

**FAIRFAX COUNTY
BOARD OF SUPERVISORS
OCTOBER 5, 2009**

AGENDA

9:30	Done	Presentations
10:00	Done	Exceptional Design Awards Program: Recognition of the 25 th Anniversary and 2009 Award Winners
10:10	Done	Items Presented by the County Executive
	ADMINISTRATIVE ITEMS	
1	Approved	Designation of Plans Examiner Status Under the Expedited Land Development Review Program
2	Approved	Streets into the Secondary System (Dranesville, Lee, Mason, Mount Vernon, and Sully Districts)
3	Approved	Extension of Review Periods for 2232 Review Applications (Braddock, Dranesville, Mason, and Sully Districts)
4	Approved	Installation of Yield to Pedestrians in Crosswalk \$100–\$500 Violation Fine Signs
5	Approved	Consideration for Cut-Through Restrictions and Installation of Multi-Way Stops as Part of the Residential Traffic Administration Program (Providence and Mount Vernon Districts)
6	Approved	Approval for the Department of Public Safety Communications to Apply for and Accept Funding from the Commonwealth of Virginia, Virginia Wireless E-911 Services Board Public Safety Answer Point (PSAP) Grant Program
7	Approved	Authorization to Advertise a 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)
8	Approved	Approval of Transfer of Asset from the Fairfax County Fire and Rescue Department to District of Columbia Fire Department Purchased with Urban Area Security Initiative Grant Funds – Program Year 2003
9	Approved	Approval of Supplemental Appropriation Resolution AS 10065 for the Fire and Rescue Department to Accept a Department of Homeland Security Urban Area Security Initiative Sub-Grant Award from the Northern Virginia Regional Commission Through the State Administrative Agency for the National Capital Region

**FAIRFAX COUNTY
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ACTION ITEMS

1	Approved	Approval of the Sale of General Obligation Public Improvement Refunding Bonds, Series 2009C and General Obligation Public Improvement Bonds, Series
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INFORMATION ITEMS

1	Noted	Contract Award – Sewer Sags at Belle View Boulevard and I-Street (Mount Vernon District)
2	Noted	Planning Commission Action on Application 2232-S09-7, Cricket Communications and Verizon Wireless (Springfield District)
3	Noted	Planning Commission Action on Application 2232-V09-11, T-Mobile Northeast LLC (Mount Vernon District)
4	Noted	Planning Commission Action on Application 2232-M09-8, T-Mobile Northeast, LLC and Milestone Communications, Mason District
10:25	Done	Matters Presented by Board Members
11:15	Done	Closed Session

PUBLIC HEARINGS

3:30	Approved	Public Hearing on SE 2009-MV-010 (Wachovia Bank) (Mount Vernon District)
3:30	Public hearing deferred 11/16/09 at 3:30 p.m.	Public Hearing on RZ 2008-MV-007 (JK Investments, Inc.) (Mount Vernon District)
3:30	Public hearing deferred 11/16/09 at 3:30 p.m.	Public Hearing on SEA 85-L-137 (JK Investments, Inc.) (Mount Vernon District)
4:00	Public Hearing Held; Action scheduled on 11/16/09	Public Hearing on Proposed FY 2011 Transportation Enhancement Program Projects
4:00	WITHDRAWN	Board Decision on Spot Blight Abatement Ordinance for 9915 Old Colchester Road (Mount Vernon District)



Fairfax County, Virginia
BOARD OF SUPERVISORS
AGENDA

Monday
October 5, 2009

9:30 a.m.

PRESENTATIONS:

1. PROCLAMATION – To designate October 4-10, 2009, as Fire Prevention Week in Fairfax County. Requested by Chairman Bulova.
2. PROCLAMATION – To designate October 2009 as Disability Employment Awareness Month in Fairfax County. Requested by Chairman Bulova.
3. CERTIFICATE – To recognize the Odyssey of the Mind Team from Nysmith School for the Gifted for its accomplishments. Requested by Chairman Bulova.
4. CERTIFICATE – To recognize the West Springfield High School forensics and debate teams for winning Virginia State championships. Requested by Supervisor Herrity.
5. RESOLUTION – To recognize Chris Godart for more than 25 years as a head coach in the Northern Virginia region. Requested by Supervisor Frey.
6. CERTIFICATE – To recognize Elizabeth Fairchild for her gift to Fairfax County of more than eight acres of her property that was once part of the historic Spring Bank estate. Requested by Supervisor Hyland.
7. RESOLUTION – To recognize WEST*GROUP, GreenSpur, Inc. and CharityWorks for their effort and contribution to develop GreenHouse, one of the first carbon neutral houses in the U.S. Requested by Chairman Bulova and Supervisor Foust.

STAFF:

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

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10:00 a.m.

Exceptional Design Awards Program: Recognition of the 25th Anniversary and 2009 Award Winners

ENCLOSED DOCUMENTS:

None.

PRESENTED BY:

Honorable James M. Scott, Virginia House of Delegates
William T. Brown, AIA, LEED® AP, 2009 Exceptional Design Award Juror

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10:10 a.m.

Items Presented by the County Executive

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Board Agenda Item
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ADMINISTRATIVE – 1

Designation of Plans Examiner Status Under the Expedited Land Development Review Program

ISSUE:

Board of Supervisors' action to designate an individual as a Plan Examiner to participate in the Expedited Land Development Review Program.

RECOMMENDATION:

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

- Designate the following individual, identified with his registration number, as Plans Examiner:

Dagoberto Portillo

289

TIMING:

Routine

BACKGROUND:

On August 7, 1989, the Board adopted Chapter 117 (Expedited Land Development Review) of *The Code of the County of Fairfax, Virginia*, (The Code) establishing a Plans Examiner Program under the auspices of an Advisory Plans Examiner Board (APEB). The purpose of the Plans Examiner Program is to expedite the review of site and subdivision plans submitted by certain specially qualified applicants, i.e., Plans Examiners, to the Land Development Services, Department of Public Works and Environmental Services.

The Code requires that the Board designate an individual's status under the Expedited Land Development Review Program.

Plans Examiner Status: Candidates for status as Plans Examiners must meet the education and experience requirements contained in Chapter 117. After review of his application and credentials, the APEB has found that the candidate listed above satisfies these requirements. This finding was documented in a letter dated August 18, 2009, from the Chairman of the APEB, James H. Scanlon, P.E., L.S., to Chairman Bulova.

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FISCAL IMPACT:
None

ENCLOSED DOCUMENTS:
Attachment I – Letter dated August 18, 2009, from the Chairman of the APEB to the Chairman of the Board of Supervisors.

