Hearing to Receive Comment from Citizens on the Proposed Legislative Program to be Presented to the 2010 Virginia General Assembly



Fairfax County, Virginia
BOARD OF SUPERVISORS
AGENDA

Monday
November 16, 2009

9:30 a.m.

PRESENTATIONS:

1. CERTIFICATE – To commend Fairfax County firefighters for the Fill the Boot campaign. Requested by Supervisor Herrity.
2. CERTIFICATE – To recognize the Chantilly American Little League Major Team state champions for its accomplishment. Requested by Supervisors Herrity and Frey.
3. CERTIFICATE – To recognize the volunteers who installed TV conversion equipment for older adults and adults with disabilities during the nationwide change to digital format. Requested by Supervisor Herrity.
4. RESOLUTION – To recognize Self-Help and Resource Exchange, Inc., also known as SHARE, for its 40th anniversary. Requested by Supervisor Foust.
5. RESOLUTION – To recognize the Herndon Fortnightly Club for its 120th anniversary. Requested by Supervisor Foust.
6. RESOLUTION – To recognize the Community Services Board for its 40th anniversary. Requested by Chairman Bulova.
7. PROCLAMATION – To designate December 1, 2009, as AIDS Awareness Day in Fairfax County. Requested by Chairman Bulova.

STAFF:

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

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Board Agenda Item
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10:30 a.m.

Presentation of the Environmental Quality Advisory Council (EQAC) Annual Report

ENCLOSED DOCUMENTS:

Environmental Quality Advisory Council Annual Report delivered under separate cover.

PRESENTED BY:

Stella Koch, Chairman, Environmental Quality Advisory Council

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10:50 a.m.

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

ENCLOSED DOCUMENTS:

Appointments to be Heard November 16, 2009

STAFF:

Nancy Vehrs, Clerk to the Board of Supervisors

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10:50 a.m.

Items Presented by the County Executive

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Board Agenda Item
November 16, 2009

ADMINISTRATIVE - 1

Approval of Supplemental Appropriation Resolution AS 10077 for the Health Department to Accept a Department of Health and Human Services Sub-Grant Award Through the Virginia Department of Health for Public Health Emergency Preparedness

ISSUE:

Board approval of Supplemental Appropriation Resolution AS 10077 in the amount of \$936,462 for the Health Department to accept a Department of Health and Human Services (HHS) time-limited sub-grant award from the Centers for Disease Control and Prevention (CDC) through the Virginia Department of Health (VDH). These funds are made available through the Public Health Emergency Preparedness and Response (PHEP) program to support the Health Department's Influenza A (H1N1) mass vaccination capability. The grant period is July 31, 2009 to July 30, 2010. No Local Cash Match is required.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors approve Supplemental Appropriation Resolution AS 10077 for the Health Department to accept a HHS FY 2010 sub-grant award through VDH for Public Health Emergency Preparedness and Response in the amount of \$936,462. These funds will be used to support the agency's H1N1 influenza vaccination campaign.

TIMING:

Board approval is requested on November 16, 2009.

BACKGROUND:

The H1N1 influenza virus appeared in the United States in April 2009 and spread person-to-person throughout the world. A vaccine for the virus has been developed and HHS, through the CDC, has made available grant funding to local health districts to use in support of a mass vaccination campaign.

The Health Department will receive a total of \$936,462 from HHS through VDH to support local H1N1 mass vaccination efforts. The Health Department may use these funds to supplement, not supplant, existing H1N1 mass vaccination efforts in the community. The full award is made available through two grants: H1N1 Phase I and II

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Response Planning (\$126,226), and H1N1 Phase III Vaccination Administration (\$810,236).

Phase I and II funds will be utilized to support planning efforts associated with mass vaccination clinics throughout the pandemic. Funds will provide for essential medical and administrative supplies, vaccine cold storage and temperature monitoring equipment, and printing costs. Phase III will support logistical needs associated with holding community-based mass vaccination clinics including equipment purchases, clinic signage, personal protection supplies, medical waste disposal, and hiring, training and deployment of temporary contract staff to support vaccine administration and data tracking to monitor and report on each phase of the mass vaccination program.

FISCAL IMPACT:

Grant funding in the amount of \$936,462 is available from HHS through VDH for the PHEP program response to the H1N1 influenza virus. These funds will be used to support the agency's H1N1 mass vaccination planning and operations. 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 2010. No Local Cash Match is required. This grant does not allow the recovery of indirect costs.

CREATION OF POSITIONS:

No new positions will be created by this grant.

ENCLOSED DOCUMENTS:

Attachment 1 – Letter from the Virginia Department of Health Appropriating H1N1 Grant Funding to Fairfax County Health Department

Attachment 2 – Supplemental Appropriation Resolution AS 10077

STAFF:

Verdia L. Haywood, Deputy County Executive

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

Rosalyn Foroobar, Deputy Director of Health Services

Marc Barbriere, MPH, Public Health Emergency Preparedness Coordinator

Scott Patchan, Fiscal Administrator for the Health Department

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ADMINISTRATIVE - 2

Approval of Supplemental Appropriation Resolution AS 10007 for the Department of Family Services to Accept Grant Funding from the Virginia Department of Education to Continue the Virginia Preschool Initiative Program

ISSUE:

Board approval of Supplemental Appropriation Resolution AS 10007 for the Department of Family Services to accept funding from the Virginia Department of Education (VDOE) in the amount of \$2,628,000. This grant will provide for the continuation of the Virginia Preschool Initiative (VPI) program to provide preschool programs in FY 2010 for at-risk four-year-olds. The grant period is from July 1, 2009 through June 30, 2010. The required local match of \$2,628,000 will be met through \$50,000 in Local Cash Match from Fund 102, Federal/State Grant Fund, and \$2,578,000 from Fairfax County Public Schools (FCPS). Of the total funding to the program, \$2,678,000 will be included in Fund 102, Federal/State Grant Fund, and the balance of the match will be met with funds from FCPS.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors approve Supplemental Appropriation Resolution AS 10007 for the Department of Family Services to accept grant funding from VDOE in the amount of \$2,678,000, including \$50,000 in Local Cash Match from the County, to provide preschool programs for at-risk four-year-olds.

TIMING:

Board approval is requested on November 16, 2009.

BACKGROUND:

In January 1994, the Commission on Equity in Public Education adopted and endorsed four major programs as the core elements in their recommendations to the 1994 General Assembly. The recommendations, subsequently adopted by the General Assembly, focused on programs that had been shown to improve educational achievement. The Virginia Preschool Initiative, a preschool program for at-risk four-year-olds, was one of those recommendations. Through VPI, state funds are available to provide comprehensive preschool programs to 100 percent of Virginia's at-risk four-year-olds, as defined by VPI funding eligibility, who are not being served by full-day Head Start. The goal of VPI is to reduce disparities among young children upon entering kindergarten and to reduce or eliminate those risk factors that lead to early academic failure. Funds are disbursed by VDOE to localities to:

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- establish or expand quality, comprehensive preschool programs in public schools or community sites;
- purchase quality preschool education programs and services for at-risk four-year-old children from existing providers;
- expand existing quality programs to serve more children; and
- upgrade existing programs to meet criteria for comprehensive, quality preschool programs to include new, unserved children.

The 2009 General Assembly approved VPI funding calculated at an estimated \$6,000 per eligible child, with program costs shared by the state and local governments based on the composite index of local ability-to-pay. In FY 2010, the composite index value is capped at 0.50 for purposes of calculating the estimated local match requirement to the VPI program.

In FY 2010, the Fairfax County Department of Family Services will serve 876 children, an increase of 108 children over FY 2009, through the VPI program in various settings throughout the County, including preschool classrooms in Fairfax County Public Schools (FCPS), community-based child care centers, and family child care homes. In Fairfax County Public Schools, state VPI funds are leveraged with local funds to help meet the local match requirement and extend the hours in locally-funded Head Start classrooms so that children receive full-day services.

FISCAL IMPACT:

The FY 2010 VDOE Virginia Preschool Initiative grant of \$2,678,000, including \$50,000 in Local Cash Match from the County, will support the continuation of the Virginia Preschool Initiative program through June 30, 2010. The remaining local match of \$2,578,000 will come from Fairfax County Public Schools. 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 2010. This grant does not allow for the recovery of indirect costs.

CREATION OF NEW POSITIONS:

This grant award will provide support for 3/3.0 SYE existing grant positions. The County has no obligation to fund these positions when the grant period ends.

ENCLOSED DOCUMENTS:

Attachment 1 – Virginia Preschool Initiative Fall Verification Report
Attachment 2 – Supplemental Appropriation Resolution AS 10007

STAFF:

Verdia L. Haywood, Deputy County Executive
Nannette M. Bowler, Director, Department of Family Services
Anne-Marie Twohie, Acting Director, Office for Children

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ADMINISTRATIVE – 3

Approval of Supplemental Appropriation Resolution AS 10085 for Various Fairfax Agencies to Accept Department of Homeland Security Urban Areas Security Initiative Sub-Grant Awards from the District of Columbia Homeland Security and Emergency Management Agency

ISSUE:

Board approval of Supplemental Appropriation Resolution AS 10085 in the amount of \$9,013,454 for Fairfax County to accept Department of Homeland Security (DHS) FY 2009 Urban Areas Security Initiative (UASI) sub-grant awards from the State Administrative Agency (SAA) for the National Capital Region. These funds are made available by DHS through the District of Columbia, which is serving as the SAA. DHS provides financial assistance to address the unique planning, training, equipment, and exercise needs of high-threat, high-density urban areas to assist them in building an enhanced and sustainable capacity to prevent, respond to, and recover from acts of terrorism. The grant periods for the FY 2009 sub-grant awards are retroactive from August 1, 2009 through September 30, 2011. No Local Cash Match is required.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors approve Supplemental Appropriation Resolution AS 10085 in the amount of \$9,013,454. These funds will be used by various County agencies to enhance security and overall preparedness by implementing the projects summarized in Attachment 1. All projects will be implemented in accordance with the program guidance documents.

TIMING:

Board Approval is requested on November 16, 2009.

BACKGROUND:

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

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

Funded projects are typically regional in nature with benefits to multiple jurisdictions. In order to effectively implement these projects, a single jurisdiction is being identified to act as a recipient of a sub-grant award to handle all of the financial management, audit, procurement and payment provision of the sub-grant award and grant program. Several Fairfax County agencies including the Office of Emergency Management, Police Department, and Fire and Rescue Department are expected to act as sub-grantees for these funds. A listing of all the sub-grant awards being requested for acceptance is attached along with a synopsis for each project. Individual awards are also attached to support requested acceptance. No positions will be created by these grants but some funds will be used for limited term support.

FISCAL IMPACT:

Grant funding in the amount of \$9,013,454 is available in the DHS UASI grant funds through the District of Columbia. These funds will be used to enhance capabilities in emergency management, police, fire service, and interoperable communications. This action does not increase the expenditure level in Fund 102, Federal/State Grant Fund, as funds are held in reserve for unanticipated grant awards in FY 2010. Indirect costs are recoverable from some of these awards. It is anticipated that the County will recover \$116,100 in indirect costs for this grant. No Local Cash Match is required.

CREATION OF NEW POSITIONS:

No positions will be created by these grants.

ENCLOSED DOCUMENTS:

Attachment 1 – Grant Award Summary

Attachment 2 – Grant Award Documents

Attachment 3 – Supplemental Appropriation Resolution AS 10085

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STAFF:

Robert Stalzer, Deputy County Executive

David McKernan, Coordinator, Office of Emergency Management

Ronald Mastin, Chief, Fire and Rescue Department

David Rohrer, Chief, Police Department

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ADMINISTRATIVE – 4

Approval of Supplemental Appropriation Resolution AS 10071 for the Department of Information Technology to Accept Department of Homeland Security Urban Areas Security Initiative Sub-Grant Awards from the District of Columbia Homeland Security and Emergency Management Agency

ISSUE:

Board approval of Supplemental Appropriation Resolution AS 10071 in the amount of \$4,708,334 for the Department of Information Technology to accept two Department of Homeland Security (DHS) FY 2009 Urban Areas Security Initiative (UASI) sub-grant awards from the State Administrative Agency (SAA) for the National Capital Region. These funds are made available by DHS through the District of Columbia, which is serving as the SAA. One award in the amount of \$2,501,376 will be used for efforts to define a comprehensive governance model to sustain and manage technical capabilities established under the UASI program that have been deployed in the National Capital Region (NCR) using UASI grant funds that provided an integrated, interoperable system for communications and information sharing. The second award in the amount of \$2,206,958 is to support the continued operation and maintenance of regional interoperable communications assets, the regional Data Exchange Hub (DEH) and NCRnet infrastructure, for a twelve month period. The grant periods for the FY 2009 sub-grant awards are retroactive from August 1, 2009, through September 30, 2011. No Local Cash Match is required.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors approve Supplemental Appropriation Resolution AS 10071 for the Department of Information Technology to accept funding in the amount of \$4,708,334. These funds will be used for efforts to define a comprehensive governance model to sustain and manage technical capabilities established under the UASI program that have been deployed in the NCR using UASI grant funds that provided an integrated, interoperable system for communications and information sharing and to support the continued operation and maintenance of regional interoperable communications assets, the regional Data Exchange Hub (DEH) and NCRnet infrastructure, for a twelve month period.

TIMING:

Board approval is requested on November 16, 2009.

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BACKGROUND:

The 2009 Urban Areas Security Initiative (UASI) funds from the U.S. Department of Homeland Security 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. 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.

Funding for the first project, the Enterprise Architecture and Governance FY 2009 UASI sub-grant award (\$2,501,376), is being provided by the Department of Homeland Security to continue initiatives that achieve goals for regional interoperability. This award builds upon prior UASI grants and the 2007 Public Safety Interoperable Communications (PSIC) Grant that interconnected locality networks across the National Capital Region (NCR), developed standards and infrastructure for data exchange between disparate systems that enable interoperable communications and data sharing between municipalities in the NCR, and implemented a pilot data exchange of local computer-aided dispatch systems between Fairfax County, Arlington County, and City of Alexandria. The FY 2009 UASI grant is to develop a legal, regional governance framework, operational oversight and protocols, and long term sustainment and cost sharing structure for the network and associated computer equipment and services. It also provides funds to enhance network resilience and security in line with requirements for continuity of operations and cyber-security considerations. Fairfax County has been selected by the NCR jurisdictions and Council of Governments Chief Information Officers Committee as the managing jurisdiction for implementation.

