

**FAIRFAX COUNTY
BOARD OF SUPERVISORS
FEBRUARY 23, 2009**

AGENDA

9:30	Done	Presentations
10:00	Done	Presentation of the Proposed FY 2010 Budget by the County Executive
11:00	Adopted	Report on General Assembly Activities
11:15	Done	Appointments to Citizen Boards, Authorities, Commissions, and Advisory Groups
11:15	Done	Items Presented by the County Executive

**ADMINISTRATIVE
ITEMS**

1	Approved	Authorization to Advertise a Public Hearing for a Sewer Ordinance Amendment to Revise the Sewer Service Charges and the Availability Fees
2	Approved	Streets into the Secondary System (Dranesville, Hunter Mill, Mount Vernon, Providence, Springfield and Sully Districts)
3	Approved	Extension of Review Periods for 2232 Review Applications (Dranesville, Lee, Mount Vernon, and Springfield Districts)
4	Approved	Authorization to Advertise a Public Hearing to Consider Adopting an Ordinance Establishing the Northern Virginia Community College Residential Permit Parking District, District 39 (Braddock District)
5	Approved	Authorization to Advertise a Public Hearing to Consider Adopting an Ordinance Expanding the Culmore Residential Permit Parking District, District 9 (Mason District)
6	Approved	Approval of Traffic Calming Measures as Part of the Residential Traffic Administration Program (Braddock District)
7	Approved	Supplemental Appropriation Resolution AS 09096 to Authorize the Fairfax Juvenile and Domestic Relations District Court to Accept Grant Funding from the Northern Virginia Regional Gang Task Force Through Loudoun County, VA

**FAIRFAX COUNTY
BOARD OF SUPERVISORS
FEBRUARY 23, 2009**

**ADMINISTRATIVE
ITEMS**

(continued)

Approved

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|----|-----------------|---|
| 8 | Approved | Authorization to Advertise a Public Hearing to Amend Articles 2, 3, and 7 of Chapter 3 RE: Uniformed, Police Officers and Employees' Retirement Systems – Changes to Allow Surviving Spouses of Deceased Members to Continue Receiving Benefits when they Remarry |
| 9 | Approved | Authorization to Advertise a Public Hearing to Amend Articles 2 and 3 of Chapter 3 RE: Uniformed and Employees' Retirement Systems – Changes Regarding Service Credit for Military Leave Without Pay |
| 10 | Approved | Authorization to Advertise a Public Hearing to Consider the Creation of a Community Development Authority for the Mosaic - Merrifield Town Center Development (Providence District) |

ACTION ITEMS

- | | | |
|---|-----------------|---|
| 1 | Approved | Approval of the Disease Carrying Insects Suppression Program |
| 2 | Approved | Approval of a Memorandum of Understanding Between the Fairfax County Police Department and the "WAVE II" Washington/Maryland and Northern Virginia Regional Vehicle Theft Investigation Initiative Tactical Team |
| 3 | Approved | Approval of a Memorandum of Agreement Between the Fairfax County Police Department and the Northern Virginia Gang Task Force |
| 4 | Approved | Endorsement of the Residential Traffic Administration Program (RTAP) Revised Traffic Calming General Operating Procedures |
| 5 | Approved | Authorization for the County Executive to Execute the Virginia Water Quality Improvement Fund Point Source Grant and Operation and Maintenance Agreement Contract Between the County of Fairfax and the Commonwealth of Virginia Contract |

**INFORMATION
ITEMS**

- | | | |
|---|--------------|---|
| 1 | Noted | Contract Award – Fair Ridge Richmond American Pond Retrofit and Fair Ridge "A" Pond Retrofit (Springfield District) |
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**FAIRFAX COUNTY
BOARD OF SUPERVISORS
FEBRUARY 23, 2009**

**INFORMATION
ITEMS**

(Continued)