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 (LDS), DPWES

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ADMINISTRATIVE – 2

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

ISSUE:

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

RECOMMENDATION:

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

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
Bellmeade II	Dranesville	Hardison Lane
		Lewinsville Road (Route 694) (Additional Right-of-Way (ROW) Only)
Spring Hill Road	Dranesville	Spring Hill Road (Route 684) (Additional ROW Only)
		Spring Hill Road (Route 684) (Additional ROW Only)
Hilltop Industrial Park Section 1 Lot 3 & 4	Lee	Cinder Bed Road (Route 637) (Additional ROW Only)
Edsall Road Property	Mason	Edsall Road (Route 648) (Additional ROW Only)
		Monroe Drive (Route 886) (Additional ROW Only)
Green Spring Road	Mason	Green Spring Road (Route 797) (South Section)
		Green Spring Road (Route 1554) (North Section)

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<u>Subdivision</u>	<u>District</u>	<u>Street</u>
Aldersgate United Methodist Church	Mt. Vernon	Collingwood Road (Route 628) (Additional ROW Only)
Trustees for Ox Hill Baptist Church	Sully	Elmwood Street (Route 1010) (Additional ROW Only)
Victoria's Landing	Sully	O'Day Drive (Route 969) (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

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

Board Agenda Item
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ADMINISTRATIVE – 3

Extension of Review Periods for 2232 Review Applications (Braddock, Dranesville, Mason, 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-M09-51 and FS-M09-52 to December 7, 2009; application FS-B09-38 to December 12, 2009; application 2232A-D00-14-1 to December 13, 2009; and application FS-Y09-44 to December 17, 2009.

TIMING:

Board action is required on October 5, 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 periods for applications FS-B09-38, FS-Y09-44, FS-M09-51, FS-M09-52, and 2232A-D00-14-1, which were accepted for review by the Department of Planning and Zoning between July 10, 2009 and July 20, 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.

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- FS-B09-38 New Cingular Wireless PCS, LLC
Antenna colocation on existing monopole
5035 Sideburn Road (Robinson Secondary School)
Braddock District
- FS-Y09-44 T-Mobile Northeast LLC
Antenna colocation on existing transmission tower
6296 Hunt Chase Court
Sully District
- FS-M09-51 Clearwire US LLC
Rooftop antennas
6200 Wilson Boulevard
Mason District
- FS-M09-52 Clearwire US LLC
Rooftop antennas
3800 Powell Lane
Mason District
- 2232A-D00-14-1 Verizon Wireless
Replacement antennas
I-495 / George Washington Memorial Parkway interchange
Dranesville District

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

FISCAL IMPACT:

None

ENCLOSED DOCUMENTS:

None

STAFF:

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

Board Agenda Item
October 5, 2009

ADMINISTRATIVE - 4

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

ISSUE:

Board endorsement for the installation of Yield to Pedestrians in Crosswalk \$100–\$500 Violation Fine signs at 13 locations, as shown in Attachment I.

RECOMMENDATION:

The County Executive recommends that the Board endorse the installation of Yield to Pedestrians in Crosswalk \$100–\$500 Violation Fine signs at the 13 subject locations, as shown in Attachment I.

TIMING:

Board action is requested on October 5, 2009.

BACKGROUND:

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

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

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

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

The 13 subject locations meet one or more of the established criteria.

For the Board’s reference, Attachment II provides a map of recommended and previously approved sign locations and Attachment III provides a listing of the 439 locations previously approved.

FISCAL IMPACT:

The installation cost of each Yield to Pedestrians in Crosswalk \$100–\$500 Violation Fine sign is approximately \$150 each, usually with four signs per intersection. The cost for signs at the 13 locations is approximately \$7,800. These funds are currently available in the Department of Transportation’s budget.

ENCLOSED DOCUMENTS:

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

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

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

STAFF:

Robert A. Stalzer, Deputy County Executive

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

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

Chris Wells, Pedestrian Program Manager, FCDOT

Jeff Hermann, Transportation Planner II, FCDOT

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ADMINISTRATIVE - 5

Consideration for Cut-Through Restrictions and Installation of Multi-Way Stops as Part of the Residential Traffic Administration Program (Providence and Mount Vernon Districts)

ISSUE:

Board endorsement of cut-through restrictions and multi-way stops as part of the Residential Traffic Administration Program (RTAP).

RECOMMENDATION:

The County Executive recommends that the Board endorse a resolution (see Attachment I) for cut-through traffic restrictions on:

- Sutton Road

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

- Fort Hunt Road and Winthrop Road

Finally, 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 October 5, 2009.

BACKGROUND:

As part of the RTAP, roads are reviewed for the cut-through traffic program when requested by a Board member on behalf of a homeowners' or civic association. Originally, Sutton Road was requested for review under the traffic-calming program. However, since the daily volume exceeded the 4000 vehicles per day allowed under that program, Sutton Road was transferred for consideration into the cut-through program. Cut-through normally employs the use of access restrictions (turn prohibitions, etc.) and/or physical devices such as speed humps, speed tables, raised pedestrian crosswalks, chokers, median islands, or traffic circles to reduce the volume of traffic on a residential street. Multi-way stops may also be employed for regulatory control of traffic. Funding for the cut-through program is provided through VDOT's secondary road construction budget. Candidate streets considered for inclusion into the RTAP for cut-through must meet certain eligibility requirements, as follows:

- The street is classified as a local residential or collector roadway

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- The roadway is used by at least 150 cut-through vehicles in one hour and in one direction
- At least 40% of the total traffic is cut-through
- A viable, alternate route is identified

Also, since Sutton Road is a collector road, there are additional eligibility criteria, as follows:

- The road does not serve as primary access to commercial or industrial areas
- The street is posted for a 25 mph speed limit
- There exists a minimum of approximately 12 dwellings per 1000 feet of roadway
- Cut-through measures are limited to traffic-calming measures with no access restrictions

An engineering review completed by staff (see Attachment II) has documented the attainment of all preliminary qualifying criteria for Sutton Road.

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

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

On December 12, 2008, the Department of Transportation 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.

FISCAL IMPACT:

The estimated cost of \$250 for stop sign installation is to be paid out of the VDOT secondary road construction budget.

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ENCLOSED DOCUMENTS:

Attachment I: Proposed Resolution

Attachment II: Documentation of Cut-Through Traffic Study Requirements

Attachment III: Primary Use Area Map

STAFF:

Robert A. Stalzer, Deputy County Executive

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

Ellen Gallagher, Division 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 - 6

Approval for the Department of Public Safety Communications to Apply for and Accept Funding from the Commonwealth of Virginia, Virginia Wireless E-911 Services Board Public Safety Answer Point (PSAP) Grant Program

ISSUE:

Board Approval for the Department of Public Safety Communications (DPCS) to apply for and accept funding from the Virginia Wireless E-911 Services Board's PSAP Grant Program for the NOVA Regional Centerline Routing to Support Computer Aided Dispatch (CAD) and Mutual Aid Project in the amount of \$737,000. These funds will help improve road centerline data for the County's neighboring jurisdictions in the new CAD/911 system. There are no cash, in-kind matches or future funding commitments required. The grant period is from July 1, 2009 through June 30, 2010. An extension past June 30, 2010 is possible if requested.