Funding for the second project, the Data Exchange Hub and NCRnet Programs FY 2009 UASI sub-grant award (\$2,206,958), is being provided by the Department of Homeland Security to support the continued operation and maintenance of the regional Data Exchange Hub (DEH) and NCRnet infrastructure for a twelve month period. These regional interoperable communications assets were implemented through earlier regional UASI grants as noted above. This grant will sustain the required 24 hours a day, seven days a week technical support of the regional DEH and NCRnet infrastructure as it transitions from prototype to production use of the data exchange capability between the public safety computer aided dispatch systems of the live pilot jurisdictions (Fairfax County, Arlington County, and City of Alexandria) and will ensure reliable system use in critical mutual emergency response and regional emergency operations centers (EOCs) collaboration and communications systems. Given its role in designing and building these assets, Fairfax County has been selected by the National Capital Region and the Council of Governments Chief Information Officers Committee as the managing jurisdiction for implementation.

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FISCAL IMPACT:

Grant funding in the amount of \$4,708,334 is available in the DHS UASI grant funds through the District of Columbia. These funds will be used to define a comprehensive governance model to sustain and manage technical capabilities established under the UASI program that have been deployed in the NCR using UASI grant funds that provided an integrated, interoperable system for communications and information sharing and to provide continued maintenance support of the DEH and NCRNet infrastructure. 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 2010. No Local Cash Match is required. These awards do not allow the recovery of indirect costs.

CREATION OF NEW POSITIONS:

No new positions will be created by this grant.

ATTACHMENTS:

Attachment 1 - Award letters

Attachment 2 – Supplemental Appropriation Resolution AS 10071

STAFF:

David Molchany, Deputy County Executive

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

Lynn Hadden, Interoperability Architect, Department of Information Technology

Diane Hansen, Office of Emergency Management

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ADMINISTRATIVE - 5

Authorization for the Fairfax County Fire and Rescue Department to Apply for and Accept Grant Funding from the U.S. Agency for International Development to Continue Support for a Program in International Urban Search and Rescue

ISSUE:

Board approval for the Fire and Rescue Department to apply for and accept a cooperative agreement and funding from the U.S. Agency for International Development (USAID) in the amount of \$846,293. This is a multi-year award to continue support for the provision of urban search and rescue assistance in response to foreign disasters. Funding will be provided by USAID for all reasonable, allocable, and allowable expenses, both direct and indirect, which are related to the program and are in accordance with applicable cost standards. There is no Local Cash Match requirement. In-kind support of \$170,283 is required for the first year. This requirement will be demonstrated by documenting costs already incurred in the normal course of business by the Fire and Rescue Department in support of urban search and rescue functions. The grant period is expected to run from December 1, 2009 to November 30, 2010. This period may be extended for a total period not to exceed five years subject to the availability of federal funds and the Fire and Rescue Department's performance. 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 of Supervisors authorize the Fire and Rescue Department to apply for and accept a cooperative agreement and funding from the U.S. Agency for International Development in the amount of \$846,293. Funds are to be used to support the provision of urban search and rescue assistance and technical assistance for USAID.

TIMING:

Application for continued funding for this ongoing program was submitted pending Board Approval. Notice of Award was made September 30, 2009 for funding available December 1, 2009. If the Board of Supervisors does not approve this request, the application will be withdrawn.

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BACKGROUND:

The Office of Foreign Disaster Assistance (OFDA), USAID, was established in response to the authorization of disaster assistance by Congress in Chapter 9 of the Foreign Assistance Act of 1961, as amended. OFDA plans and implements international disaster relief, rehabilitation, preparedness, mitigation, prevention, and early warning programs and coordinates the U.S. government's foreign disaster assistance program. Response efforts are related to a variety of natural disasters including flooding, earthquakes, famine and hurricanes as well as man-made events including riots and acts of terrorism. When a disaster occurs, response time is critical to saving lives. The local emergency providers are first on the scene but appropriate U.S. assistance may be provided through Disaster Assistance Response Teams (DARTs), composed of disaster management and response specialists and supporting equipment, tailored to the specific disaster event. The Urban Search and Rescue (USAR) function, when needed for an international disaster response, is a crucial component of the DART. Deployment may occur anywhere outside the U.S., its territories, or possessions and may involve from one to 80 task force members.

OFDA participates in the International Search and Rescue Advisory Group (INSARAG), which developed specific criteria with respect to organization, systems, equipment and selection of personnel. Because most disasters cannot be predicted in advance, the capability to perform USAR operations must be pre-existing and the ability to mobilize and deploy must ensure that USAR capabilities will be available when a foreign disaster occurs. OFDA also supports non-response activities such as disaster preparedness and mitigation, which includes USAR-related technical advisory services, local host country capacity-building, and technology transfer to international organizations.

Since the first request from USAID for earthquake response to the former Soviet Armenia in 1988, members of the Fire and Rescue Department (FRD) have responded internationally 21 times to disasters all over the world. The most recent full team deployment was in 2008 when members responded to a school building collapse in Petionville, Haiti. Additionally, the FRD has provided technical experts to USAID headquarters in Washington, DC as requested.

This new award provides follow-on funding for the current cooperative agreement. As a result of the past relationship between USAID and the FRD, the department has acquired and maintained tools, supplies and specialized rescue equipment. This equipment can be utilized not only in response to deployment on international disasters but also is immediately available for local disaster response. This assistance agreement and associated funding provides for the enhancement of emergency response services countywide.

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FISCAL IMPACT:

The amount of funding provided by USAID for the first year is \$846,293. Of the total award, \$373,293 is allocated for deployment readiness (program management functions, preparedness training, storage and maintenance of the equipment cache) and \$473,000 is for technical assistance. This action does not increase the expenditure level of Fund 102, Federal/State Grant Fund as funds are held in reserve for anticipated grant awards in FY 2010.

In-kind support of \$170,283 is required on the part of the Fire and Rescue Department toward this program. This requirement will be demonstrated by documenting costs already incurred in the normal course of business by the Department in support of urban search and rescue functions. This grant allows the full recovery of appropriate indirect costs. The Fire and Rescue Department anticipates that the County will recover \$19,466 in indirect costs for this grant.

CREATION OF NEW POSITIONS:

If awarded, this funding will support 1/1.0 SYE grant position. The County has no obligation to fund this position when the grant period ends.

ENCLOSED DOCUMENTS:

Attachment 1: Award Document (Unsigned) DFD-A-00-09-00335-00, Excerpt

STAFF:

Robert A. Stalzer, Deputy County Executive

Chief Ronald L. Mastin, Fire and Rescue Department

Battalion Chief Keith D. Morrison, Urban Search and Rescue Program Manager, Fire and Rescue Department

Kelly Lehman, Urban Search and Rescue, Fire and Rescue Department

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ADMINISTRATIVE – 6

Extension of Review Periods for 2232 Review Applications (Lee, Mason, Mount Vernon, 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-P09-91 and FS-Y09-107 to January 21, 2010; application FS-P09-80 to January 23, 2010; application FS-Y09-94 to January 25, 2010; applications FS-P09-86, FS-M09-100, and FS-P09-105 to January 30, 2010; applications FS-V09-71, FS-V09-98, and FS-L09-109 to January 31, 2010; and application 2232-M09-23 to May 11, 2010.

TIMING:

Board action is required on November 16, 2009, to extend the review periods of the applications noted above before their expirations.

BACKGROUND:

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

The Board should extend the review period for application 2232-M09-23, which was accepted for review by the Department of Planning and Zoning (DPZ) on September 22, 2009. This application is for a public facility, and thus is not subject to the State Code provision for extending the review period by no more than sixty additional days. The Board also should extend the review periods for applications FS-V09-71, FS-P09-80, FS-P09-86, FS-P09-91, FS-Y09-94, FS-V09-98, FS-M09-100, FS-P09-105, FS-Y09-107, and FS-L09-109, which were accepted for review by DPZ between

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August 24, 2009, and September 3, 2009. 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-M09-23 | Fairfax County Park Authority
Athletic field improvements
3312 Peace Valley Lane (J.E.B. Stuart Park)
Mason District |
| FS-V09-71 | Clearwire US LLC
Antenna colocation on existing tower
9128 Belvoir Court
Mount Vernon District |
| FS-P09-80 | Clearwire US LLC
Rooftop antennas
11250 Waples Mill Road
Providence District |
| FS-P09-86 | Clearwire US LLC
Rooftop antennas
8200 Greensboro Drive
Providence District |
| FS-P09-91 | Clearwire US LLC
Rooftop antennas
8100 Oak Street
Providence District |
| FS-Y09-94 | Clearwire US LLC
Antenna colocation on existing transmission pole
3799 Lees Corner Road
Sully District |
| FS-V09-98 | Clearwire US LLC
Rooftop antennas
2501 Parkers Lane
Mount Vernon District |
| FS-M09-100 | Clearwire US LLC
Rooftop antennas
6461 Edsall Road
Mason District |

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- | | |
|------------|---|
| FS-P09-105 | Clearwire US LLC
Rooftop antennas
7115 Leesburg Pike
Providence District |
| FS-Y09-107 | Clearwire US LLC
Antenna colocation on existing treepole
10922 Vale Road
Sully District |
| FS-L09-109 | Clearwire US LLC
Antenna colocation on existing transmission tower
7150 Hayfield Road
Lee 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
David B. Marshall, Planning Division, DPZ
David S. Jillson, Planning Division, DPZ

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ADMINISTRATIVE - 7

Authorization to Advertise a Public Hearing on Proposed Revisions to Chapter 3, Article 6 of the Code of Fairfax County to Abbreviate the Deferred Compensation Ordinance by Authorizing Maintenance of a Separate Deferred Compensation Plan Document

ISSUE:

Authorization to advertise a public hearing to consider adoption of an ordinance revising Chapter 3, Article 6 of the Code of the County of Fairfax, Virginia, abbreviating the ordinance by authorizing maintenance of a separate Deferred Compensation Plan document.

RECOMMENDATION:

The County Executive recommends that the Board authorize advertisement of a public hearing to consider adopting the amendments to Chapter 3, Article 6 of the Code of the County of Fairfax. The Personnel and Reorganization Committee reviewed and recommended this matter at the October 26, 2009 meeting.

TIMING:

Board action is requested on November 16, 2009, to allow sufficient time to advertise the proposed public hearing on December 7, 2009, at 4:30 p.m.

BACKGROUND:

The Fairfax County Deferred Compensation Plan is a plan established under Section 457(b) of the Internal Revenue Code (IRC) to permit eligible employees to contribute a portion of their salaries to the Plan in order to save for retirement on a tax-deferred basis.

The plan was established by the Board of Supervisors in 1981 under Chapter 3, Article 6 of the Fairfax County Code. In its current form, the Plan document, which includes the administrative details of plan operation, is embodied in the Ordinance. The proposed revision to the ordinance will authorize the adoption and maintenance of a separate Deferred Compensation Plan document, in accordance with Section 457 of the Internal Revenue Code and Virginia's Government Employees Deferred Compensation Plan Act (Section 51.1-600 et seq. of the Code of Virginia, 1950, as amended.) This revision will provide more flexibility, enabling the Plan document to be updated more readily ensuring more timely compliance with legislative and regulatory changes.

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At the October 26, 2009 Personnel and Reorganization Committee meeting, staff reviewed two issues with the Board. Those issues were the proposed revisions to the Fairfax County Code regarding the deferred compensation ordinance language that is the subject of this administrative item. The second issue regarding consideration of consolidating to a single deferred compensation vendor will be returned to the Board for review in the future after employee input is gathered.

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

Attachment 1 Proposed Chapter 3, Article 6

STAFF:

Edward L. Long, Jr., Deputy County Executive
Susan Woodruff, Director, Department of Human Resources

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ADMINISTRATIVE – 8

Streets into the Secondary System (Hunter Mill and Springfield Districts)

ISSUE:

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

RECOMMENDATION:

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

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
The Fairfax County Park Authority Stratton Woods Park	Hunter Mill	Club Pond Lane (Route 7855)
		Stratton Woods Park Access Drive
		Fox Mill Road (Route 665) (Additional Right-of-Way (ROW) Only)
The Trustees of the Seoul Presbyterian Church	Springfield	Fox Mill Road (Route 665) (Additional ROW Only)
		Wolf Run Shoals Road (Route 610) (Additional ROW 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.

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ENCLOSED DOCUMENTS:

Attachment 1 – Street Acceptance Forms

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 - 9

Authorization to Advertise a Public Hearing on a Proposed Cut-Through Traffic Mitigation Plan for Sutton Road as Part of the Residential Traffic Administration Program (Providence District)

ISSUE:

Board authorization to advertise a public hearing to be held on Monday, December 7, 2009, 4:30 p.m., on a proposed cut-through traffic mitigation plan for Sutton Road as part of the Residential Traffic Administration Program (RTAP).

RECOMMENDATION:

The County Executive recommends the Board authorize advertisement of a public hearing for the purpose of endorsing Sutton Road, between Courthouse Road and Marywood Road, for a cut-through traffic mitigation plan as part of the RTAP. The proposed plan consists of the following traffic calming measures:

- Two speed humps on Sutton Road

TIMING:

The Board should take action on November 16, 2009, to provide sufficient time for advertisement of the proposed public hearing scheduled for December 7, 2009, 4:30 p.m. (Attachment I).

BACKGROUND:

On January 13, 2006, community members living along Sutton Road requested traffic calming measures for Sutton Road. An initial engineering review revealed traffic counts in excess of 4,000 vehicles per day, which necessitated a comprehensive cut-through study. The study found that Sutton Road qualified for cut-through traffic mitigation measures due to 93-98% of the peak hour traffic having an origin or destination outside the study area.