2	Noted	Contract Award – Martha Washington Library Renovation and Expansion (Mount Vernon District)
3	Noted	Contract Award – Noman M. Cole Jr. Pollution Control Plant Equalization Facility Expansion (Mount Vernon District)
11:45	Done	Matters Presented by Board Members
12:35	Done	Closed Session
2:45	Withdrawn	Presentation on the Proposed Acquisition of Gatehouse II

PUBLIC HEARINGS

3:00	Held	Annual Meeting of the Fairfax County Solid Waste Authority
3:30	Approved	Public Hearing on a Proposed Zoning Ordinance Amendment Re: Mobile and Land Based Telecommunication Facilities
3:30	Approved	Public Hearing on AR 80-D-001-03 (Edith W. Spalding, Sidney P. Spalding, Jr., and Orlando W. Spalding, Trustees; and Patowmack Farm, A Virginia Limited Partnership) (Dranesville District)
3:30	Approved	Public Hearing on AR 90-S-005-02 (Stephen W. and Karen Klare, Kristin Klare, Alesia G. and Brian A. Klare) (Springfield District)
3:30	Public hearing deferred to 3/30/09 at 4:00 p.m.	Public Hearing on RZ 2007-LE-007 (Franconia Two LP) (Lee District)
3:30	Approved	Public Hearing on SE 2008-PR-009 (Community Wireless Structures) (Providence District)
3:30	Approved	Public Hearing on SE 2008-MA-020 (Woodlake Towers Condominium Unit Owners Association) (Mason District)
4:00	Public hearing deferred to 3/9/09 at 3:30 p.m.	Public Hearing on SE 2008-PR-033 (Metropolitan Washington Airports Authority and the Virginia Department of Rail and Public Transportation on Behalf of Washington Metropolitan Area Transit Authority) (Providence District)

**FAIRFAX COUNTY
BOARD OF SUPERVISORS
FEBRUARY 23, 2009**

**PUBLIC HEARINGS
(Continued)**

4:00	Public hearing deferred to 3/9/09 at 3:30 p.m.	Public Hearing on SE 2008-MD-034 (Metropolitan Washington Airports Authority and the Virginia Department of Rail and Public Transportation on Behalf of Washington Metropolitan Area Transit Authority) (Hunter Mill and Providence Districts)
4:00	Approved	Public Hearing on SE 2008-PR-035 (Metropolitan Washington Airports Authority and the Virginia Department of Rail and Public Transportation on Behalf of Washington Metropolitan Area Transit Authority) (Providence District)
4:00	Approved	Public Hearing on SE 2008-MD-036 (Metropolitan Washington Airports Authority and the Virginia Department of Rail and Public Transportation on Behalf of Washington Metropolitan Area Transit Authority) (Hunter Mill and Providence Districts)
4:00	Approved	Public Hearing on SE 2008-HM-038 (Metropolitan Washington Airports Authority and the Virginia Department of Rail and Public Transportation on Behalf of Washington Metropolitan Area Transit Authority) (Hunter Mill District)
4:00	Approved	Public Hearing on PCA 78-S-063-06 (The Aerospace Corporation) (Sully District)
4:00	Approved	Public Hearing on SE 2008-SU-026 (The Aerospace Corporation) (Sully District)
4:30	No Speakers	Public Comment from Fairfax County Citizens and Businesses on Issues of Concern



Fairfax County, Virginia
BOARD OF SUPERVISORS
AGENDA

Monday
February 23, 2009

9:30 a.m.

PRESENTATIONS

1. CERTIFICATE – To recognize Graham Road Elementary School for being named a Blue Ribbon School by the U.S. Department of Education. Requested by Supervisor Smyth.
2. RESOLUTION – To recognize the Sheriff's Office and the Community Labor Force program for the work it does to maintain the appearance of the county. Requested by Supervisor Hudgins.
3. CERTIFICATE – To recognize the Fire and Rescue Department for receiving the 2008 Governor's Fire Service Award for Fire Prevention. Requested by Supervisor Gross.
4. CERTIFICATE – To recognize the Diamond Dream Foundation for its generosity and commitment to the youth of Fairfax County. Requested by Supervisor Frey.
5. PROCLAMATION – To designate March 2009 as Women's History Month in Fairfax County. Requested by Chairman Bulova.
6. PROCLAMATION – To designate March 1-7, 2009, as Consumer Protection Week 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
February 23, 2009

10:00 a.m.