RECOMMENDATION:

The County Executive recommends that the Board authorize the Department of Public Safety Communications (DPSC) to apply for and accept funding from the Virginia Wireless E-911 Services Board's PSAP Grant Program in the amount of \$737,000.

TIMING:

Because of a submission deadline, the application was submitted pending Board approval. If the Board of Supervisors does not approve this request, the application will be immediately withdrawn. Board of Supervisors authorization is requested on October 5, 2009.

BACKGROUND:

The new 911/CAD system depends on having accurate road centerline data to route emergency response vehicles to incidents. In particular the Fire and Rescue Department regularly responds into the County's neighboring jurisdictions. In some cases, Fairfax County units are the first units dispatched to incidents beyond the Fairfax boundary. While there is very accurate and up to date information for Fairfax County roads, the County does not have up to date and accurate data for its neighbors that can be readily used in the 911/CAD system for routing. The Fire Departments of the County's neighbors similarly respond into Fairfax County. As a result of the need for a routable road centerline data set that can be used by all of northern Virginia, the five jurisdictions with Primary Public Safety Answering Points (PSAPs: Arlington, Fairfax, Loudoun and Prince William Counties and the City of Alexandria) jointly decided to pursue funding from the Wireless E-911 Service Board to work with the state to solve the problem. The project will lay the technical foundation for each jurisdiction to maintain its road centerline data in a format that can be shared with the state and the other jurisdictions. The result will enable each jurisdiction to obtain routable

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centerline data for their CAD needs from the state. Ultimately the state will be able to build a routable centerline for all of Virginia.

The grant will help the County solve a major challenge faced by the new 911/CAD system: obtaining up to date and useable road centerline data for the County's neighboring jurisdictions. Currently, the new 911/CAD system does have some road centerline data for the County's neighbors, but the data are not up to date or complete, and maintaining it in the 911/CAD system is a very time consuming manual process just to bring a limited amount of data into the 911/CAD system. This grant will streamline that process and enable the addition of even more data in the future. It will add value and reduce cost to the county for future CAD road centerline data maintenance.

FISCAL IMPACT:

The Department of Public Safety Communications will receive \$737,000 to fund the contractor work that will be needed on this project. There are no indirect costs associated with this grant. The appropriate funding adjustment will be made in Fund 120, E-911, as part of a regularly scheduled quarterly review. It should be noted that there are sufficient funds within the fund to allow for work to begin prior to the \$737,000 being added at the *FY 2010 Third Quarter Review*.

CREATION OF POSITIONS:

No positions will be created by this grant.

ENCLOSED DOCUMENTS:

Attachment 1 – Award Letter

STAFF:

Robert A. Stalzer, Deputy County Executive
Steve H. Souder, Director, Department of Public Safety Communications
Thomas Conry, Manager, DIT GIS Branch

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ADMINISTRATIVE - 7

Authorization to Advertise a 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:

Authorization to advertise a 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 authorize staff to publish the advertisement of a public hearing to be held on November 16, 2009, at 4:00 p.m.

TIMING:

Board action is requested on October 5, 2009, to provide sufficient time to advertise the proposed public hearing on November 16, 2009, 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. Therefore, it is requested that the Board Authorize the advertisement of a public hearing, to be held on November 16, 2009, to authorize the conveyance of County-owned property 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: 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

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ADMINISTRATIVE - 8

Approval of Transfer of Asset from the Fairfax County Fire and Rescue Department to District of Columbia Fire Department Purchased with Urban Area Security Initiative Grant Funds – Program Year 2003

ISSUE:

Board approval to transfer a vehicle purchased with Urban Area Security Initiative Funds (UASI), Program Year 2003 to District of Columbia Fire Department.

RECOMMENDATION:

The County Executive recommends that the Board approve the transfer of the asset from the Fairfax County Fire and Rescue Department to District of Columbia Fire Department in accordance with grant program guidelines.

TIMING:

Board action is requested on October 5, 2009.

BACKGROUND:

Fairfax County Fire and Rescue Department was awarded Program Year 2003 (FY 2005) UASI funds to establish a strategic radio cache to serve the National Capital Region (NCR). At that time, UASI funding was used to purchase 250 radios, 500 batteries, and tow trailers to establish radio caches for Fairfax and Montgomery Counties. Based on equipment volume and weight, FRD ordered a tow vehicle and trailer capable of stowing and hauling the designated equipment.

Recently, program year 2007 UASI funds became available to replace the existing tow vehicle with a larger vehicle with a towing capacity of 14,000 pounds which will more effectively accommodate the current size of the Fairfax cache.

As a result, the existing Chevrolet Suburban tow vehicle is no longer required by Fairfax County and therefore, the State Administrative Agency has directed a transfer of the vehicle to the District of Columbia Radio Cache in accordance with OMB Circular A-102 .32(c)(1) Radio Cache grant program guidelines.

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FISCAL IMPACT:
None

CREATION OF NEW POSITIONS:
None

ENCLOSED DOCUMENTS:
None

STAFF:
Robert A. Stalzer, Deputy County Executive
Chief Ronald L. Mastin, Fire and Rescue Department
Lieutenant Wes Rogers, Fire and Rescue Department
Cathi Schultz Rinehart, Division Director, Fiscal Services, Fire and Rescue Department

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ADMINISTRATIVE - 9

Approval of Supplemental Appropriation Resolution AS 10065 for the Fire and Rescue Department to Accept a Department of Homeland Security Urban Area Security Initiative Sub-Grant Award from the Northern Virginia Regional Commission Through the State Administrative Agency for the National Capital Region

ISSUE:

Board approval of Supplemental Appropriation Resolution AS 10065 in the amount of \$594,680 for the Fire and Rescue Department to accept a Department of Homeland Security (DHS) FY 2007 Urban Area Security Initiative (UASI) Sub-Grant Award from the Northern Virginia Regional Commission (NVRC) through the State Administrative Agency (SAA). These funds are made available by DHS through the District of Columbia which is serving as the SAA. This award will continue support of the Northern Virginia Emergency Response System (NoVA ERS) Regional System Sustainment. The grant period is July 1, 2007 to December 31, 2009. No Local Cash Match is required.

RECOMMENDATION:

The County Executive recommends that the Board approve Supplemental Appropriation Resolution AS 10065 in the amount of \$594,680 for the Fire and Rescue Department to accept a DHS FY 2007 UASI Sub-Grant Award from the NVRC. These funds will be used to support the procurement of H1N1 preparedness supplies and a regional full-scale training exercise.

TIMING:

Board approval is requested on October 5, 2009.

BACKGROUND:

The DHS UASI grant program provides funding to high-threat, high density urban areas in order to strengthen and expand local emergency preparedness and response efforts. The National Capital Region (NCR) is one such area and Fairfax County comprises a significant percentage of the NCR population and geographical area.