At the request of the Edgelea Woods Community Association, the County was asked to include Oleander Avenue and Brightlea Drive in the cut-through mitigation study for the reason that they share some of the same traffic concerns and could receive displaced traffic if cut-through traffic mitigation measures were installed on Sutton Road. The results of the engineering review for Oleander Avenue qualified the road for the County's traffic calming program. Brightlea Drive did not meet minimum volume requirements for the County's traffic calming program.

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A community task force was formed, which developed a cut-through mitigation plan and a traffic calming plan for Sutton Road and Oleander Avenue. The combined plan consists of two traffic calming devices on Sutton Road, and two traffic calming devices on Oleander Avenue (Attachment I). The combined plan was presented to both neighborhoods at a community meeting. Subsequently a ballot was issued and the combined plan was passed.

On October 5, 2009, the Board of Supervisors approved a resolution requesting the Virginia Department of Transportation (VDOT) to consider cut-through or traffic calming measures for Sutton Road.

The traffic calming plan pertaining to Oleander Avenue will be presented to the Board of Supervisors as an administrative item for its endorsement on December 7, 2009.

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

FISCAL IMPACT:

The estimated cost of \$7,000 for the traffic calming measures is to be paid out of the VDOT secondary road construction budget.

ENCLOSED DOCUMENTS:

Attachment I: Proposed Cut-Through Traffic Mitigation Plan and Traffic Calming Plan for Oleander Avenue

Attachment II: Proposed Resolution on Cut-Through Traffic Mitigation for 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

Selby J. Thannikary, Chief, Traffic Operations Section, FCDOT

William P. Harrell, Transportation Planner, FCDOT

Steven K. Knudsen, Transportation Planner, FCDOT

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ADMINISTRATIVE - 10

Authorization to Advertise a Public Hearing to Establish the Franklin Farm Community Parking District (Sully District)

ISSUE:

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

RECOMMENDATION:

The County Executive recommends that the Board authorize advertisement of a public hearing for December 7, 2009, at 4:00 p.m., to consider adoption of a Fairfax County Code amendment (Attachment I) to establish the Franklin Farm CPD in accordance with current CPD restrictions.

TIMING:

The Board of Supervisors should take action on November 16, 2009, to provide sufficient time for advertisement of the public hearing on December 7, 2009, 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 CPD.

No such CPD 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 CPD for a maximum of 48 hours for the purpose of

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loading, unloading, or preparing for a trip or (iv) restricted vehicles that are temporarily parked on a public street within any such CPD for use by federal, state, or local public agencies to provide services.

Pursuant to Fairfax County Code Section 82-5B-3, the Board may establish a CPD if: (1) the Board receives a petition requesting such an establishment and such petition contains the names and signatures of petitioners who represent at least 60 percent of the addresses within the proposed CPD, and represent more than 50 percent of the eligible addresses on each block of the proposed CPD, (2) the proposed CPD includes an area in which 75 percent of each block within the proposed CPD is zoned, planned or developed as a residential area, (3) the Board receives an application fee of \$10 for each petitioning property address in the proposed CPD, and (4) the proposed CPD must contain the lesser of (i) a minimum of five block faces or (ii) any number of blocks that front a minimum of 2,000 linear feet of street as measured by the centerline of each street within the CPD.

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

The parking prohibition identified above for the Franklin Farm 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 \$750 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 Franklin Farm CPD

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
Selby Thannikary, Chief, Traffic Operations Section, FCDOT
Maria Turner, Sr. Transportation Planner, FCDOT
Janet Nguyen, Transportation Planner, FCDOT

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ADMINISTRATIVE - 11

Authorization to Advertise a Public Hearing to Consider Adopting an Ordinance
Establishing the George Mason University Residential Permit Parking District, District 40
(Braddock District)

ISSUE:

Board authorization to advertise a public hearing for Monday, December 7, 2009, at 4:00 p.m., to consider a proposed amendment to Appendix G, of *The Code of the County of Fairfax, Virginia*, to establish the George Mason University Residential Permit Parking District (RPPD), District 40.

RECOMMENDATION:

The County Executive recommends that the Board authorize advertisement of a public hearing for Monday, December 7, 2009, at 4:00 p.m., to consider adopting an amendment (Attachment I) to Appendix G, of *The Code of the County of Fairfax, Virginia*, to establish the George Mason University RPPD, District 40.

TIMING:

The Board should take action on November 16, 2009, to advertise a public hearing for December 7, 2009, at 4:00 p.m.

BACKGROUND:

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

A petition requesting establishment of the RPPD was received on August 14, 2009.

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The proposed District establishment includes the following street block: Tapestry Drive (Route 6545) from Catterick Court (Route 6548) to the western boundary of 68-2((5)) parcel 1679A and the western boundary of 68-2((5)) parcel 1680 (Attachment II).

The signatures on the petition represent more than 60 percent of the eligible addresses of the proposed District establishment and represent more than 50 percent of the eligible addresses on each block face of the proposed District establishment, thereby satisfying Code petition requirements. More than 75 percent of the land abutting each block of the proposed District establishment is developed residential, thereby satisfying Code land use requirements. The required application fees were submitted on August 14, 2009, thereby satisfying Code fee requirements.

Therefore, it is recommended that the Board authorize the proposed advertisement of a public hearing to consider establishing the George Mason University RPPD.

FISCAL IMPACT:

The cost of printing notices and letters, decals, and installing the RPPD signs is approximately \$600. These funds are currently available in the Department of Transportation's budget.

ENCLOSED DOCUMENTS:

Attachment I: Proposed Amendment to *The Code of the County of Fairfax, Virginia*
Attachment II: Map Depicting Proposed Limits of RPPD Establishment

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
Selby Thannikary, Chief, Traffic Operations Section, FCDOT
Maria Turner, FCDOT
Hamid Majdi, FCDOT

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ADMINISTRATIVE - 12

Authorization to Advertise a Public Hearing to Consider Adopting an Ordinance Expanding the Springdale Residential Permit Parking District, District 33 (Mason District)

ISSUE:

Board authorization to advertise a public hearing for Monday, December 7, 2009, at 4:00 p.m., to consider a proposed amendment to Appendix G, of *The Code of the County of Fairfax, Virginia*, to expand the Springdale Residential Permit Parking District (RPPD) District 33.

RECOMMENDATION:

The County Executive recommends that the Board authorize advertisement of a public hearing for December 7, 2009, at 4:00 p.m., to consider adopting an amendment (Attachment I) to Appendix G, of *The Code of the County of Fairfax, Virginia*, to expand the Springdale RPPD, District 33.

TIMING:

The Board should take action on November 16, 2009, to advertise a public hearing for December 7, 2009, at 4:00 p.m.

BACKGROUND:

Section 82-5A-4(b) of *The Code of the County of Fairfax, Virginia*, authorizes the Board to establish or expand an RPPD in any residential area of the County if: (1) the Board receives a petition requesting establishment or expansion of an RPPD that contains signatures representing at least 60 percent of the eligible addresses of the proposed District and representing more than 50 percent of the eligible addresses on each block of the proposed District, (2) the proposed District contains a minimum of 100 contiguous or nearly contiguous on-street parking spaces 20 linear feet in length per space, unless the subject area is to be added to an existing district, (3) 75 percent of the land abutting each block within the proposed District is developed residential, and (4) 75 percent of the total number of on-street parking spaces of the petitioning blocks are occupied, and at least 50 percent of those occupied spaces are occupied by nonresidents of the petitioning blocks, as authenticated by a peak-demand survey. In addition, an application fee of \$10 per address is required for the establishment or expansion of an RPPD. In the case of an amendment expanding an existing District,

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the foregoing provisions apply only to the area to be added to the existing District.

Petitions requesting expansion of the RPPD were received on April 28, 2009 and August 18, 2009. The proposed District expansion includes the following streets: Munson Road (Route 795) east side only from Arnet Street (Route 1845) to Summers Lane (Route 3399), Summers Lane north side from eastern boundary of 61-4((1)) parcel 0042 to the western boundary of 61-4((1)) parcel 0041A.

The signatures on the petition represent more than 60 percent of the eligible addresses of the proposed District expansion and represent more than 50 percent of the eligible addresses on each block of the proposed District expansion, thereby satisfying Code petition requirements. More than 75 percent of the land abutting each block of the proposed District expansion is developed residential, thereby satisfying Code land use requirements. The required application fees were submitted on April 28, 2009 and August 18, 2009 thereby satisfying Code fee requirements.

On September 19, 2009, a peak parking demand survey for Munson Road and Summers Lane was conducted. This survey verified that more than 75 percent of the total number of on-street parking spaces of the petitioning blocks were occupied by parked vehicles, and more than 50 percent of those occupied spaces were occupied by nonresidents of the petitioning blocks, thereby satisfying Code requirements. Therefore, it is recommended that the Board adopt the proposed amendment (Attachment I) to expand the Springdale RPPD.

FISCAL IMPACT:

The cost of printing notices and letters, decals, and installing the RPPD signs is approximately \$600. These funds are currently available in the Department of Transportation's budget.

ENCLOSED DOCUMENTS:

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

STAFF:

Robert A. Stalzer, Deputy County Executive
Katharine D. Ichter, Director, Fairfax County Department of Transportation (FCDOT)
Selby Thannikary, Chief, Traffic Operations Section, FCDOT
Maria Turner, FCDOT
Hamid Majdi, FCDOT

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ADMINISTRATIVE - 13

Authorization to Advertise a Public Hearing to Establish the Amberwood Community Parking District (Hunter Mill District)

ISSUE:

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

RECOMMENDATION:

The County Executive recommends that the Board authorize advertisement of a public hearing for December 7, 2009, at 4:00 p.m., to consider adoption of a Fairfax County Code amendment (Attachment I) to establish the Amberwood CPD in accordance with current CPD restrictions.

TIMING:

The Board of Supervisors should take action on November 16, 2009, to provide sufficient time for advertisement of the public hearing on December 7, 2009, 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 CPD.

No such CPD 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 CPD for a maximum of 48 hours for the purpose of

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loading, unloading, or preparing for a trip or (iv) restricted vehicles that are temporarily parked on a public street within any such CPD for use by federal, state, or local public agencies to provide services.

Pursuant to Fairfax County Code Section 82-5B-3, the Board may establish a CPD if: (1) the Board receives a petition requesting such an establishment and such petition contains the names and signatures of petitioners who represent at least 60 percent of the addresses within the proposed CPD, and represent more than 50 percent of the eligible addresses on each block of the proposed CPD, (2) the proposed CPD includes an area in which 75 percent of each block within the proposed CPD is zoned, planned or developed as a residential area, (3) the Board receives an application fee of \$10 for each petitioning property address in the proposed CPD, and (4) the proposed CPD must contain the lesser of (i) a minimum of five block faces or (ii) any number of blocks that front a minimum of 2,000 linear feet of street as measured by the centerline of each street within the CPD.

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

The parking prohibition identified above for the Amberwood 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 \$300 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 Amberwood CPD

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
Selby Thannikary, Chief, Traffic Operations Section, FCDOT
Maria Turner, Sr. Transportation Planner, FCDOT
Janet Nguyen, Transportation Planner, FCDOT

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ADMINISTRATIVE - 14

Approval of Traffic Calming Measures and Installation of Multi-Way Stop and “Watch for Children” Signs as Part of the Residential Traffic Administration Program (Sully, Lee, Springfield and Hunter Mill Districts)

ISSUE:

Board endorsement of a traffic calming plan, multi-way stop and “Watch for Children” signs as part of the Residential Traffic Administration Program (RTAP).

RECOMMENDATION:

The County Executive recommends that the Board endorse a traffic calming measure for Thorngate Drive (Attachment I), consisting of the following:

- One speed hump on Thorngate Drive (Sully District)

The County Executive further recommends approval of multi-way stops at the following intersections:

- Tilton Valley Drive and Birdsboro Drive, and Tilton Valley Drive and Hickory Knoll Drive (Sully District)
- Point Pleasant Drive and Middle Ridge Drive (Springfield District)
- LaVista Drive and Larno Drive (Lee District)

The County Executive further recommends approval for a “Watch for Children” sign on the following street (Attachment II):

- Spring Drive (Hunter Mill District)

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

TIMING:

Board action is requested on November 16, 2009.

BACKGROUND:

Traffic calming employs the use of physical devices such as speed humps, speed tables, raised pedestrian crosswalks, chokers, median islands, or traffic circles to reduce the speed of traffic on a residential street. For Thorngate Drive, a plan was developed and approved

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by Fairfax County Department of Transportation (FCDOT) staff and VDOT. The traffic calming plan was subsequently submitted for approval to residents in the ballot area of the community. On October 6, 2009, FCDOT received written verification from the appropriate local supervisor confirming community support.

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

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

FCDOT staff and VDOT have authorized the multi-way stop signs requested. On September 23, 2009, (Tilton Valley Drive and Birdsboro Drive, and Tilton Valley Drive and Hickory Knoll Drive); and on October 20, 2009, (Point Pleasant Drive and Middle Ridge Drive); and on September 11, 2009, (LaVista Drive and Larno Drive) FCDOT received written verification from the appropriate local supervisor confirming community support.

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

The RTAP allows for installation of "Watch for Children" signs at the primary entrance to residential neighborhoods, or at a location with an extremely high concentration of children relative to the area, such as playgrounds, day care or community centers. In particular, Section 33.1-210.2 of the *Code of Virginia* provides that the Board may request, by resolution to the Commissioner of VDOT, signs alerting motorists that children may be at play nearby. VDOT reviews each request to ensure the proposed signs will be effectively located and will not be in conflict with any other traffic control devices. FCDOT received written verification from the Hunter Mill District Supervisor confirming community support for the referenced "Watch for Children" sign on Spring Drive on October 13, 2009.

FISCAL IMPACT:

The estimated cost of \$11,000 is to be paid out of the VDOT secondary road construction budget.

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ENCLOSED DOCUMENTS:

Attachment I: Traffic Calming Plan for Thorngate Drive

Attachment II: "Watch for Children" Signs Resolution- Spring Drive

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

Selby J. Thannikary, Chief, Traffic Operations Section, FCDOT

William P. Harrell, Transportation Planner, FCDOT

Steven K. Knudsen, Transportation Planner, FCDOT

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ADMINISTRATIVE - 15

Authorization to Advertise a Public Hearing to Consider Amending Fairfax County Code Section 82-5-7 Related to Parking of Commercial Vehicles in Residential Districts

ISSUE:

Board authorization to advertise a public hearing for Monday, December 7, 2009, at 4:30 p.m., to consider amending Section 82-5-7 of the Fairfax County Code related to parking of commercial vehicles in residential districts.