Presentation of the Proposed FY 2010 Budget by the County Executive

ENCLOSED DOCUMENTS:

None. Materials to be distributed to the Board of Supervisors on February 23, 2009.

PRESENTED BY:

Anthony H. Griffin, County Executive

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Board Agenda Item
February 23, 2009

11:00 a.m.

Report on General Assembly Activities

ENCLOSED DOCUMENTS:

None. Materials to be distributed to the Board of Supervisors on February 23, 2009

PRESENTED BY:

Supervisor Jeff McKay, Chairman, Board of Supervisor's Legislative Committee
Anthony H. Griffin, County Executive

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Board Agenda Item
February 23, 2009

11:15 a.m.

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

ENCLOSED DOCUMENTS:

Appointments to be Heard February 23, 2009

STAFF:

Nancy Vehrs, Clerk to the Board of Supervisors

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Board Agenda Item
February 23, 2009

11:15 a.m.

Items Presented by the County Executive

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ADMINISTRATIVE - 1

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

ISSUE:

Board authorization is needed to advertise a public hearing for the purpose of amending the County's sewer ordinance. As shown in the proposed advertisements provided in Attachments Ia & Ib, the sewer ordinance (Attachment II) is being amended to revise Sewer Service Charge and Availability Fee rates to be consistent with the Wastewater Management Program's "2009 Wastewater Revenue Sufficiency and Rate Analysis" (the Rate Study) for the Sewer System, prepared in cooperation with its consultant, Public Resources Management Group, Inc. (PRMG). The effects of these sewer rate revisions are as follows:

1. To establish the Sewer Service rates for FY 2009 through FY 2013
2. To establish the Availability Fee rates for FY 2009 through FY 2013
3. To maintain a 5-year (FY 2009 - FY 2013) sewer rate schedule; FY 2008 rates will be deleted and new FY 2013 rates will be added
4. To introduce a new \$5.00 per bill "Base Charge" effective FY 2010

Although the sewer rate schedule in the sewer ordinance is multi-year, all sewer rates are reviewed, adjusted as necessary, and adopted annually to ensure sewer rates are accurately priced. A \$5.00 per bill "Base Charge" is recommended effective July 1, 2009, to partially recover fixed expenses for billing, wastewater collection, engineering, planning, and administration. As used by other jurisdictions, PRMG is recommending use of a base charge to improve the recovery of fixed costs.

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

PROPOSED SEWER SERVICE CHARGE RATE SCHEDULE				
<u>FY 2009</u>	<u>FY 2010</u>	<u>FY 2011</u>	<u>FY 2012</u>	<u>FY 2013</u>
\$4.10	\$4.50 (\$4.50)	\$5.27 (\$4.94)	\$6.17(\$5.42)	\$7.03

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

The revised, 5-year rate schedule for the Availability Fees for a single-family residence, with

Board Agenda Item
February 23, 2009

previously adopted rates in parentheses, is as follows:

PROPOSED AVAILABILITY FEE RATE SCHEDULE				
<u>FY 2009</u>	<u>FY 2010</u>	<u>FY 2011</u>	<u>FY 2012</u>	<u>FY 2013</u>
\$6,896	\$7,310 (\$7,310)	\$7,750 (\$7,750)	\$7,750 (\$8,215)	\$7,750

Availability charges for all nonresidential uses will be computed as the number of fixture units (including roughed-in fixture units) in accordance with Part I of the current Virginia Uniform Statewide Building Code, Section 101.2, Note 1, which incorporates by reference the 2003 International Plumbing Code (Chapter 7, Section 709), times the fixture unit rate with a minimum charge equivalent to one (1) single family detached dwelling per premises.