This request reflects a continuing relationship between the Fire and Rescue Department (FRD) and the Northern Virginia Regional Commission (NVRC) and its commitment to the Northern Virginia Emergency Response System (NoVA ERS) Regional System Sustainment (7UASI854). The Fire and Rescue Department received a UASI award of \$99,100 in FY 2009 from the NVRC to sustain the NoVA ERS. This item requests approval for an unanticipated continuation of UASI funds in the amount of \$594,680 to be added to the current grant funds, which would then total \$693,780.

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First responders have identified the need to procure large quantities of emergency supplies necessary to maintain emergency medical services during the height of an influenza pandemic.

Funds in the amount of \$571,080 have been made available through the Urban Area Security Initiative to procure a cache of surgical masks and N95 respirators for the region. Purchasing a cache of N95 respirators and surgical masks for the Northern Virginia Emergency Response System (NoVA ERS) will allow Northern Virginia jurisdictions to maintain needed supplies at reasonable prices. The FRD will purchase the N95 respirators and surgical masks for the National Capital Region and distribute the equipment based on population.

Also included is funding of \$23,600 for a full-scale exercise, with participation from the Fire and Rescue Department, Police Department, and Office of Emergency Management. The objective of the exercise is to examine incident command, multi-jurisdictional and multi-agency coordination, mass casualty care, emergency communication, and surge capacity preparedness at local hospitals.

FISCAL IMPACT:

Grant funding in the amount of \$594,680 is available from DHS through the NVRC for the UASI program. These funds will be used to support the procurement of H1N1 preparedness supplies and a regional full-scale training exercise. 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 NEW POSITIONS:

No new positions will be created by this grant.

ENCLOSED DOCUMENTS:

Attachment 1 - Award Document

Attachment 2 - Supplemental Appropriation Resolution AS 10065

STAFF:

Robert A. Stalzer, Deputy County Executive

Chief Ronald L. Mastin, Fire and Rescue Department

Battalion Chief Glynn A. Bydume, Fire and Rescue Department

Lieutenant William D. Vannoy, Fire and Rescue Department

Cathi Schultz-Rinehart, Division Director, Fiscal Services, Fire and Rescue Department

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ACTION – 1

Approval of the Sale of General Obligation Public Improvement Refunding Bonds, Series 2009C and General Obligation Public Improvement Bonds, Series 2009D

ISSUE:

Board approval of a resolution (Attachment I) to authorize the sale of General Obligation Public Improvement Refunding Bonds on or about October 8, 2009 and authorization for the sale of General Obligation Public Improvement Bonds on or about October 14, 2009

RECOMMENDATION:

The County Executive recommends approval of the sale of General Obligation Public Improvement Bonds that will generate \$275.0 million to fund construction of capital facilities and infrastructure as previously approved by the Board.

The County Executive also recommends approval of the sale of General Obligation Public Improvement Refunding Bonds to refund certain outstanding maturities of the Series 2003B bonds, Series 2004A bonds, Series 2004B bonds, Series 2005A bonds and Series 2007A bonds. While the actual amount of the refunding sale will be dependent on the bond market conditions, at this time, the best refunding candidates total approximately \$166 million.

The Board should take the following action:

Approve the resolution authorizing the issuance of the General Obligation Bonds, which also authorizes the execution and delivery of a Continuing Disclosure Agreement and other documents necessary for sale. This resolution delegates to the County Executive or Deputy County Executive/Chief Financial Officer authority to award the bonds to the lowest responsive bidder. This resolution also allows for any bonds to be issued as Build America Bonds and delegates to the County Executive or Deputy County Executive/Chief Financial Officer the authority to evidence the County's irrevocable election to apply Section 54AA(g) of the Tax Code to any bonds to be issued as Build America Bonds. Bond Counsel has advised that this form of authorization is acceptable and provides flexibility for changing market conditions. This resolution also approves the form of the notice of sale and the Official Statement, and authorizes the Chairman and/or Vice Chairman to sign the Official Statement.

TIMING:

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Board action is requested on October 5, 2009.

BACKGROUND:

The Board is requested to take this action on extremely short notice in order to take advantage of an extraordinary savings opportunity. Recently, bond market interest rates have declined to a historic 42-year low and the County is seeking to take advantage of these favorable market conditions in order to achieve interest rate savings. This favorable market has only developed over the last month with triple-A tax-exempt interest rates dropping, on average, approximately 35 basis points (0.35%) since August 25, 2009. The County is attempting to conduct a refunding sale as well as a new money sale before interest rates trend upward. Time is of the essence as a move upward in interest rates of approximately 50 basis points will eliminate the refunding opportunity. If this market becomes unfavorable for a successful refunding at this time, the document approvals provided by the Board will permit staff to enter the market between now and the end of FY 2010, if another market opportunity occurs. Staff also requested the School Board to quickly approve this sale and their approval of the new money bond sale request is scheduled for October 8, 2009.

The bond sales will be conducted as quickly as possible. The Proposed Bond Sale Schedules (Attachment 2 and Attachment 3) indicate a sale on or about October 8, 2009 for the refunding bonds and October 14, 2009 for the new money bonds, although this is subject to market conditions. The closing dates for the refunding bonds and the new money bonds are scheduled for the week of October 26, 2009 and November 2, 2009, respectively.

Refunding Sale, Series 2009 C

The County's Financial Advisor has conducted a refunding analysis of existing General Obligation bonds. Assuming market conditions as of September 28, 2009, a refunding of certain outstanding maturities of the Series 2003B bonds, Series 2004A bonds, Series 2004B bonds, Series 2005A bonds and Series 2007A bonds, totaling \$165.825 million would produce savings exceeding the County's minimum savings threshold. The refunding would generate net present value savings of approximately \$10.5 million or 6.36% of the refunded par amount. Actual savings will be dependent upon bond market conditions at the time of the sale. The refunding bond sale, Series 2009 C, is expected to occur on or about October 8, 2009, in accordance with the schedule of events (Attachment 3) as a separate bond series from the 2009 D new money bonds. This enables the refunding bonds to proceed to sale more quickly to capture savings available under current market conditions.

Consistent with prior refunding sales, the County's Resolution includes provisions that delegate to the County Executive or the Chief Financial Officer authority to take certain actions and make certain determinations. These actions include determining the

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refunding candidates to be chosen (subject to the 3 percent or \$1.0 million present value test); determining the final terms and structure of the refunding series; and finalizing any associated legal documentation. Since 1989, the County has refunded over \$2.04 billion of the outstanding General Obligation and Lease Revenue debt for cumulative Net Present Value savings of approximately \$105 million.

New Money Sale, Series 2009 D

Staff is presenting the Board with the necessary documents to proceed with the new money bond sale to meet FY 2010 capital funding requirements for on-going projects. The sale is expected to occur on or about October 14, 2009, in accordance with the schedule of events (Attachment 2). It should be noted that the actual date of the sale will be determined by market conditions.

The County staff, Bond Counsel, and the County's Financial Advisors added flexibility to the bond resolution the Board is adopting to provide the County with increased bond sale options. This flexibility will allow staff to structure the parameters of the sale to possibly shorten the maturities, bifurcate the sale into smaller dollar amounts with several series issued to increase the number of firms bidding, and thereby obtain the lowest possible interest rates. Also, the resolution allows for a negotiated sale rather than only a competitive sale. Increasing the County's options is a sound strategy for weathering this challenging financial market and ensuring the County has market access at favorable interest rates.