RECOMMENDATION:

The County Executive recommends that the Board authorize advertisement of a public hearing for December 7, 2009, at 4:30 p.m., to consider amending Section 82-5-7 of the Fairfax County Code related to parking of commercial vehicles in residential districts (Attachment 1).

TIMING:

The Board should take action on November 16, 2009 to advertise a public hearing for December 7, 2009, at 4:30 p.m.

BACKGROUND:

Proposed changes to Section 82-5-7 of the Fairfax County Code, which prohibits parking of commercial vehicles in residential districts, were presented to the Board of Supervisors Transportation Committee on October 20, 2009. The committee recommended proceeding to a public hearing. This action followed previous meetings over the past year about problems with large vehicles parking in neighborhoods. The proposed code changes are intended to better define commercial vehicles in the County code, in order to improve parking enforcement and respond to complaints about large/commercial vehicles parking on residential streets. The changes are summarized below.

- Changes code requirement for taxicabs and limousines: One resident of each single family dwelling unit may park one vehicle licensed and registered in the Commonwealth of Virginia as a taxicab or limousine
- Expands definition of commercial vehicle restricted from parking in a residential area to include:

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-Any vehicle licensed as a common or contract carrier or limousine (except as above)

-Vehicles that exceed size and weight limits: more than 21 feet long, more than 8 feet high including appurtenances, width of 102 inches or more, or gross vehicle weight of 12,000 or more pounds. Vehicles exempted from these size and weight limits are: commercial vehicles used by public service company, watercraft or motor home, school buses, vehicles driven by or used for transporting persons with disabilities, vehicles for cable television service, moving vehicles for 48 hours, vehicles for propane gas service. These "excepted" vehicles can park in a residential area unless restricted elsewhere in the Code, e.g., boats and motor homes are not allowed to park in areas that are Community Parking Districts.

-Vehicle carrying commercial freight in plain view

-Trailer or semitrailer except camper, boat or single axle utility

-Any vehicle with 3 or more axles

- Clarification of parking restrictions on service drives: Where a service road is adjacent to a residentially zoned area, parking restrictions apply to the side of the service road that is adjacent to the residential area except as otherwise provided in Section 82-5-35(5). This allows prohibiting commercial parking on that side of the street which is zoned for a use other than residential to further the residential character of the abutting community.

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

Attachment I: Proposed Amendment to Fairfax County Code Section 82-5-7

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

Corinne N. Lockett, Assistant County Attorney

Colonel David M. Rohrer, Chief of Police

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ACTION – 1

Approval of State Litter Prevention and Recycling Grant Funding Transfer to Clean Fairfax Council, Incorporated

ISSUE:

Board approval of the transfer of the State Litter Prevention and Recycling Grant Funding to Clean Fairfax Council, Incorporated. The total grant amount from FY2009 is \$99,861.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors approve the transfer of \$99,861 to Clean Fairfax Council, Incorporated.

TIMING:

Approval of the transfer is requested to allow Clean Fairfax Council, Incorporated to utilize the grant funding.

BACKGROUND:

Annually, Fairfax County applies for a State grant from the Virginia Department of Environmental Quality from the Litter Prevention and Recycling Grant Program. This grant was awarded to the County in September 2009 in the amount of \$99,861 and funds were received in the Solid Waste Program's budget, specifically Fund 109 Refuse Collection and Recycling.

For the Board's information, last year's grant amount was \$122,104. The grant varies, as it is based upon sales tax revenue, and is distributed based on a formula.

Clean Fairfax Council, Incorporated will need to comply with the provisions of the grant, including reporting back to the County pursuant to State requirements and pursuant to the Memorandum of Understanding between the County and Clean Fairfax Council, Incorporated.

FISCAL IMPACT:

None. The grant is from the State.

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CREATION OF POSTIONS:

None

ENCLOSED DOCUMENTS:

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

STAFF:

Robert A. Stalzer, Deputy County Executive

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

Howard J. Guba, Deputy Director, DPWES

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

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ACTION - 2

Issuance by the Industrial Development Authority of its Health Care Revenue Bonds (Inova Health System Project)

ISSUE:

Board adoption of a resolution approving the issuance by the Industrial Development Authority (IDA) of Fairfax County of its Health Care Revenue Bonds (Inova Health System Project) Series 2009, to be issued in one or more series (the "Bonds"), in an aggregate principal amount not to exceed \$135,000,000.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors approve the resolution for the issuance of the Bonds.

TIMING:

Board action is requested on November 16, 2009, so that Inova may proceed to sell and close the bonds in a manner which will permit it to take advantage of favorable market conditions.

BACKGROUND:

This action is required by Ordinance of the Fairfax County Board of Supervisors adopted October 28, 1974. Proceeds of the Bonds will be used by Inova Health System Foundation and its affiliates ("Inova") primarily to refund all or a portion of its (i) Industrial Development Authority of Fairfax County, Virginia, Health Care Revenue Refunding Bonds (Inova Health System Project), Series 1998A, and (ii) Industrial Development Authority of Fairfax County, Virginia, Health Care Revenue Bonds (Inova Health System Project), Series 2009B.

The Bonds will also be supported by a debt service reserve for the Bonds if in the opinion of Inova at the time of the sale of the Bonds a debt service reserve fund is warranted and will provide for payment of all or a portion of the costs of issuance.

A copy of the resolution (the "IDA Resolution") adopted by the Authority on November 11, 2009, constituting the recommendation of the Authority that the Board of Supervisors approve the issuance of the Bonds is submitted to the County.

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

FISCAL IMPACT:

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

ENCLOSED DOCUMENTS:

The following documents are attached in substantially final form:

- Attachment 1 - County Resolution Approving the Issuance of the Bonds
- Attachment 2 - Series Resolution of the IDA
- Attachment 3 - Economic Impact Statement

STAFF:

Edward L. Long, Deputy County Executive
Leonard P. Wales, County Debt Manager

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ACTION – 3

Approval of Agreement Between Fairfax County and the Virginia Railway Express (VRE) for the Environmental Work, Preliminary Engineering, and Final Design of the Lorton VRE Station Second Platform and the Local Match Payment for the Project

ISSUE:

Board of Supervisors' approval of, in substantial form, an agreement between the County of Fairfax and the Virginia Railway Express (VRE) (Attachment I), for procuring and contracting the environmental review, preliminary engineering and final design for a second platform at the Lorton VRE Station and the local match payment. The total estimate of the design and engineering phase of the project is \$1,070,000. Of this amount, a total of up to \$321,000 is required to match a Rail Enhancement Fund Grant from the Virginia Department of Rail and Public Transportation (DRPT) to complete this phase of the project.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors:

1. Approve an agreement between VRE and Fairfax County for VRE to perform the environmental work, preliminary engineering, and final design for this project.
2. Approve the local match for environmental work, preliminary engineering, and final design of a second platform at the Lorton VRE Station. An amount of up to \$321,000 from County balances at the Northern Virginia Transportation Commission (NVTTC) is required for the local match for a DRPT Rail Enhancement Grant of \$749,000 awarded to VRE to perform this work.

TIMING:

Board action is requested on November 16, 2009, so that the agreement may be taken to the VRE Operations Board for consideration on November 20, 2009.

BACKGROUND:

VRE service has expanded from an initial 16 trains a day to 30 trains a day while ridership has risen beyond the original vision of 10,000 trips per day to approximately 16,000 trips per day. Of those totals, 14 trains a day and approximately 9,000 trips are on the Fredericksburg Line. Amtrak trains carry approximately 3,000 passengers per day on the Fredericksburg Line as well and serve multiple VRE stations between Fredericksburg and Washington, DC. Both VRE and Amtrak trains share the CSXT-owned tracks with freight trains.

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Due to the heavy use on this line, on-time performance (OTP) and reliability has been adversely affected by:

- Shared use of the railroad infrastructure with long established traffic patterns for freight and intercity passenger trains;
- Differences in operating speeds between passenger and freight trains and the need to operate in mixed traffic during the weekday commute periods; and
- Increasing volume of freight traffic in the shared rail corridor.

As a result of these factors, VRE trains have been delayed by slow-moving or stopped freight or Amtrak passenger trains operating on the CSXT east mainline tracks, where Fredericksburg Line VRE stations are located. Track maintenance has a similar impact on VRE service.

The objective of the project is to improve VRE capacity, operational efficiency and fluidity of service by allowing passenger boarding/alighting on either of the two mainline tracks. The Lorton Station is located between two rail crossovers, Ravensworth and Featherstone, where a train can switch from one track to another. In tandem, the crossovers and dual platforms provide the capability to maneuver a train around freight traffic, passenger trains or other bottlenecks and serve VRE stations from either the east or west side of the tracks in that segment of track. Including the Lorton Station, there are three VRE stations which will require dual platforms to allow VRE to serve stations from Alexandria to Quantico on either track, as opposed to being limited to the eastern track. A secondary benefit is the reduction in dwell times at the stations due to the new platforms being constructed to a longer length, with the ability to serve eight-car trains as opposed to the current six-car train configuration. Additionally, the Lorton Station serves the Army's Fort Belvoir which will expand its workforce in coming years at the main post and the Engineer Proving Grounds in response to the Base Realignment and Closure Commission (BRAC) actions. A second platform will increase the functionality of the Lorton Station to accommodate increased passengers at the station bound for Fort Belvoir.

FISCAL IMPACT:

This item requests approval to designate up to \$321,000 in State Aid funds available at NVTC to provide the local match for a DRPT Rail Enhancement Fund Grant to VRE for the purpose of environmental analysis, preliminary engineering and final design of a second platform, including a bridge and elevator, at the Lorton VRE Station. Funds will be disbursed directly to VRE by NVTC.

ENCLOSED DOCUMENTS:

Attachment I: Agreement for Match Funding for the Lorton Virginia Railway Express Second Platform

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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

Ellen F. M. Posner, Assistant County Attorney

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

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ACTION – 4

Endorsement of FY 2011 Virginia Department of Transportation's Enhancement Program
Project Applications

ISSUE:

Board endorsement of proposed transportation enhancement projects to be submitted to the Commonwealth Transportation Board (CTB) for FY 2011 funding.

RECOMMENDATION:

The County Executive recommends the Board take the following actions:

1. Endorse the enhancement projects for which applicants have identified a source for the required minimum 20 percent match (Attachment I).
2. Direct the County Executive to execute a Project Endorsement Resolution for each project endorsed by the Board (Attachment II).

The Board should be aware that any approved funds will be distributed through the jurisdiction endorsing the project and that jurisdictions endorsing enhancement projects will be responsible for any cost overruns. Although the Project Endorsement Resolution indicates Fairfax County agrees to pay 20 percent of the total cost of a project, staff has advised each applicant that they alone will be completely responsible for the 20 percent match and any cost overruns.

The Board should also be aware that VDOT's new enhancement program regulations require the sponsoring jurisdiction to accept responsibility for future maintenance and operating cost of any projects that are funded.

TIMING:

Action should be taken on this item on November 16, 2009. Staff will notify each applicant of the Board's action, so applicants can complete the applications and submit them to VDOT before December 1, 2009.

BACKGROUND:

Transportation Enhancement Program grant applications can be submitted by a group or individual, but are subject to a public hearing and endorsement by the local jurisdiction. Up to 80 percent of a transportation enhancement project can be financed with Federal Surface Transportation Program (STP) funds. A minimum of 20 percent must come from other public or private sources. VDOT has implemented new requirements for jurisdictional sponsors (like

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Fairfax County) to provide technical guidance and oversight throughout project development. Additionally, the sponsor must ensure that the budget accurately reflects project cost and accept responsibility for future maintenance and operating cost of the completed project.

The Board held a public hearing and solicited proposals for FY 2011 transportation enhancement projects on October 5, 2009.

For the FY 2011 Enhancement Program, staff recommends that the Board endorse the following nine projects:

- Mason Neck Trail Section II \$ 60,000
- Rochambeau 1781 Army Camp at Colchester Ferry \$ 47,000
- Lorton Arts Foundation-Cross-County Trail \$ 1,000,000
- Leesburg Pike Beautification Project \$ 700,000
- Pohick Stream Valley Multimodal Trail \$ 440,000
- Installation Pedestrian Improvements at Intersections in Reston near the future Wiehle Avenue Metrorail Station \$ 500,000
- Enhanced Bicycle Access to the future Wiehle Avenue Metrorail Station \$ 819,648
- Construction of New Sidewalks to Facilitate Pedestrian Access to the future Wiehle Avenue Metrorail Station \$ 460,260

FISCAL IMPACT:

None at this time. The Board should note that all applicants will be required to provide the 20 percent local match. In addition, should any of the first four projects be funded through the Enhancement Program, the County will be responsible for future maintenance and operating costs of completed projects, if any, should the private organizations submitting the applications fail to assume this responsibility. If any of the last four projects are funded, the County would be required to assume the maintenance and operating costs for the completed projects, since these project are being sponsored by County agencies.

ENCLOSED DOCUMENTS:

Attachment I: List of Projects with Matching Funds Identified

Attachment II: Project Endorsement Resolutions

Attachment III: Enhancement Project Update Spreadsheet

STAFF:

Robert A. Stalzer, Deputy County Executive

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

Tom Biesiadny, Coordination and Funding Division, FCDOT

Carl Winstead, Coordination and Funding Division, FCDOT

ACTION – 5

Authorization to Use Route 28 Tax District Funding for Design of Spot Improvements

ISSUE:

Board approval has been requested by the Route 28 Tax District Commission to use \$1,075,000 of the Route 28 Project Completion Fund for 30 percent design plans for the widening of Route 28 at the following three priority locations, as authorized under the Route 28 Highway Transportation Improvements District agreements:

- Priority 1: Route 28 southbound between Sterling Boulevard and the Dulles Toll Road (\$400,000);
- Priority 2: Route 28 northbound between McLearen Road and the Dulles Toll Road (\$325,000); and
- Priority 3: Route 28 southbound between the Dulles Toll Road and Route 50 (\$350,000)

RECOMMENDATION:

The County Executive recommends approval.