RECOMMENDATION:

The County Executive recommends that the Board authorize two separate sewer rate advertisements, one for Sewer Service and Base Charges and another for Availability Fees, as proposed in Attachments Ia & Ib.

TIMING:

Action must be taken on February 23, 2009, to provide adequate notice of a public hearing for comments on the proposed sewer rate revisions. The public hearing will be held on March 30, 2009, at 3:00 p.m. Decision on the sewer rate revisions will coincide with the markup and adoption of the FY 2010 Advertised Budget Plan. FY 2010 sewer rates will become effective on July 1, 2009.

BACKGROUND:

In February 2009, the Wastewater Management Program and PRMG completed the Rate Study. Minimum fund balances or "reserves" are maintained to fund major capital expenditures such as the addition of nitrogen removal facilities at wastewater treatment plants and to comply with bond resolution requirements. It is anticipated that desired reserve levels can be maintained under the proposed ordinance amendment (Attachment II).

A forecasted, 4-year rate schedule (FY 2010 - FY 2013) is recommended for the County's Sewer Service Charge (See Staff Report, Attachment III). The Sewer Service Charge is based on the volume of water used by a sewer customer and is billed quarterly to offset the operations, maintenance, debt, and capital costs allocated to "existing customers." For FY 2009 and FY 2010, 9.75 percent annual rate increases were adopted. For FY 2010, a \$5.00 per bill Base Charge is being recommended. For FY 2011 and FY 2012, annual service charge increases of 17 percent are being proposed and for FY 2013, an annual sewer service charge increase of 14 percent is being proposed. The rate increases will provide for inflation and the cost of constructing nitrogen removal facilities at wastewater treatment

plants to comply with new discharge requirements imposed by the State and the Chesapeake Bay Program. These rate increases are consistent with this year's Rate Study recommendations.

The County's Sewer Service Charges and Availability Fees remain very competitive on a local basis. Below are average annual water and sewer service billings and Availability Fees per Single Family Residential Equivalent (SFRE) for Fairfax County compared to other regional jurisdictions. Rates are effective as of January 2009 (FY 2009). Average sewer service billings for the other regional jurisdictions have been developed by applying each jurisdiction's sewer service rate to appropriate SFRE water usage determined from Fairfax Water's average water usage for SFREs.

Comparison of Average Service Charges and Availability Fees for SFREs

Jurisdiction	Average Annual Water and Sewer Service Billing	Average Annual Sewer Service Billing (a)	Sewer Availability Fees (b)
Fairfax County (c)	\$ 479	\$ 312	\$ 6,896
Loudoun County (c)	498	284	6,945
WSSC (d)	717	404	2,850
Stafford County (e)	625	402	6,135
DCWASA (d)	738	429	---
Prince William County (d)	772	507	9,000
City of Alexandria (c)	848	561	7,091
Arlington County (d)	895	610	1,976

(a) Each jurisdiction's sewer service rate is applied to the average usage as specified.

(b) Each jurisdiction's Availability Fee is per SFRE; the Sewer Availability Fee for Arlington assumes 26 fixture units (FU's) per SFRE at a cost of \$76/FU.

(c) These jurisdictions use a winter quarter billing method for residential customers, eliminating billing of water usage such as lawn irrigation, which does not enter the sewer system. The average winter quarter usage of 19,000 gallons is based on an analysis of Fairfax Water's annual usage report.

(d) Average billed usage of 21,200 gallons is based on Fairfax Water's annual usage reports.

(e) Stafford County uses a modified winter six month period billing method for residential customers. The average winter quarterly usage is 20,200 gallons based on an analysis of Fairfax Water's annual usage reports.