In addition, the American Reinvestment and Recovery Act authorized a new Federal assistance program for State and local governments called Build America Bonds (BAB's).

This new type of bond allows a local government to receive a 35 percent rebate on the interest costs for taxable bonds. The debt, though taxable, is required to meet the guidelines for tax exemption in all other respects. If the taxable rate, less the rebate, is less costly than the tax exempt rate it would be more advantageous to issue the BAB's. This resolution will allow the County the flexibility to take advantage of this Federal program if economically advantageous to the County.

The General Obligation Bond sale of \$275.0 million includes an amount of \$155.0 million in bond sales for school facilities plus \$1.4 million from the 2007 School bond referendum for the Newington Bus Garage to be expended out of Fund 311, County Bond Construction, \$56.3 million for Metro Capital, and \$62.3 million for general County projects including: \$13.6 for public safety, \$14.2 million for County and regional park projects, \$14.1 million for transportation projects, \$10.2 million for human services facilities, \$10.2 million for library facilities. The Schedule of Bond Purposes is attached as Attachment 4. The School Board resolution requesting the sale of bonds on behalf of the School system is included as Attachment 5. The School Board is scheduled to consider an approving resolution at the October 8, 2009 School Board meeting. Staff has structured the size of this sale to the level necessary to support the capital

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construction program in FY 2010, without altering any of the schedules of the projects in progress and previously approved by the Board of Supervisors. The bond sale amount was sized to the smallest amount of bond funding possible. County policy is to only sell the bonds when the projects require the cash. Bonds being sold in this sale of new money bonds for the School Construction Fund make up approximately 56.4 percent of the sale and bonds for Metro Capital requirements make up an additional 20.5 percent.

It should be noted that the Metro Capital bond sale sizing includes \$34.6 million for the Metro Opt-out financing, and \$21.7 million for the balance of the FY 2010 Metro Matters required funding from Fairfax County for a total of \$56.3 million. The Metro Matters Funding Agreement (MMFA) was adopted by the Board of Supervisors on October 18, 2004. It fixed the County's pay-as-you-go capital funding payments to Metro for FY 2005 through FY 2010. The County chose to fulfill its obligation by issuing General Obligation debt approved at voter referendum on November 2, 2004 in the amount of \$110 million. The MMFA also included a long-term WMATA debt component and committed the County (subject to annual appropriations) to funding the WMATA debt service on Metro Matters bonds to be issued by WMATA. The Agreement further provided an option to participating jurisdictions to "opt-out" of the Metro Matters bond issue and the long-term commitment by paying the jurisdiction's share of the debt in full at the time of closing on the WMATA bonds. This option was included in the MMFA, because many jurisdictions believed that their own cost of financing would be lower than Metro's. The County exercised this Metro Opt-out option and paid the County's share totaling \$58,634,664 in FY 2009 with \$37.2 million from County sources, and \$21.4 million from Northern Virginia Transportation Commission funds held on behalf of Fairfax County. The Board of Supervisors approved this action as part of the *FY 2009 Carryover Review*.

This sale of \$275.00 million is within the adjusted total maximum sales in the revised Ten Principles of Sound Financial Management. The FY 2010 Adopted Budget Plan states that the annual sale of bonds will be \$275 million or \$1.375 billion over a five-year period, with a technical limit not to exceed \$300 million in a single year. Consistent with previous bond sales, the County's Resolution (Attachment I) includes a provision which would permit the County Executive or Deputy County Executive/Chief Financial Officer to award the bonds to the best responsive bidder within the guidelines established by the Board. The maximum interest rate permitted on the bonds as established in the Bond Resolution is 6.5 percent for any tax-exempt bonds and 8.0 percent for any taxable bonds (not including any refundable credits to be received from the Secretary of the Department of the Treasury of the United States under Section 6431 of the Tax Code in respect of Build America Bonds). In addition, for a competitive sale, staff will use the electronic bidding system to receive bids and participate in providing on-line public access to the Notice of Sale (Attachments 6 and 7), and Preliminary Official Statement, Series 2009C, Series 2009D (Attachments 8 and 9). The sale will again utilize the book-entry-only system for the handling of principal and interest payments. If a negotiated sale is used, the County will follow the County's purchasing guidelines and will coordinate closely with Bond

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Counsel and the County's Financial Advisor to determine the most financially advantageous approach for the County.

It should be noted that Attachments 2 through 9 may be subject to minor changes to satisfy final legal review and to provide the most current information possible for bidders. Any material changes will be noted and forwarded to the Board of Supervisors.

FISCAL IMPACT:

Based on market conditions as of September 28, 2009, the refunding totals \$165.825 million and is estimated to generate a net present value savings of \$10.5 million. If interest rates rise 25 basis points (0.25 percent) then the net present value savings would be approximately \$4.08 million or 5 percent (the refunding candidates would fall to \$67.25 million). An increase in interest rates of approximately 50 basis points (0.50 percent) will eliminate the refunding opportunity.

For the new money sale, there is an opportunity to possibly achieve a record low interest rate for a Fairfax County sale. As of September 28, 2009, triple-A rates were below three percent. For the 2004A new money bond sale the County obtained the lowest rate ever of 3.5411 percent. The Bond Buyer Index (BBI), which is a good proxy for the County's bonds, stood at 4.04 percent as of September 28, 2009. The County has historically sold at rates from 50 to 100 basis points (0.50 percent to 1 percent) less than the BBI.

The estimated debt service budget requirement for the new money bond sale, based on a conservative 4.0 percent True Interest Cost estimate, is \$10.2 million for County purposes and \$13.5 million for School purposes commencing in FY 2011. A 100 basis point savings would result in a \$2.75 million reduction in annual debt service requirements. However, it should be noted that by accelerating the sale, a partial interest payment of \$4.9 million will come due within this fiscal year. The associated FY 2010 funding requirement was anticipated at the *FY 2009 Carryover Review* and funding was appropriated from balances remaining in the debt service fund in anticipation of a possible fall bond sale.

Recent interest rates on triple-A rated bond sales have varied significantly from their typical relationships versus market benchmarks. Staff will closely monitor conditions and adjust the structure as necessary to minimize interest costs in this credit environment and staff will retain flexibility for future refunding opportunities.

The County has held a Aaa rating from Moody's since 1975, a AAA rating from Standard and Poor's since 1978 and a AAA rating from Fitch Ratings since 1997. As of September 15, 2009, seven states, 23 counties, and 26 cities have a triple-A bond rating from all three major rating agencies. As a result of the County's excellent triple-A bond rating, the County has saved over \$394.91 million from County bond and refunding sales.