TIMING:

Board action is requested on November 16, 2009, so that the Virginia Department of Transportation can proceed expeditiously with necessary contract amendments to undertake the design work.

BACKGROUND:

On July 1, 2009, the Route 28 District Commission was asked to consider using a portion of the Route 28 Project Completion Fund to pursue design for improvements to “hot spots” identified by the project team after taking traffic counts along the Route 28 corridor. The staff recommendations and supporting detail are attached for information.

The Commission members voted unanimously to recommend that the Loudoun County and Fairfax County Boards of Supervisors authorize the use of up to \$1,075,000 from the Route 28 Highway Transportation Improvements Project Completion Fund and request that the Virginia Department of Transportation (VDOT) contract with the Route 28 Corridor Improvements LLC to prepare 30 percent design plans for “hot spot” improvements at the following priority areas:

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- Priority 1: Route 28 southbound between Sterling Boulevard and the Dulles Toll Road (\$400,000);
- Priority 2: Route 28 northbound between McLearen Road and the Dulles Toll Road (\$325,000); and
- Priority 3: Route 28 southbound between the Dulles Toll Road and Route 50 (\$350,000).

Plans completed to this level will allow for identification of needed rights-of-way and provide more accurate cost estimates needed to assess future financing options.

The Route 28 District Commission also requested that each Board authorize staff to take whatever steps are necessary for the release and expenditure of up to \$1,075,000 of the Route 28 Improvements Project Completion Fund to provide VDOT the funds needed for this purpose. Action is requested now to permit VDOT to proceed expeditiously with this request.

The Loudoun County Board of Supervisors is expected to consider this item on November 17, 2009.

FISCAL IMPACT:

There is no impact to the County as a result of this request. The projects will be supported by the Route 28 Project Completion Fund which is funded from excess Route 28 Highway Improvements Tax District tax revenues not required to pay debt service or to replenish the Rate Stabilization Fund. An amount of \$23.8 million is available in the Project Completion Fund (as of April 2009).

ENCLOSED DOCUMENTS:

Attachment 1: Route 28 Tax District Commission draft minutes

STAFF:

Robert A. Stalzer, Deputy County Executive

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

Tom Biesiadny, Chief, Coordination and Funding Division, FCDOT

Robert Owolabi, Transportation Engineer, Coordination and Funding Division, FCDOT

Leonard Wales, County Debt Manger

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INFORMATION – 1

Recognition of Comprehensive Annual Financial Reports and the Annual Budget by the Government Finance Officers Association; Performance Measurement Program by the International City/County Management Association; and Investment Policy by the Association of Public Treasurers

The Government Finance Officers Association of the U.S. and Canada (GFOA) has again recognized the superior quality of financial information Fairfax County makes available to the public. The County's Comprehensive Annual Financial Report (CAFR), the Integrated Sewer System's CAFR, and the County's Annual Budget were recognized with GFOA's highest forms of recognition.

The County's CAFR was awarded the Certificate of Achievement for Excellence in Financial Reporting for the thirty-second consecutive year and the Integrated Sewer System received this Certificate for the sixth consecutive year.

For the past 24 years, Fairfax County has also submitted its annual budget for consideration for GFOA's Distinguished Budget Presentation Award and has earned that award in each of those years. In October, GFOA notified the County that the FY 2010 Annual Budget met the criteria for this award, which represents the highest form of recognition in governmental budgeting and reflects the commitment of the governing body and staff in meeting the highest principles of public budgeting. To receive this award, a budget must be judged proficient in each of four major categories: as a policy document, financial plan, operations guide and communications guide. In addition, the FY 2010 Annual Budget received "Special Performance Measure Recognition" for the third consecutive year acknowledging the County's continuing efforts in this area.

On July 7, 2009, the International City/County Management Association (ICMA) announced that it had awarded its new "Certificate of Excellence" to Fairfax County. The County is among only 14 jurisdictions across the nation being recognized for their superior efforts and results in performance measurement and management with this award, the organization's highest level of recognition, from the ICMA Center for Performance Measurement™ (CPM). The Certificate of Excellence is the highest of CPM's three levels of recognition, and pays special tribute to the County's efforts in identifying and reporting to the public key outcome measures, surveying of residents and employees, as well as the pervasiveness of performance measurement in our organization's culture.

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In September 2009, the Association of Public Treasurers (APT) presented to Fairfax County its Certificate of Excellence for the County's achievement in developing an investment policy that demonstrates conformity with principles of sound investment management, careful public stewardship, and adoption of the profession's best practices. This is the eleventh consecutive year that the APT peer-review process has led to the awarding of the Association's certification.

ENCLOSED DOCUMENTS:

Attachment 1 – Letter to Anthony H. Griffin from FGOA dated September 25, 2009

STAFF:

Edward L. Long, Jr., Deputy County Executive

Victor L. Garcia, Director, Department of Finance

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

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INFORMATION - 2

Planning Commission Action on Application 2232-D09-2, NewPath Networks, LLC and New Cingular Wireless PCS, LLC, Node GFE9, (Dranesville District)

On Thursday, October 15, 2009, the Planning Commission voted unanimously (Commissioners Flanagan and Sargeant abstaining) to approve Node GFE9 of the Distributive Antenna System approved under 2232-D09-2, which had been previously deferred.

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

This part of application 2232-D09-2 sought approval to construct Node GFE9 on Beach Mill Road, a component of the Distributed Antenna System previously-approved along portions of Arnon Chapel Road, Beach Mill Road, Georgetown Pike, River Bend Road, Seneca Road, Springvale Road, Utterback Store Road, and Walker Road in the Great Falls area. This node will be located on a portion of Virginia Department of Transportation public right-of-way on Tax Map 8-1.

ENCLOSED DOCUMENTS:

Attachment 1: Verbatim excerpts from 10/15/09 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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INFORMATION - 3

Planning Commission Action on Application 2232-M09-23, Fairfax County Park Authority
(Mason District)

On Thursday, October 29, 2009, the Planning Commission voted 10-0-1 (Commissioner Litzenberger abstaining; Commissioner Flanagan absent from the meeting) to approve 2232-M09-23.

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-M09-23 sought approval by the Fairfax County Park Authority to add field lights (to meet Title IX equity requirements) and reconfigure a baseball diamond and open play area at J.E.B. Stuart Park, located at 3312 Peace Valley Lane, Falls Church. Tax Map 61-1 ((1)) 15.

ENCLOSED DOCUMENTS:

Attachment 1: Verbatim excerpts from 10/29/09 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. Lippa, Executive Director, Planning Commission Office

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INFORMATION - 4

Contract Award - Open Ended Contract for Cultural Landscape Reports and Treatment Services

Staff has completed the process to establish an open end contract for consultant services to provide Cultural Landscape Reports and Treatment Plans. These projects will be done in support of capital improvement projects and Master Plans. The process includes establishment of a Selection Advisory Committee comprised of two staff members from the Resource Management Division and one staff member from the Planning Division, Department of Planning and Zoning to review the statements of qualification submitted by interested firms and perform interviews.

The criteria that were used to select the firms include: general experience, experience with cultural landscape reports and treatment plans on designed and vernacular historical sites, qualifications of staff, quality of work, project management and quality control strategies, response to prepared questions, and responsiveness.

The firms chosen are EDAW, Inc., John Milner Associates, Inc., and Versar. The Department of Tax Administration verified that these firms possess the appropriate Fairfax County Business Professional and Occupational License.

The services to be provided from the consultants are:

Documentary/Historic Research – Research the history of the project landscape to determine its historic periods of significance and to discover its original appearance. Research land use history; previously performed investigations; environmental and social settings, and consult historic maps and photographs. Research will develop historic context and provide a foundation to guide the decision making process regarding the preservation, rehabilitation/restoration, management, maintenance and interpretation of the site's features. Research methodology will include primary and relevant secondary source materials.

Surveying and Mapping - Provide a record of the site, including landforms, structures, vegetation, and other natural and cultural resources. Services may include and are not limited to the use of surveying techniques, archaeological techniques (including Phase I surveys), photography, ground penetrating radar systems, and GIS mapping systems.

Site Analysis – Determine the landscape features that contribute to the landscape's historic character. This may include off-site items such as view shed and surrounding

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land use. Determine relationship between site structures from period of significance and the landscape and changes to both over time.

Landscape Architectural Services – Provide design services for various purposes, including adaptation of historic sites for public use and any recommended preservation/rehabilitation/restoration and maintenance and treatment plans (with costs) to meet this objective. Provide services necessary for the interpretation of the historic and cultural significant aspects of the landscape.

Archeological Services – Provide minor archaeological services to cover unforeseen circumstances relating to the historical cultural resources under study.

Analysis and Report Preparation – Document, analyze and interpret all research and surveys conducted on the project site in a final report that includes treatment plans and projected costs.

FISCAL IMPACT:

At the time of the award, funds will be necessary in the amount of \$100 per the three consultants to open and establish the contracts for open end professional services. Funds are available in Project 004534, Park Contingency, Fund 371, Park Capital Improvement Fund to open these contracts. Funds will be charged to each project as work is assigned up to the maximum amount of the contract. This Board action does not commit funds if no work is contracted.

ENCLOSED DOCUMENTS:

Appendix 1- Firms Responding to Request for Qualifications

STAFF:

Robert A. Stalzer, Deputy County Executive
John W. Dargle, Jr., Director, Fairfax County Park Authority

INFORMATION - 5

Contract Award- Open Ended Contract for Archaeological Services

Staff has completed the process to establish an open end contract for consultant services to provide Archaeological Services. These projects will be done in support of capital improvement projects and Master Plans. The process includes establishment of a Selection Advisory Committee comprised of three staff members from the Resource Management Division to review the statements of qualification submitted by interested firms and perform interviews.

The criteria that was used to select the firms include: general experience, experience with archaeological studies on historical and prehistoric archaeological sites, qualifications of staff, quality of work, project management and quality control strategies, response to prepared questions, and responsiveness.

The firms chosen are: Louis Berger Group, John Milner Associates, Inc., URS Corporation, and Versar Inc. The Department of Tax Administration verified that these firms possess the appropriate Fairfax County Business Professional and Occupational License.

The services to be provided from the consultants are:

Documentary Research - Research land use history, previous archaeological investigations, and environmental setting and consult historic maps and photographs to develop an historic context and provide a foundation to guide the decision making process regarding management, maintenance and interpretation of the site's features.

Surveying and Mapping - Provide a record of the site, including landforms, structures, vegetation, and other natural and cultural resources. Services may include use of surveying techniques, archaeological techniques, photography, ground penetrating radar systems, and GIS mapping systems.

Phase I Archaeological Survey—A testing program to determine the presence or absence of potentially significant archaeological resources in a project area. Methods may include shovel testing, surface collection, or use of remote sensing techniques.

Phase II Archaeological Testing – Systematic testing to determine site integrity, site boundaries, cultural affiliation and eligibility for inclusion in the National Register of Historic Places. A combination of shovel testing and the excavation of units may be

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used to examine the site. Findings would be evaluated with reference to a historic context.

Phase III Archaeological Data Recovery Excavation – Excavation of a significant site so that it can address research questions. Findings of such a study may be used in combination with other studies to provide site interpretation.

Analysis and Report Preparation – Analysis of artifacts and features recovered or documented from a site to interpret what occurred there. A report would be prepared documenting the findings.

FISCAL IMPACT:

At the time of the award, funds will be necessary in the amount of \$100 per the four consultants to open and establish the contracts for open end professional services. Funds are available in Project 004534, Park Contingency, Fund 371, Park Capital Improvement Fund to open these contracts. Funds will be charged to each project as work is assigned up to the maximum amount of the contract. This Board action does not commit funds if no work is contracted.

ENCLOSED DOCUMENTS:

Appendix 1- Firms Responding to Request for Qualifications

STAFF:

Robert A. Stalzer, Deputy County Executive
John W. Dargle, Jr., Director, Fairfax County Park Authority

Board Agenda Item
November 16, 2009

INFORMATION - 6

Planning Commission Action on Application 2232-Y09-18, T-Mobile Northeast LLC and Milestone Communications (Sully District)

On Thursday, October 22, 2009, the Planning Commission voted unanimously to approve 2232-Y09-18.

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

Application 2232-Y09-18 sought approval to construct a telecommunications facility consisting of a 125-foot monopole and separate equipment compound at Westfield High School, 4700 Stonecroft Boulevard, Chantilly. (Tax Map 43-2 ((1)) 1)

ENCLOSED DOCUMENTS:

Attachment 1: Verbatim excerpts from 10/22/09 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. Lipa, Executive Director, Planning Commission Office

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Board Agenda Item
November 16, 2009

INFORMATION - 7

Planning Commission Action on Application 2232-L09-13, New Cingular Wireless PCS, LLC, T-Mobile Northeast LLC, APC Realty & Equipment Company LLC/Sprint Nextel, and Cricket Communications, Inc. (Lee District)

On Thursday, October 22, 2009, the Planning Commission voted unanimously to approve 2232-L09-13.

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

Application 2232-L09-13 sought approval to construct a telecommunications facility consisting of a 155-foot tall simulated evergreen tree monopole and separate equipment compound at 6500 Byron Avenue, in the northeast corner of the parking lot. (Tax Map 80-3 ((1)) 2, 2C and 90-1((1)) 2)

ENCLOSED DOCUMENTS:

Attachment 1: Verbatim excerpts from 10/22/09 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. Lippa, Executive Director, Planning Commission Office

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Board Agenda Item
November 16, 2009

INFORMATION - 8

Contract Award – Rehabilitation of the Dogue Creek Sewage Pumping Station (Mount Vernon District)

Six sealed bids were received and opened on Wednesday, October 21, 2009, for the construction of the Rehabilitation of the Dogue Creek Sewage Pumping Station, Project L00117, in Fund 402, Sewer Construction Improvements. This contract award will provide for a complete rehabilitation of the existing Dogue Creek Sewage Pumping Station, including replacement of pumps, motors, drives, suction and discharge piping, and building systems and a new surge tank and odor control system. This project is included in the FY 2010 - FY 2014 Adopted Capital Improvement Program (with future Fiscal Years to 2019).