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ENCLOSED DOCUMENTS:

Attachment 1: 2009C County Public Improvement Bond Resolution

Attachment 2: New Money Bond Sale Schedule of Events

Attachment 3: Refunding Bond Sale Schedule of Events

Attachment 4: Schedule of Bond Purposes

Attachment 5: School Board Resolution Requesting Sale of Bonds (School Board Approval on October 8, 2009)

Attachment 6: Notice of Sale, Series 2009 C

Attachment 7: Notice of Sale, Series 2009 D

Attachment 8: Draft of the Preliminary Official Statement, Series 2009 C (Copy available in the Office of the Clerk to the Board.)

Attachment 9: Draft of the Preliminary Official Statement, Series 2009 D (Copy available in the Office of the Clerk to the Board.)

STAFF:

Edward L. Long, Jr., Deputy County Executive

Victor L. Garcia, Director, Department of Finance

Leonard P. Wales, County Debt Manager

Board Agenda Item
October 5, 2009

INFORMATION - 1

Contract Award – Sewer Sags at Belle View Boulevard and I-Street (Mount Vernon District)

An emergency contract is required for the repair of the Sewer Sags at Belle View Boulevard and I-Street, Project X00903, Replacement and Transmission Program Rehabilitation, Fund 402, Sewer Construction Improvements. This contract award will provide for the replacement of 660 linear feet of 12-inch ductile iron sanitary sewer pipe, complex engineered interlocking sheeting and shoring, major dewatering system and the use of deep Helical Pier system to support the new sewer pipe. These measures are required because of the high ground water and unstable subsoil conditions in the Belle View Area.

In accordance with the Fairfax County Purchasing Resolution, Emergency Contracting protocols were used to invite six qualified contractors to submit bids for this highly specialized construction work. These contractors were previously qualified by the Department of Public Works and Environmental Services to provide emergency repairs to sanitary sewers.

Four sealed bids were received and opened on Wednesday, September 9, 2009. The lowest responsive and responsible bidder is Flippo Construction Company, Inc. The firm's bid of \$1,756,900 is \$133,902 or 8.3% above the Engineer's Estimate of \$1,622,998. The second lowest bid of \$1,841,157 is \$84,257 or 4.7% above the low bid. The highest bid of \$3,434,600 is \$1,677,700 or 95.5% above the low bid.

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

This bid may be withdrawn after October 24, 2009.

Unless otherwise directed by the Board of Supervisors, the Department of Public Works and Environmental Services will proceed to award this contract to Flippo Construction Company, Inc. in the amount of \$1,756,900.

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FISCAL IMPACT:

Funding in the amount of \$2,106,351 is necessary to award this contract and fund the associated contingencies and other project costs. Funding in the amount of \$1,538,351 is available in Project X00903, Replacement and Transmission Program Rehabilitation, Fund 402, Sewer Construction Improvements. Funding in the amount of \$568,000 will be reallocated from Project X00905, Replacement and Transmission within Fund 402, Sewer Construction Improvements. As a result of this contract award, the total project estimate is increased from \$1,538,351 to \$2,106,351.

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
October 5, 2009

INFORMATION - 2

Planning Commission Action on Application 2232-S09-7, Cricket Communications and Verizon Wireless (Springfield District)

On Thursday, September 17, 2009, the Planning Commission voted unanimously (Commissioners Alcorn, Hall, Lusk, and Sargeant absent from the meeting) to approve 2232-S09-7.

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-S09-7 sought approval to construct a telecommunications facility on a replacement monopole/light pole at Chantilly High School, 4201 Stringfellow Road in Chantilly. The 125 foot tall structure will replace the existing 78.5' tall light pole, with lights mounted on the new pole at the same height as the current light pole. (Tax Map 45-1 ((1)) 9, 9A).

ENCLOSED DOCUMENTS:

Attachment 1: Verbatim excerpts from 9/17/09 Commission meeting
Attachment 2: Vicinity maps

STAFF:

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

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Board Agenda Item
October 5, 2009

INFORMATION - 3

Planning Commission Action on Application 2232-V09-11, T-Mobile Northeast LLC (Mount Vernon District)

On Thursday, September 17, 2009, the Planning Commission voted unanimously (Commissioners Alcorn, Hall, Lusk, and Sargeant absent from the meeting) to approve 2232-V09-11.

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-V09-11 sought approval to replace an existing 78'.6" stadium light pole with a 125' telecommunications stadium lightpole/monopole with up to nine (9) wireless antennas at South County High School, 8501 Silverbrook Road, Lorton. It will also include up to 3 related equipment cabinets located behind the bleachers within an equipment compound that will be screened by an 8' board-on-board fence. (Tax Map 107-1 ((1)) 6)

ENCLOSED DOCUMENTS:

Attachment 1: Verbatim excerpts from 9/17/09 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

Planning Commission Action on Application 2232-M09-8, T-Mobile Northeast, LLC and Milestone Communications, Mason District

On Thursday, September 24, 2009, the Planning Commission voted unanimously to approve 2232-M09-8.

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-M09-8 sought approval by T-Mobile Northeast, LLC and Milestone Communications to develop a telecommunications facility consisting of a 125-foot replacement light monopole and related equipment, located at Thomas Jefferson High School, 6560 Braddock Road, in Annandale. Tax Map 61-4 ((1)) 60.

ENCLOSED DOCUMENTS:

Attachment 1: Verbatim excerpts from 9/24/09 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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10:25 a.m.

Matters Presented by Board Members

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11:15 a.m.

CLOSED SESSION:

- (a) Discussion or consideration of personnel matters pursuant to Virginia Code § 2.2-3711(A) (1).
- (b) Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Virginia Code § 2.2-3711(A) (3).
- (c) Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, and consultation with legal counsel regarding specific legal matters requiring the provision of legal advice by such counsel pursuant to Virginia Code § 2.2-3711(A) (7).
 - 1. *In Re: Teligent, Inc., Chapter 11, Case No. 01-12974 (SMB) Savage and Associates, P.C., Unsecured Claims Estate Representative v. County of Fairfax, Virginia, Adversary Proceeding No. 03-03360 (U.S. Bankruptcy Court, Southern District of New York)*
 - 2. *Tavores Wade v. PFC Ramon Robinson, PFC Anthony Taormina, PFC Daniel Griffith, Mount Vernon District Station, and County of Fairfax, Virginia, Case No. 1:07-cv-694 (E.D. Va.)*
 - 3. *Fairfax County Department of Family Services v. Florinda Perez, JA2008-0088 and 0089 (Fx. Co. Cir. Ct.)*
 - 4. *Fairfax County Department of Family Services v. Brenda Dodson, et al., JA 2009-0118 to JA 2009-0131 (Fx. Co. Cir. Ct.)*
 - 5. *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)*
 - 6. *Runnymede Home Owners Association v. Fairfax County (Fx. Co. Board of Building Code Appeals) (Lee District)*

7. *Advanced Towing Company, LLC, Roadrunner Wrecker Service, Inc., and King's Towing, Inc. v. Fairfax County Board of Supervisors*, Case No. CL-2008-0011827 (Fx. Co. Cir. Ct.)
8. *Fairfax County Redevelopment and Housing Authority v. James C. Riekse, Rajesh Kapani, Rajinder P. Kapani, Frederick L. Shreves, II, Trustee, Vincent J. Keegan, Trustee, Mortgage Electronic Registration Systems, Inc., and Weichart Financial Services*, Case No. CL-2007-0011400 (Fx. Co. Cir. Ct.) (Mount Vernon District)
9. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Leo S. Morrison*, Case No. CL-2008-0012787 (Fx. Co. Cir. Ct.) (Dranesville District)
10. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Jason C. Kim*, Case No. CL-2009-0001557 (Fx. Co. Cir. Ct.) (Mason District)
11. *Eileen M. McLane, Fairfax County Zoning Administrator v. Arturo Castellon*, Case No. CL-2008-0004426 (Fx. Co. Cir. Ct.) (Springfield District)
12. *Eileen M. McLane, Fairfax County Zoning Administrator v. Jose Maldonado*, Case No. CL-2008-0001698 (Fx. Co. Cir. Ct.) (Lee District)
13. *Eileen M. McLane, Fairfax County Zoning Administrator v. Elizabeth Case and Ray Case*, Case No. CL-2009-0000410 (Fx. Co. Cir. Ct.) (Providence District)
14. *Eileen M. McLane, Fairfax County Zoning Administrator v. Carol A. Davis*, Case No. CL-2008-0014958 (Fx. Co. Cir. Ct.) (Lee District)
15. *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)
16. *Eileen M. McLane, Fairfax County Zoning Administrator v. Angula L. Mitchell*, Case No. CH-2005-0005119 (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. Walter Maranon and Nelly M. Maranon, Case No. CL-2009-0003972 (Fx. Co. Cir. Ct.) (Mason District)*
18. *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)*
19. *Eileen M. McLane, Fairfax County Zoning Administrator v. Simone M. Wyvell and Christopher Wyvell, Case No. CL-2007-0009865 (Fx. Co. Cir. Ct.) (Dranesville District)*
20. *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)*
21. *Eileen M. McLane, Fairfax County Zoning Administrator v. Power Fuel & Transport Real Estate Holding Company, L.L.C., Case No. CL-2009-0008478 (Fx. Co. Cir. Ct.) (Mount Vernon District)*
22. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Phillip Ha, Case No. CL-2009-0004297 (Fx. Co. Cir. Ct.) (Mason District) (Strike Team Case)*
23. *Eileen M. McLane, Fairfax County Zoning Administrator v. Edgar Uriona, Case No. CL-2008-0016332 (Fx. Co. Cir. Ct.) (Mason District)*
24. *Eileen M. McLane, Fairfax County Zoning Administrator v. Paul Ken Hopper, Case No. CL-2009-0009453 (Fx. Co. Cir. Ct.) (Providence District)*
25. *Eileen M. McLane, Fairfax County Zoning Administrator v. Felix Rojas and Rosemary Rojas, Case No. CL-2009-0005209 (Fx. Co. Cir. Ct.) (Mason District) (Strike Team Case)*
26. *Eileen M. McLane, Fairfax County Zoning Administrator v. Steven C. Bryant, Case No. CL-2009-0005546 (Fx. Co. Cir. Ct.) (Sully District)*

27. *Eileen M. McLane, Fairfax County Zoning Administrator v. Oakwood Road Limited Partnership and Sagres Construction Corporation*, Case No. CL-2009-0001429 (Fx. Co. Cir. Ct.) (Lee District)
28. *Eileen M. McLane, Fairfax County Zoning Administrator v. Yolanda Ramirez and Hernan Tambo*, Case No. CL-2009-0003974 (Fx. Co. Cir. Ct.) (Braddock District)
29. *Eileen M. McLane, Fairfax County Zoning Administrator v. Eduardo Ramirez*, Case No. CL-2009-0008217 (Fx. Co. Cir. Ct.) (Hunter Mill District) (Strike Team Case)
30. *Eileen M. McLane, Fairfax County Zoning Administrator v. Ramiro Z. Herrera*, Case No. CL-2009-0006973 (Fx. Co. Cir. Ct.) (Providence District) (Strike Team Case)
31. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Ju Wan Ryu*, Case No. CL-2009-0006972 (Fx. Co. Cir. Ct.) (Lee District)
32. *Eileen M. McLane, Fairfax County Zoning Administrator v. Ju Wan Ryu*, Case No. CL-2008-0015857 (Fx. Co. Cir. Ct.) (Lee District)
33. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. David Boies*, Case No. CL-2009-0008761 (Fx. Co. Cir. Ct.) (Springfield District)
34. *Jimmie D. Jenkins, Director, Fairfax County Department of Public Works and Environmental Services v. Federal, Inc.*, Case No. CL-2008-0012444 (Fx. Co. Cir. Ct.) (Sully 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. Paul L. Veeder*, Case No. CL-2009-0003259 (Fx. Co. Cir. Ct.) (Providence District)
37. *Eileen M. McLane, Fairfax County Zoning Administrator v. Ernesto Edwin Perez*, Case No. CL-2009-0007635 (Fx. Co. Cir. Ct.) (Lee District) (Strike Team Case)

38. *Eileen M. McLane, Fairfax County Zoning Administrator v. Stuart S. Malawer, Sandra S. Malawer, and Erik Kennedy*, Case No. CL-2009-0012912 (Fx. Co. Cir. Ct.) (Dranesville District)
39. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Manuel Zapata Ledezma, Grober Olivera Castro, and Roxana Flores Romero*, Case No. CL-2009-0013021 (Mason District)
40. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Ronald Tonstad*, Case No. CL-2009-0013132 (Fx. Co. Cir. Ct.) (Mason District)
41. *Eileen M. McLane, Fairfax County Zoning Administrator v. Tony A. Hicks, RC Labor & Erocion Control, Inc., and Hicks Plumbing Services, LLC*, Case No. CL-2009-0013133 (Fx. Co. Cir. Ct.) (Springfield District)
42. *Eileen M. McLane, Fairfax County Zoning Administrator v. Ena Xiomara Martinez*, Case No. CL-2009-0013130 (Fx. Co. Cir. Ct.) (Mason District)
43. *Eileen M. McLane, Fairfax County Zoning Administrator v. Maritza Rodriguez and Virgilio Hernandez*, Case No. CL-2009-0013204 (Fx. Co. Cir. Ct.) (Mason District)
44. *Eileen M. McLane, Fairfax County Zoning Administrator v. Omer Villarroel, Roberto Villarroel, and Diego Villarroel*, Case No. CL-2009-0013133 (Fx. Co. Cir. Ct.) (Mason District)
45. *Board of Supervisors of Fairfax County, Virginia v. Xichang Qi and Xiao Cai*, Case No. CL-2009-0013426 (Fx. Co. Cir. Ct.) (Dranesville District)
46. *Eileen M. McLane, Fairfax County Zoning Administrator v. Philip F. Herrick, Jr.*, Case No. CL-2009-0013424 (Fx. Co. Cir. Ct.) (Providence District)
47. *Eileen M. McLane, Fairfax County Zoning Administrator v. Keun-Hoon Lee and Young Ja Lee, a/k/a Yong Ja Lee*, Case No. CL-2009-0013425 (Fx. Co. Cir. Ct.) (Mason District)
48. *Eileen M. McLane, Fairfax County Zoning Administrator v. Hector Portillo*, Case No. CL-2009-0013578 (Fx. Co. Cir. Ct.) (Lee District)