The lowest responsive and responsible bidder is American Contracting and Environmental Services, Inc. The firm's bid of \$4,224,000 is \$1,036,000 or 19.7% lower than the Engineer's Estimate of \$5,260,000. The second lowest bid of \$4,298,000 is \$74,000 or 1.8% above the low bid. The highest bid of \$5,227,000 is \$1,003,000 or 23.7% above the low bid.

The Department Public Works and Environmental Services has analyzed the bids received on the referenced project. The fact that the top four bids were within 6% of the low bid and all bids were below the Engineer's Estimate indicate a very competitive solicitation resulting in this favorable below estimate bid.

American Contracting and Environmental Services, Inc. has satisfactorily completed several County projects and is considered a responsible contractor. The Department of Tax Administration has verified that American Contracting and Environmental Services, Inc. has the appropriate Fairfax County Business, Professional and Occupational License. American Contracting and Environmental Services, Inc. is a small business firm.

This bid may be withdrawn after December 5, 2009.

Unless otherwise directed by the Board of Supervisors, the Department of Public Works and Environmental Services will proceed to award this contract to American Contracting and Environmental Services Inc. in the amount of \$4,224,000.

Board Agenda Item
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FISCAL IMPACT:

Funding in the amount of \$5,393,150 is necessary to award this contract and fund the associated contingency and other project costs including contract administration and inspection. Funding is currently available in Project L00117, Dogue Creek Rehabilitation and Replacement, Fund 402, Sewer Construction Improvements.

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
November 16, 2009

INFORMATION – 9

Contract Award - Architectural/Engineering Design Services for Old Courthouse
Renewal and Renovation (Providence District)

Consultant services are needed to provide architectural and engineering services for Project 009601, Public Safety Capital Renewal, in Fund 317, Capital Renewal Construction for the Old Courthouse Renewal and Renovation project. The services are required to provide an existing conditions assessment, space programming for the Historical Archives, schematic design, design development, construction documents, bidding, and construction administration services. The existing Old Courthouse at 4600 Old Chainbridge Road is in need of renewal to ensure the integrity of the structure. In addition, significant interior renovations are required to accommodate the relocation of the Historical Archives. This project is included in the FY 2010 - FY 2014 Adopted Capital Improvement Program (with future Fiscal Years to 2019).

It is proposed that the County enter into a contractual agreement with the firm of Davis Buckley Architects (DBA) and Planners. This contract award is for Phase I of the project consisting of the existing conditions assessment through schematic design, including a cost estimate. Phase II, including design development, construction documents, bidding, and construction administration services, will be negotiated at the conclusion of Phase I, based on available funding.

In accordance with the Fairfax County Purchasing Resolution, the architectural firm of DBA was selected based on the firm's technical expertise and relevant experience in historical and archive storage projects.

The Department of Tax Administration has verified that DBA does not have, and is not required to have, a Fairfax County Business, Professional and Occupational License since they are located in the District of Columbia.

The Phase I engineering design services contract amount is \$114,000.

Unless otherwise directed by the Board of Supervisors, the Department of Public Works and Environmental Services will proceed to award this contract to Davis Buckley Architects and Planners in the amount of \$114,000.

FISCAL IMPACT:

Funding in the amount of \$114,000 is necessary to award this contract. Funding is currently available in Project 009601-00001, Old Courthouse Renewal and Renovation,

Board Agenda Item
November 16, 2009

Fund 317, Capital Renewal Construction. The total available funding for this project, in the amount of \$6,500,000, will be used to address priority capital renewal items.

ENCLOSED DOCUMENTS:

Attachment 1- List of Awardee and other firms interviewed
(Copy of Contract available in the Office of the Clerk to the Board)

STAFF:

Robert A. Stalzer, Deputy County Executive
Robert Bermingham, Jr., Director of Court Services, Juvenile and Domestic Relations Court
Jimmie D. Jenkins, Director, Department of Public Works and Environmental Services (DPWES)
Howard J. Guba, Deputy Director, DPWES

INFORMATION – 10

Contract Award – Architectural/Engineering (A/E) Basic Ordering Agreement (BOA)
Contract for PSA-Dewberry, Incorporated

Professional services are required for various projects throughout the County. These services are required for the preparation of required documents for feasibility studies, special design studies, special services, and for design and construction administration of small capital facility projects.

The Request for Proposal indicated that the County would award two contracts each for an annual amount of \$500,000. This contract is the first of two contracts to be awarded. The term of the award is for the initial year of \$500,000 with no individual projects authorized greater than \$200,000. Funds not expended at the end of the year cannot be rolled over to a subsequent year. Individual task orders will be authorized as projects are identified. The scope of the Architect's services will be developed on a case-by-case basis as individual projects are identified and task orders are negotiated.

In accordance with the Fairfax County Purchasing Resolution, the architectural firm of PSA-Dewberry, Incorporated, was selected based on the firm's technical expertise and relevant experience. The Department of Tax Administration has verified that PSA-Dewberry, Incorporated, possesses the appropriate Fairfax County Business, Professional and Occupational License.

Unless otherwise directed by the Board of Supervisors, the Department of Public Works and Environmental Services will proceed to award this contract to PSA-Dewberry, Incorporated, in the amount of \$500,000 for the initial year with two one-year renewals at the option of the County.

FISCAL IMPACT:

Funding for this contract will be available from the applicable projects for which the A/E services are required. The amount of funding and the funding source will be identified prior to authorizing each task order. The Department of Public Works and Environmental Services will authorize individual task orders as they are identified.

ENCLOSED DOCUMENTS:

Attachment 1 – List of awardee and other firms interviewed
(Copy of contract is available in the Office of the Clerk to the Board)

Board Agenda Item
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STAFF:

Robert A. Stalzer, Deputy County Executive

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

Howard J. Guba, Deputy Director, DPWES

Board Agenda Item
November 16, 2009

INFORMATION - 11

Planning Commission Action on Application 2232-L09-16, T-Mobile Northeast L.L.C., and Milestone Communications (Lee District)

On Thursday, November 5, 2009, the Planning Commission voted unanimously (Commissioners Hall and Hart absent from the meeting) to approve 2232-L09-16.

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

Application 2232-L09-16 sought approval to construct a telecommunications facility consisting of a 115-foot replacement light monopole and related equipment at Robert E. Lee High School, 6540 Franconia Road, Springfield. (Tax Map 80-4 ((1)) 37)

ENCLOSED DOCUMENTS:

Attachment 1: Verbatim excerpts from 11/5/09 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. Lipa, Executive Director, Planning Commission Office

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November 16, 2009

11:20 a.m.

Matters Presented by Board Members

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Board Agenda Item
November 16, 2009

12:00 p.m.

CLOSED SESSION:

- (a) Discussion or consideration of personnel matters pursuant to Virginia Code § 2.2-3711(A) (1).
- (b) Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Virginia Code § 2.2-3711(A) (3).
- (c) Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, and consultation with legal counsel regarding specific legal matters requiring the provision of legal advice by such counsel pursuant to Virginia Code § 2.2-3711(A) (7).
 - 1. *Mary Ann and Robert Berkowitz and Mary Ann Brewer v. County of Fairfax*, Case No. CL-2009-0012072 (Fx. Co. Cir. Ct.) (Braddock District)
 - 2. *Bourj, Ltd. v. Board of Supervisors of Fairfax County*, Case No. CL-2008-0017107 (Fx. Co. Cir. Ct.) (Braddock District)
 - 3. *Adonis Wright v. Fairfax County, G. S. Tuggle, and Officer Shifflett, and Other Unnamed Officers, John Does*, Case No. 1:09CV949 (E.D. Va.)
 - 4. *Martin F. Wiesner v. Fairfax County Police Department*, Record No. 091670 (Va. Sup. Ct.)
 - 5. *Melia Nebeker v. Fairfax County, Virginia, and Steven Souder*, Case No. CL-2009-0014802 (Fx. Co. Cir. Ct.)
 - 6. *Glenn S. Ovrevik, Mary R. Ovrevik, and James H. Wessels v. Board of Supervisors of Fairfax County, Virginia, and Hilltop Sand and Gravel Company, Inc.*, Case No. CL-2009-0005160 (Fx. Co. Cir. Ct.) (Lee District)
 - 7. *Board of Supervisors of Fairfax County, Virginia v. Curtis Properties, Inc.*, Case No. CL-2002-0204302 (Fx. Co. Cir. Ct.) (Mason District)

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November 16, 2009

8. *Eileen M. McLane, Fairfax County Zoning Administrator v. Richard Lord and Nancy Lord Zearfoss*, Case No. CL-2009-0012456 (Fx. Co. Cir. Ct.) (Springfield District)
9. *Mark J. Stadskev and Susan M. K. Stadskev v. Board of Zoning Appeals of Fairfax County and the Zoning Administrator for Fairfax County*, Case No. CL 2009-0015289 (Fx. Co. Cir. Ct.) (Dranesville District)
10. *Mark J. Stadskev and Susan M. K. Stadskev v. Board of Zoning Appeals of Fairfax County and the Zoning Administrator for Fairfax County*, Case No. CL 2009-0015290 (Fx. Co. Cir. Ct.) (Dranesville District)
11. *Eileen M. McLane, Fairfax County Zoning Administrator v. Luis F. Becerra Barba*, Case No. CL-2009-0005210 (Fx. Co. Cir. Ct.) (Lee District) (Strike Team Case)
12. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Walter Maranon and Nelly M. Maranon*, Case No. CL-2009-0003972 (Fx. Co. Cir. Ct.) (Mason District)
13. *Eileen M. McLane, Fairfax County Zoning Administrator v. Sergio E. Ayala and Laura Sanchez*, Case No. CL-2008-0016939 (Fx. Co. Cir. Ct.) (Lee District)
14. *Eileen M. McLane, Fairfax County Zoning Administrator v. Oscar Solomon Villatoro and Silvia Villatoro*, Case No. CL-2008-0001699 (Fx. Co. Cir. Ct.) (Hunter Mill District)
15. *Board of Supervisors of Fairfax County, Virginia v. Burke & Herbert Bank & Trust Company*, Case No. CL-2008-0009338 (Fx. Co. Cir. Ct.) (Mason District)
16. *Eileen M. McLane, Fairfax County Zoning Administrator v. Jose A. Gutierrez and Julia B. Gutierrez*, Case No. CL-2009-0002829 (Fx. Co. Cir. Ct.) (Mount Vernon District)
17. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Donald Joseph Grieme*, Case No. CL-2008-0014416 (Fx. Co. Cir. Ct.) (Mount Vernon District)

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18. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Frank Rowe*, Case No. CL-2008-0013676 (Fx. Co. Cir. Ct.) (Braddock District)
19. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Edward L. Miller and Virginia P. Miller*, Case No. CL-2008-0010203 (Fx. Co. Cir. Ct.) (Lee District)
20. *Eileen M. McLane, Fairfax County Zoning Administrator v. Kyu H. Choe*, Case No. CL-2008-0014034 (Fx. Co. Cir. Ct.) (Lee District)
21. *Eileen M. McLane, Fairfax County Zoning Administrator v. Duane L. Hecox, Carolyn Day Hecox, and Wallace E. Day, Jr.*, Case No. CL-2008-0001326 (Fx. Co. Cir. Ct.) (Springfield District)
22. *Eileen M. McLane, Fairfax County Zoning Administrator v. Jose Maldonado*, Case No. CL-2008-0001698 (Fx. Co. Cir. Ct.) (Lee District)
23. *Eileen M. McLane, Fairfax County Zoning Administrator v. Arturo Castellon*, Case No. CL-2008-0004426 (Fx. Co. Cir. Ct.) (Springfield District)
24. *Eileen M. McLane, Fairfax County Zoning Administrator v. Carol A. Davis*, Case No. CL-2008-0014958 (Fx. Co. Cir. Ct.) (Lee District)
25. *Eileen M. McLane, Fairfax County Zoning Administrator v. Elizabeth Case and Ray Case*, Case No. CL-2009-0000410 (Fx. Co. Cir. Ct.) (Providence District)
26. *Eileen M. McLane, Fairfax County Zoning Administrator v. Joseph B. Long and Alma J. Long*, Case No. CL-2009-0013120 (Fx. Co. Cir. Ct.) (Springfield District)
27. *Eileen M. McLane, Fairfax County Zoning Administrator v. Robert R. McKim*, Case No. CL-2009-0013286 (Fx. Co. Cir. Ct.) (Springfield District)
28. *Eileen M. McLane, Fairfax County Zoning Administrator v. Raimundo Guevara-Mendieta*, Case No. CL-2007-0012705 (Fx. Co. Cir. Ct.) (Lee District) (Strike Team Case)

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29. *Eileen M. McLane, Fairfax County Zoning Administrator v. Mouhammad A. Kassar, Amine M. Kassar, and Samy A. Kassar*, Case No. CL-2009-0004611 (Fx. Co. Cir. Ct.) (Lee District)
30. *Eileen M. McLane, Fairfax County Zoning Administrator v. Armando Uriona*, Case No. CL-2008-0007966 (Fx. Co. Cir. Ct.) (Mason District)
31. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Curtis O. Williams and Barbara J. Williams*, Case No. CL-2009-0011792 (Fx. Co. Cir. Ct.) (Lee District) (Strike Team/BNV Case)
32. *Eileen M. McLane, Fairfax County Zoning Administrator v. FCW, LLC*, Case No. CL-2009-0004760; *FCW, LLC v. Fairfax County Board of Zoning Appeals*, Case No. CL-2009-0001435 (Fx. Co. Cir. Ct.) (Providence District)
33. *Eileen M. McLane, Fairfax County Zoning Administrator v. Nest Estates, LLC*, Case No. CL-2009-0003771 (Fx. Co. Cir. Ct.) (Dranesville District)
34. *Eileen M. McLane, Fairfax County Zoning Administrator v. Mario A. Zeledon and Marlon E. Borge*, Case No. CL-2009-0007284 (Fx. Co. Cir. Ct.) (Mason District)
35. *Eileen M. McLane, Fairfax County Zoning Administrator v. The Sheila G. Cheatham Trust*, Case No. CL-2009-0001724 (Fx. Co. Cir. Ct.) (Dranesville District)
36. *Eileen M. McLane, Fairfax County Zoning Administrator v. Mariano C. Evangelista and Armida A. Evangelista*, Case No. CL-2008-0014600 (Fx. Co. Cir. Ct.) (Mason District)
37. *Eileen M. McLane, Fairfax County Zoning Administrator v. Jaime R. Rueda*, Case No. CL-2009-0008709 (Fx. Co. Cir. Ct.) (Mason District)
38. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Paul J. Gayet, Trustee, Gayet Living Trust*, Case No. CL-2009-0014359 (Fx. Co. Cir. Ct.) (Dranesville District)