49. *Eileen M. McLane, Fairfax County Zoning Administrator v. Sarah Soruco and Medardo Villanueva*, Case No. CL-2009-0013750 (Fx. Co. Cir. Ct.) (Mason District)
50. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Scott W. Pruitt*, Case No. CL-2009-0013751 (Fx. Co. Cir. Ct.) (Springfield District)
51. *Eileen M. McLane, Fairfax County Zoning Administrator v. Muhammad Aziz and Shahnaz Aziz*, Case Nos. 09-0012874 and 09-0012875 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
52. *Eileen M. McLane, Fairfax County Zoning Administrator v. Christopher Perreca*, Case Nos. 09-0022648 and 09-0022649 (Fx. Co. Gen. Dist. Ct.) (Hunter Mill District)
53. *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)
54. *Eileen M. McLane, Fairfax County Zoning Administrator v. Jeffrey D. Holt*, Case No. 09-0024045 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
55. *Board of Supervisors of Fairfax County, Virginia v. Petula Associates, Ltd, n/k/a Petula Associates, LLC, and Travelers Casualty and Surety Company of America*, Case No. CL-2009-0013580 (Fx. Co. Cir. Ct.) (Sully District)

Board Agenda Item
October 5, 2009

3:30 p.m.

Public Hearing on SE 2009-MV-010 (Wachovia Bank) to Permit a Drive-In Financial Institution, Located on Approximately 35,475 Square Feet Zoned C-8, CRD and HC, Mount Vernon District

The application property is located at 8770 Richmond Highway, Tax Map 109-2 ((1)) 23.

PLANNING COMMISSION RECOMMENDATION:

On Thursday, September 17, 2009, the Planning Commission voted unanimously (Commissioners Alcorn, Hall, Lusk, and Sargeant absent from the meeting) to recommend the following actions to the Board of Supervisors:

- Approval of SE 2009-MV-010, subject to the Development Conditions dated September 4, 2009, amended as follows:
 - Change the word “applicant” to “applicant or successor” in Development Conditions 5, 7, and 8;
- Waiver of the interior parking lot landscaping requirements;
- Modification of the peripheral parking lot landscaping requirements to that shown on the SE Plat; and
- Modification of the 10-year tree canopy requirement and deviation from the tree preservation target requirement of Chapter 122 of the County Code and the Public Facilities Manual by the Director of DPWES and the Urban Forestry Management Office.

The Planning Commission voted 7-0-1 (Commissioner Harsel abstaining; Commissioners Alcorn, Hall, Lusk, and Sargeant absent from the meeting) to recommend that the Board of Supervisors waive the loading space requirement.

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

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Board Agenda Item
October 5, 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

Public Hearings on RZ 2008-MV-007 and SEA 85-L-137 (JK Investments, Inc.) are **TO BE DEFERRED TO 11/16/09 at 3:30 P.M.**

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Board Agenda Item
October 5, 2009

4:00 p.m.

Public Hearing on Proposed FY 2011 Transportation Enhancement Program Projects

ISSUE:

Public hearing to solicit comments and input on proposed FY 2011 Transportation Enhancement Projects.

RECOMMENDATION:

Staff will return to the Board on November 16, 2009, with a list of recommended projects for endorsement. Unless otherwise directed by the Board, the list will include only those projects for which the applicant has identified a source of funds for the required 20 percent match.

TIMING:

On September 14, 2009, the Board of Supervisors authorized advertisement of a notice for a public hearing on the FY 2011 Transportation Enhancement Program. The deadline to identify potential projects for review and action by the Board of Supervisors is October 19, 2009. Staff will return to the Board of Supervisors on November 16, 2009, with a recommended list of projects for approval. Projects must be submitted to the Virginia Department of Transportation (VDOT) by December 1, 2009.

BACKGROUND:

The Safe, Accountable, Flexible and Efficient Transportation Equity Act (SAFETEA) continued the program established under the Intermodal Surface Transportation Efficiency Act (ISTEA) that provides ten percent of funds apportioned to a State under the Surface Transportation Program (STP) be made available for transportation enhancement activities. It is estimated that approximately \$21-22 million will be available statewide for enhancement projects this year; however, this amount could change depending on the Federal funding levels. In FY 2010, approximately \$19.1 million was available in this program. This amount represents the federal 80 percent share and does not include the 20 percent local match.

A list of Fairfax County projects approved by the Commonwealth Transportation Board (CTB) for FY 2010 enhancement funds is provided as Attachment I. A spreadsheet of Enhancement Project updates is provided as Attachment II.

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

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

Final selection of projects will be made by the CTB working through the VDOT Programming and Scheduling Division. The deadline to identify potential projects for FY 2011 funds to Fairfax County for inclusion in the October 19, 2009, Board Item are November 16, 2009. The deadline for submitting projects to VDOT is December 1, 2009.

On September 14, 2009 staff proposed the following schedule for the FY 2011 enhancement grant program:

September 14, 2009	Board Authorization to Advertise a Public Hearing on Enhancement Requests
October 5, 2009	Board Public Hearing
October 19, 2009	Deadline to Submit Projects for Board Consideration
November 16, 2009	Board Endorsement of Recommended Projects
November 18, 2009	Letters to Applicants Announcing Applications Endorsed by the Board
December 1, 2009	VDOT Submission Deadline

Criteria for Project Eligibility

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

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

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

FISCAL IMPACT:

Transportation enhancement projects will require a minimum 20 percent local match. Any project endorsed by the Board must have an identified source of funding for the 20 percent match. VDOT has implemented new requirements for jurisdictional sponsors (like 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.

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ENCLOSED DOCUMENTS:

Attachment I: 2009 Final Enhancement Allocations (FY10)
Attachment II: Enhancement Project Updated Spreadsheet

STAFF:

Katharine D. Ichter, Director, Fairfax County Department of Transportation (FCDOT)
Tom Biesiadny, Chief, Coordination and Funding Division, FCDOT
Carl Winstead, Transportation Planner, Coordination and Funding Division, FCDOT
Mike Lake, Senior Transportation Planner, Coordination and Funding Division, FCDOT

Board Agenda Item
October 5, 2009

4:00 p.m.

Board Decision on Spot Blight Abatement Ordinance for 9915 Old Colchester Road (Mount Vernon District)

Board Decision on Spot Blight Abatement Ordinance for 9915 Old Colchester Road has been **WITHDRAWN**

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