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39. *Eileen M. McLane, Fairfax County Zoning Administrator v. Yun Su Sheue and Hao Kang Chen*, Case No. CL-2009-0014559 (Fx. Co. Cir. Ct.) (Braddock District)
40. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Kyung Jin Cho*, Case No. CL-2009-0014661 (Fx. Co. Cir. Ct.) (Mason District) (Strike Team/BNV Case)
41. *Eileen M. McLane, Fairfax County Zoning Administrator v. Tomas Perez*, Case No. CL-2009-0014660 (Fx. Co. Cir. Ct.) (Lee District) (Strike Team)
42. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Frank G. Eubank, Jr., Trustee of the Frank G. Eubank, Jr., Trust*, Case No. CL-2009-0014688 (Fx. Co. Cir. Ct.) (Dranesville District) (Strike Team/BNV Case)
43. *Eileen M. McLane, Fairfax County Zoning Administrator v. James M. Shifflett, Sr., and Judith M. Shifflett*, Case No. CL-2009-0014727 (Fx. Co. Cir. Ct.) (Mount Vernon District)
44. *Eileen M. McLane, Fairfax County Zoning Administrator v. George T. West and Ingrid E. Gendell*, Case No. CL-2009-0014809 (Fx. Co. Cir. Ct.) (Mason District)
45. *Eileen M. McLane, Fairfax County Zoning Administrator v. Gustavo A. Veliz and Veronica Darcy Cortez-Veliz*, Case No. CL-2009-0014879 (Fx. Co. Cir. Ct.) (Mason District)
46. *Eileen M. McLane, Fairfax County Zoning Administrator v. Thu Hong Dang and Tham Thu Dang*, Case No. CL-2009-0014881 (Fx. Co. Cir. Ct.) (Mason District)
47. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. John Y. C. Wang, a/k/a John V. Wang, Trustee of the John Y. C. and Wan-Shi Wang Living Trust, Wan-Shi Wang, a/k/a Wan S. Wang, Trustee of the John Y.C. and Wan-Shi Wang Living Trust, John Y. C. Wang, a/k/a John Y. Wang, Individually, and Wan-Shi Wang, a/k/a Wan S. Wang, Individually*, Case No. CL-2009-0015056 (Fx. Co. Cir. Ct.) (Lee District)

Board Agenda Item
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48. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Walid Aboroomi*, Case No. CL-2009-0015135 (Fx. Co. Cir. Ct.) (Mason District)
49. *Eileen M. McLane, Fairfax County Zoning Administrator v. Novin Ghoudsi-Moghaddam*, Case No. CL-2009-0015190 (Fx. Co. Cir. Ct.) (Lee District)
50. *Eileen M. McLane, Fairfax County Zoning Administrator v. Selso Rodriguez*, Case No. CL-2009-0015532 (Fx. Co. Cir. Ct.) (Providence District)
51. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. U.S. Bank National Association*, Case No. CL-2009-0015518 (Fx. Co. Cir. Ct.) (Providence District)
52. *Eileen M. McLane, Fairfax County Zoning Administrator v. Carolina Ventura*, Case No. CL-2009-0015574 (Fx. Co. Cir. Ct.) (Lee District) (Strike Team)
53. *Eileen M. McLane, Fairfax County Zoning Administrator v. Asghar & Sons, Inc.*, Case No. CL-2009-0015539 (Fx. Co. Cir. Ct.) (Mason District)
54. *Eileen M. McLane, Fairfax County Zoning Administrator v. Olumuyiwa Olaseinde and Wuraola Olaseinde*, Case No. CL-2009-0015549 (Fx. Co. Cir. Ct.) (Lee District)
55. *Eileen M. McLane, Fairfax County Zoning Administrator v. Omer Malik*, Case No. CL-2009-0015575 (Fx. Co. Cir. Ct.) (Springfield District) (Strike Team)
56. *Eileen M. McLane, Fairfax County Zoning Administrator v. Maury A. Audet*, Case Nos. 09-0016479 and 09-0016480 (Fx. Co. Gen. Dist. Ct.) (Lee District)
57. *Eileen M. McLane, Fairfax County Zoning Administrator v. Hung V. Nguyen*, Case Nos. 09-0023790 and 09-0023791 (Fx. Co. Gen. Dist. Ct.) (Lee District)

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58. *Eileen M. McLane, Fairfax County Zoning Administrator v. Alvaro A. Cestti and Gladys A. Caballero*, Case No. 09-0020542 (Fx. Co. Gen. Dist. Ct.) (Lee District)
59. *Eileen M. McLane, Fairfax County Zoning Administrator v. Jeffrey D. Holt*, Case No. 09-0024045 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
60. *Eileen M. McLane, Fairfax County Zoning Administrator v. Jose Bracamonte Castillo*, Case Nos. 09-0026686 and 09-0026687 (Fx. Co. Gen. Dist. Ct.) (Lee District)
61. *Board of Supervisors of Fairfax County, Virginia v. Foxhall of McLean, LLC, Arch Insurance Co., Everest Reinsurance Co., and XL Reinsurance America, Inc.*, Case No. CL-2009-0001186 (Fx. Co. Cir. Ct.) (Dranesville District)

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Board Agenda Item
November 16, 2009

3:00 p.m.

Board Decision on RZ 2005-HM-028 (Pedro & Carmen M. Toscano, Jr.) to Rezone from R-1 to R-2 to Permit Residential Development at a Density of 1.2 Dwelling Units Per Acre, Located on Approximately 1.67 Acres, Hunter Mill District

and

Board Decision on SE 2007-HM-023 (Pedro & Carmen M. Toscano, Jr.) to Permit a Waiver of the Minimum Lot Width Requirement, Located on Approximately 1.67 Acres Zoned R-2, Hunter Mill District

The application property is located on the east side of Vale Road approximately 500 feet south of its intersection with Corsica Street at 9946 Vale Road, Tax Map 38-3 ((1)) 4

PLANNING COMMISSION RECOMMENDATION:

On Thursday, May 28, 2009, the Planning Commission voted unanimously (Commissioners Harsel and Murphy absent from the meeting) to recommend that the Board of Supervisors deny RZ 2005-HM-028 and SE 2007-HM-023, as recommended in the staff report.

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
November 16, 2009

3:00 p.m.

Public Hearing on AR-01-H-001 (HIU Newcomb Family LLC, Mariette H., Sarah, Hana, Lani Charles Newcomb and Anna Newcomb Bradford) Local A&F District Application Authorized by Chapter 115 (County Code), effective June 30, 1983, Located on Approximately 26.42 Acres Zoned PDH-1 and R-A, Dranesville District

The application property is located at 9627 Leesburg Pike, Tax Map 19-1 ((14)) Z, 20Z-23Z; 19-3 ((1)) 42A.

PLANNING COMMISSION RECOMMENDATION:

On Thursday, October 29, 2009, the Planning Commission voted 10-0-1 (Commissioner de la Fe abstaining; Commissioner Flanagan absent from the meeting) to recommend the following actions to the Board of Supervisors:

- Approval in part of AR 01-H-001 (with the exception of parcel 19-3 ((1)) 42A) to renew the Potomac Vegetable Farm II Local Agricultural and Forestal District, subject to the Ordinance Provisions dated October 6, 2009; and
- Request that the Board investigate alternative means of providing favorable tax status for parcel 19-3 ((1)) 42A, including but not limited to pursuit in the General Assembly of appropriate enabling legislation to amend the current legislation governing this topic (the lack of contiguity of the smaller 5-acre parcel with the larger 21-acre parcel).

ENCLOSED DOCUMENTS:

None. Staff Report previously furnished.

STAFF:

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

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Board Agenda Item
November 16, 2009

3:30 p.m.

Public Hearing on RZ 2008-MV-007 (JK Investments, Inc.) to Rezone from R-2, C-8, CRD, HC and HD to C-8, CRD, HC and HD to Permit the Addition of a Hotel(s) to the Existing Office Use with an Overall Floor Area Ratio of 0.48, Located on Approximately 8.82 Acres, Mount Vernon District.

and

Public Hearing on SEA 85-L-137 (JK Investments, Inc.) to Amend SE 85-L-137 Previously Approved for Uses in a Floodplain to Permit an Increase in Floor Area Ratio and Associated Modifications to Site Design and Development Conditions, Located on Approximately 8.82 Acres, Zoned C-8, CRD, HC and HD, Mount Vernon District

<p>The Planning Commission deferred its decision indefinitely; therefore the Board of Supervisors public hearing is deferred indefinitely.</p>
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Board Agenda Item
November 16, 2009

3:30 p.m.

Public Hearing on RZ 2009-PR-002 (Square 1400, L.C.) to Rezone from I-4 to PRM to Permit Residential Development at a 1.62 FAR Including Bonus Density for the Provision of Affordable Housing, Located on Approximately 4.64 Acres, Providence District

The application property is located on the west side of Dorr Avenue approximately 400 feet north of its intersection with Merrifield Avenue, Tax Map 49-1 ((13)) 13, 14, 15 and 16.

The Planning Commission deferred its decision indefinitely; therefore the Board of Supervisors public hearing is deferred indefinitely.

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Board Agenda Item
November 16, 2009

3:30 p.m.

Public Hearing on SE 2008-MV-031 (Trustees for Mount Vernon Lodge No. 219, A.F. & A.M., New Cingular Wireless PCS, LLC D/B/A AT&T Mobility and T-Mobile Northeast, LLC) to Permit an Existing Public Benefit Association to Continue and to Install a Telecommunications Facility (Tree Pole Monopole), Located on Approximately 1.03 Acres Zoned R-3, Mount Vernon District

The application property is located at 8717 Fort Hunt Road, Tax Map 111-2 ((3)) 11.

PLANNING COMMISSION RECOMMENDATION:

On Thursday, September 24, 2009, the Planning Commission voted unanimously (Commissioners Alcorn and Hall not present for the votes) to recommend the following actions to the Board of Supervisors:

- Approval of SE 2008-MV-031, subject to the Development Conditions dated September 23, 2009, as amended by the Planning Commission during the course of the public hearing as follows:
 - Condition 8 – Add a period at the end of the last sentence;
 - Condition 10 – Indicate that the equipment shelter would be designed and finished to reflect the architecture of the Masonic Lodge building;
 - Condition 13 – Change the first "e" in "Engineering" to lowercase; add a comma between "SE Plat" and "Engineering" in the second line; and, delete "...should the need arise to alter the telecommunication tree monopole from that shown on the SE Plat" from the end of the last sentence;
 - Condition 23 – Indicate that if it is determined that water quality controls are required, then the applicants would have to file for a Special Exception Amendment.
 - In all Conditions – Ensure that any reference to the "tree monopole" are consistent;
- Waiver of the transitional screening requirements along the northern and western property lines;
- Modification of the transitional screening requirements along the southern and eastern property lines in favor of the vegetation shown on the SE Plat and as contained in the Development Conditions;

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- Waiver of the barrier requirements along the northern and western property lines; and
- Modification of the barrier requirements along the southern and eastern property lines in favor of that shown on the SE Plat and as contained in the Development Conditions.

In a related action, the Planning Commission voted unanimously (Commissioners Alcorn and Hall not present for the vote) to approve 2232-V08-6 and find that the proposed facility at 8717 Fort Hunt Road satisfies the criteria of location, character, and extent as specified in Sect. 15.2-2232 of the *Code of Virginia*, as amended, and is substantial conformance with the provisions of the Comprehensive Plan.

ENCLOSED DOCUMENTS:

None. Staff Report previously furnished.

STAFF:

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

Board Agenda Item
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3:30 p.m.

Public Hearing on SE 2009-LE-001 (Nazir A. Bhagat And Ashraf N. Bhagat) to Permit an Independent Living Facility, Located on Approximately 6.39 Acres Zoned R-1, Lee District

The application property is located at 5966, 5970, 5974 and 5978 Clames Drive, Tax Map 81-4 ((16)) 19 - 22.

PLANNING COMMISSION RECOMMENDATION:

On Thursday, September 24, 2009, the Planning Commission voted 10-0-2 (Commissioners Alcorn and Harsel abstaining) to recommend the following actions to the Board of Supervisors:

- Approval of SE-2009-LE-001, subject to the Development Conditions dated September 24, 2009;
- Waiver of the Additional Standard for Independent Living Facilities requiring that such use be a parcel of land fronting on, and with direct access to, a collector street or a major thoroughfare, per Sect. 9-306 of the Zoning Ordinance;
- Waiver of the barrier requirement along the northern, western, and southern boundaries of the property; and
- Modification of the transitional screening requirements along the northern, western, and southern boundaries of the site, to that shown on the SE Plat.

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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3:30 p.m.

Public Hearing on RZ 2009-LE-001 (Tavares Family Limited Partnership) to Rezone from I-5 to PDH-5 to Permit Residential Development at a Density of 3.87 Dwelling Units Per Acre. Located on Approximately 2.84 Acres, Lee District

and

Public Hearing on PCA 1999-LE-036 (Tavares Concrete Company, Inc.) to Amend the Proffers for RZ 1999-LE-036 Previously Approved for Residential Development at an Overall Density of 4.48 du/ac on 33.26 Acres to Permit Site Modifications and Associated Modifications to Proffers. Located on Approximately 1.3 Acres zoned PDH-4, Lee District

and

Public Hearing on PCA 2000-LE-023 (Tavares Concrete Company, Inc.) to Amend the Proffers for RZ 2000-LE -023 Previously Approved For Industrial Development at a .20 FAR to Permit a Reduction in Land Area, an Increase in FAR up to 0.34 and Associated Modifications to Proffers and Site Design, Located on Approximately 3.37 Acres Zoned I-5, Lee District

The application property for RZ 2009-LE-001 is located on the east side of Cinder Bed Road approximately 1,300 feet north of its intersection with Hill Park Drive, Tax Map 99-2 ((1)) 17 pt., 18 and 19 pt

The application property for PCA 1999-LE-036 is located on the east side of Cinder Bed Road approximately 1,300 feet north of its intersection with Hill Park Drive and at the terminus of Azalea Cove Terrace, Tax Map 99-2 ((16)) B pt.

The application property for PCA 2000-LE-023 is located on the east side of Cinder Bed Rd. approximately 1,300 feet north of its intersection with Hill Park Drive, Tax Map 99-2 ((1)) 17, 18, and 19

PLANNING COMMISSION RECOMMENDATION:

On Thursday, October 15, 2009, the Planning Commission voted unanimously to recommend the following actions to the Board of Supervisors:

- Approval of RZ 2009-LE-001, subject to the execution of proffers consistent with those dated October 15, 2009, with a revision to Proffer 10 addressing the timing of construction access;

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- Approval of PCA 1999-LE-036 and the associated Conceptual Development Plan Amendment, subject to the execution of proffers consistent with those dated September 25, 2009;
- Approval of PCA 2000-LE-023, subject to the execution of proffers consistent with those contained in Appendix 3 of the staff report;
- Modification of the transitional screening requirement along the eastern and northern lot lines of PCA 2000-LE-023 to that shown on the plan;
- Waiver of the 600-foot maximum length requirement for a private street for applications FZ/FDP 2009-LE-001; and
- Direct the Director of the Department of Public Works and Environmental Services to permit deviation from the tree preservation target percentage, for PCA 2000-LE-023 and RZ/FDP 2009-LE-001, in favor of the proposed landscaping shown on the proffered plan.

The Planning Commission, in two related actions, voted unanimously to (1) approve FDP 2009-LE-001, subject to the Board's approval of RZ 2009-LE-001 and the associated Conceptual Development Plan; and (2) approve FDPA 1999-LE-036, subject to the Board's approval of PCA 1999-LE-036.

ENCLOSED DOCUMENTS:

None. Staff Report previously furnished.

STAFF:

Regina Coyle, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)
William O'Donnell, Staff Coordinator, Zoning Evaluation Division, DPZ

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3:30 p.m.

Public Hearing on PCA 2003-PR-037 (Beech Grove Neighborhoods LLC and Kendall Square Homeowners Association) to Amend the Proffers for RZ 2003-PR-037 Previously Approved for Residential Development to Permit Site Modifications and Associated Modifications to Proffers and Site Design at a Density of 16.66 Dwelling Units Per Acre Located on Approximately 27,891 Square Feet Zoned PDH-20, Providence District

The application property is located on the S. side of Kingsbridge Dr. approx. 400 ft. W. of its intersection with Blake Lane, Tax Map 48-3 ((48)) A and 6-19.

PLANNING COMMISSION RECOMMENDATION:

On Thursday, October 15, 2009, the Planning Commission voted unanimously to recommend the following actions to the Board of Supervisors:

- Approval of PCA 2003-PR-037, subject to execution of proffers consistent with those dated October 14, 2009; and
- Waiver of the requirement for a 200-square foot privacy yard for each dwelling unit.

In a related action, the Commission voted unanimously to approve FDPA 2003-PR-037, subject to Board approval of PCA 2003-PR-037 and subject also to the Development Conditions dated October 14, 2009.

ENCLOSED DOCUMENTS:

None. Staff Report previously furnished.

STAFF:

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

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Board Agenda Item
November 16, 2009

4:00 p.m.

Public Hearing to Convey County-Owned Property to the Virginia Department of Transportation for the Fairfax County Parkway Expansion Project (Lee, Mount Vernon, and Springfield Districts)

ISSUE:

Public hearing to convey County-owned property to the Virginia Department of Transportation (VDOT) for the Fairfax County Parkway Expansion Project.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors (Board) adopt the attached resolution authorizing the conveyance of the necessary land rights to VDOT for the Fairfax County Parkway Expansion Project.

TIMING:

On October 5, 2009, the Board authorized the advertisement of a public hearing to be held on November 16, 2009, commencing at 4:00 p.m.

BACKGROUND:

The Virginia Department of Transportation (VDOT) is in the process of acquiring rights of way for the construction and/or maintenance of the Fairfax County Parkway project (Project). The Project also includes the acquisition by VDOT of temporary and permanent easements. The Board of Supervisors is the owner of three parcels that VDOT seeks to acquire, either in whole or in part, the fee simple interest (Tax Map Numbers 089-4-15-0030H, 099-1-01-0012A, 099-1-01-0016). VDOT also seeks to acquire temporary and permanent easements over an additional two parcels owned by the Board, Tax Map Numbers 099-1-05-0015 and 099-1-05-0016, in addition to the remainder of Tax Map Number 099-1-01-0016, which is subject to a partial acquisition in fee simple, as noted above.

Tax Map Number 089-4-15-0030H is located in the southeastern quadrant of the intersection of the Fairfax County Parkway and Rolling Road. The remaining parcels are located along Fullerton Road and are either near or a part of the Alban Maintenance Facility. Staff, in coordination with VDOT, has undertaken the necessary preliminary actions to prepare to transfer the necessary property interests to VDOT for the Project.

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Two County-owned parcels identified as Tax Map Numbers 099-1-01-0012A and 089-4-15-0030H will be donated to VDOT in accordance with the means of acquisition. The remaining three parcels identified as Tax Map Numbers 099-1-05-0015, 099-1-01-0016, and 099-1-05-0016 require compensation. An appraiser was assigned to determine the fair market value of the portion of property required for the improvement and concluded that the fair market value of the 744 square feet area to be dedicated in fee simple, in addition to the temporary and permanent easements needed for the Project, is \$77,400.

This offer has been reviewed by staff and, based on the use of the properties; the Facilities Management Department and the Fairfax County Department of Transportation recommend that the Board accept the offer.

Pursuant to Section 15.2-1800 of the Code of Virginia, a public hearing is required for the Board to convey real property or real property interests. The proposed disposal of real property and real property interests has been duly advertised, according to law. It is requested that the Board adopt a resolution authorizing the disposal of the subject real property and real property interests, as described herein.

FISCAL IMPACT:

The proceeds from the sale, \$77,400, will be deposited in Fund 303, which was originally used to purchase the three parcels: 099-1-01-0016, 099-1-05-0015, and 099-1-05-0016.

ENCLOSED DOCUMENTS:

Attachment A: Resolution
Attachment B: Tax Map No. 99-1, 89-4

STAFF:

Edward L. Long, Jr., Deputy County Executive
Jose A. Comayagua, Jr., Director, Facilities Management Department
Katharine D. Ichter, Director, Fairfax County Department of Transportation

Board Agenda Item
November 16, 2009

4:00 p.m.

Public Hearing for the Enlargement/De-Creation/Re-Creation of Small Sanitary Districts for Refuse and/or Leaf Collection Service (Dranesville, Mount Vernon and Providence Districts)

ISSUE:

Board approval of the Enlargement/De-Creation/Re-Creation of Small Sanitary Districts for refuse and/or leaf collection service.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors approve the proposed petitions within Dranesville, Mt. Vernon and Providence Districts.

<u>Sanitary District</u>	<u>Action</u>	<u>Service</u>	<u>Recommendation</u>
Small District 6 Within Dranesville District (6811, 6813 & 6815 Wemberly Way)	Enlarge	Refuse	Approve
Small District 13 Within Dranesville District (1801 Barbee St.)	Enlarge	Refuse	Approve
Small District 1 Within Mt. Vernon District (1111B & 1111C I St.)	Enlarge	Refuse	Approve
Small District 1 Within Providence District (2710 & 2712 Welcome Dr.)	De-Create/ Re-Create	Remove Refuse & Leaf	Approve

TIMING:

Board of Supervisors' authorization to advertise on October 19, 2009 for a Public Hearing on November 16, 2009, at 4:00 p.m.

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BACKGROUND:

The Department of Public Works and Environmental Services is responsible for reviewing petitions for Creation/Enlargement/De-Creation/Re-Creation of Small and Local Sanitary Districts in the County of Fairfax for refuse/recycling and/or leaf collection. The establishment of sanitary districts is accomplished through the action of the Board of Supervisors at public hearings. Prior to any action by the Board of Supervisors on a proposed small or local sanitary district, certain relevant standards and criteria must be met in accordance with the Board of Supervisors' Adopted Criteria. The attached petitions meet the Board of Supervisors' Adopted Criteria. The modifications to the sanitary districts will become permanent in January 2010 upon Board approval.

FISCAL IMPACT:

None

ENCLOSED DOCUMENTS:

Attachment 1: Summary Sheet

Attachment 2: Data Sheet with Resolution and Map

STAFF:

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

Board Agenda Item
November 16, 2009

4:30 p.m.

Public Hearing on Amendments to Fairfax County Code Section 82-1-32 and Chapter 82, Article 5, Related to the Parking of Motor Vehicles

ISSUE:

Public hearing to amend Fairfax County Code by adopting amendments to Sections 82-1-32, 82-5-1, 82-5-20.1, 82-5-26 and adopting new Section 82-5-26.1 to clarify language, enhance traffic flow and facilitate the enforcement of parking violations.

RECOMMENDATION:

The County Executive recommends that the Board adopt the proposed amendments to Chapter 82.

TIMING:

Board of Supervisors authorized the advertisement of a public hearing on the proposed amendments on October 19, 2009; Board of Supervisors' public hearing scheduled for November 16, 2009 at 4:30 p.m. If approved, the provisions of these amendments will become effective January 1, 2010 [please note that due to a typographical error, the related Board Item attachment authorizing advertisement displayed an inaccurate effective date].

BACKGROUND:

Changes to a variety of parking-related code sections in Chapter 82 of the Fairfax County Code were presented to the Board of Supervisor's Transportation Committee on June 15, 2009. The committee approved these changes which are summarized below:

Section 82-1-32. Supplemental enforcement of parking.

Language clarification that more specifically designates the vehicle owner as the responsible party in matters dealing with parking violations; modification makes language consistent with state law.

Section 82-5-1. Parking prohibited in Specified Places.

(a) (3) Extends prohibition to parking of motor vehicles to within twenty (20) feet of an intersection, consistent with state law.

(a) (5) Extends prohibition to parking of motor vehicles to within twenty (20) feet of a

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crosswalk, whether or not crosswalk is located within an intersection; provides increased visibility for both pedestrians and motorists. (Related subsection (a) (6) repealed.)

Section 82-5-20.1. Stopping vehicle of another; blocking access to premises; damaging or threatening commercial vehicle or operator thereof.

(a) (2) Prohibits parking, whether intentional or not, of motor vehicles in a way that blocks access to and from commercial parking lots; allows for free movement of vehicles into and out of parking lots.

Section 82-5-26. Parking vehicles without proper license and registration on highways.

Prohibits parking of motor vehicles on highway if they do not display current state license tags on both front and rear, if required by state of registration; current language prohibits parking only if both a license tag AND a current safety inspection sticker is not displayed.

Section 82-5-26.1. Parking vehicles without proper safety inspection sticker on highways.

Prohibits parking of motor vehicles on highway if they do not display a current safety inspection sticker if required by state of registration (see Section 82-5-26 above).

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

Attachment 1 – Proposed Amendments to Fairfax County Code Section 82-1-35 and Chapter 82, Article 5, Parking of Motor Vehicles.

STAFF:

Colonel David M. Rohrer, Chief of Police
Katherine Ichter, Director, Fairfax County Department of Transportation (FCDOT)
Ellen Gallagher, FCDOT

Board Agenda Item
November 16, 2009

4:30 p.m.

Public Hearing to Convey County-Owned Property to the Fairfax County Park Authority to be Designated as a Cultural Resource Park (Dranesville District)

ISSUE:

Public hearing to convey County-owned property to the Fairfax County Park Authority (FCPA) to be designated as a cultural resource park.

RECOMMENDATION:

The County Executive recommends that the Board adopt the attached Resolution to convey County-owned property to FCPA, which is required to comply with the development conditions of Special Exception SE 00-D-019 approved by the Board on November 15, 2000.

TIMING:

On October 5, 2009, the Board authorized the advertisement of a public hearing to be held on November 16, 2009, at 4:30 p.m.

BACKGROUND:

The Board is the owner of a 22,277-square-foot parcel in the Dranesville District near the intersection of Lewinsville Road and Hardison Lane (Tax Map Number 029-1((24)) parcel B)("the Property"). The Property is subject to Special Exception SE 00-D-019, which was approved by the Board on November 15, 2000, subject to certain development conditions that provide for the Property's preservation and dedication to the Board for "park purposes." The Property contains historic remains and was to be dedicated as a cultural resources park to be operated and maintained by the Park Authority. In addition, the SE conditions allow for signage for the proposed park, which the Park Authority is prepared to install this fall. However, the Board must first transfer this Property to the Park Authority.

Pursuant to with Section 15.2-1800 of the *Code of Virginia*, a public hearing is required for the Board to convey real property or real property interests.

FISCAL IMPACT:

None.

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ENCLOSED DOCUMENTS:

Attachment A: Resolution

Attachment B: Tax Map No. 29-1

STAFF:

Edward L. Long, Jr., Deputy County Executive

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

John W. Dargle, Jr., Director, Fairfax County Park Authority

Board Agenda Item
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5:00 p.m.

Public Hearing to Receive Comment from Citizens on the Proposed Legislative Program to be Presented to the 2010 Virginia General Assembly

ENCLOSED DOCUMENTS:

Attachment I -- Draft Fairfax County Legislative Program for the 2010 Virginia General Assembly (Delivered under separate cover)

Attachment II – Draft Human Services Issue Paper

The proposed Legislative Program and Human Services Issue Paper are available by close of business November 12, 2009 at www.fairfaxcounty.gov/government/board or in the Office of the Clerk to the Board.

STAFF:

Anthony H. Griffin, County Executive

Susan E. Mittereder, Legislative Director

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