Similarly, with regard to Availability Fees and commercial fixture unit rates, a four-year rate schedule is proposed. Availability Fees are one-time "tap fees" paid by sewer customers to connect to the system. The revenue from Availability Fees is used to offset the costs of expanding major treatment facilities. FY 2009 through FY 2011 rates are indexed at 6.0

Board Agenda Item
February 23, 2009

percent. Indexing recognizes the time value of money being used now to construct capacity for future customers. The FY 2012 and FY 2013 rates will be held equal to the FY 2011 rate pending a more detailed pricing analysis planned later this year.

FISCAL IMPACT:

In FY 2010, assuming a typical water usage per household of 19,000 gallons/quarter (or 76,000 gallons/year) and a \$5 quarterly billing charge (or \$20 per year), the average homeowner's sewer bill will be approximately \$362 per year, which is an increase of \$50.40 over the FY 2009 sewer bill. Because of construction requirements for building nitrogen removal facilities and for renovating aging infrastructure, the annual cost impact of the FY 2011 to FY 2013 rate increases for a typical homeowner will be approximately an additional \$58 to \$68 a year as follows:

Fiscal Year	Base Charge \$/Quarterly Billing	Service Charge (\$/1,000 gallons)	Annual Bill (\$)	Increase, \$ (% Increase)
2009	-	\$4.10 (9.63%)	\$311.60	\$27.36 (9.63%)
2010	\$5.00	\$4.50 (9.76%)	\$362.00	\$50.40 (16.17%)
2011	\$5.00	\$5.27 (17.11%)	\$420.52	\$58.52 (16.17%)
2012	\$5.00	\$6.17 (17.08%)	\$488.92	\$68.40 (16.27%)
2013	\$5.00	\$7.03 (13.94%)	\$554.28	\$65.36 (13.37%)

In perspective, when calculating monthly and quarterly cost increases for FY 2010 through FY 2013, the cost impact to a typical homeowner will be approximately an additional \$4.20 to \$5.70 monthly or \$12.60 to \$17.10 quarterly as follows:

Fiscal Year	Monthly Bill (\$)	Increase (\$)	Quarterly Bill (\$)	Increase (\$)
2009	\$25.97	\$2.28	\$77.90	\$6.84
2010	\$30.17	\$4.20	\$90.50	\$12.60
2011	\$35.04	\$4.88	\$105.13	\$14.63
2012	\$40.74	\$5.70	\$122.23	\$17.10
2013	\$46.19	\$5.45	\$138.57	\$16.34

The new Total Nitrogen (TN) removal requirements began affecting sewer rates in FY 2007. As shown in the following chart, the cumulative cost impact to a typical homeowner's annual bill for additional total nitrogen (TN) removal and related construction will be about \$163 per year by FY 2013.

Board Agenda Item
February 23, 2009

Fiscal Year	Annual Bill, \$ (% Increase) w/o TN cost Effects in rates	Annual Bill, \$ (% Increase) w/TN cost Effects in rates	Increase, \$ TN cost effects
2006	249 (2.5%)	249 (2.5%)	0
2007	256 (2.5%)	266 (6.71%)	\$10
2008	263 (3.0%)	284 (6.86%)	\$21
2009	\$274 (4.0%)	\$312 (9.63%)	\$38
2010	\$302 (3.0% + \$20)	\$362 (16.18%)	\$60
2011	\$331 (3.0% + \$20)	\$421 (16.16%)	\$90
2012	\$361 (3.0% + \$20)	\$489 (16.26%)	\$128
2013	\$391 (3.0% + \$20)	\$554 (13.37%)	\$163

In FY 2010, approximately \$7 million in additional Sewer Service Charge revenues will be generated from the Sewer Service Charge increase and adoption of the new Base Charge. Regarding Availability Fee revenues, approximately \$0.5 million in additional Availability Fee revenue will be generated annually with the 6.0 percent rate increases in availability fees.

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

ENCLOSED DOCUMENTS:

Attachment Ia & Ib - Proposed Public Hearing Advertisements

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

Attachment III - Staff report prepared by the Department of Public Works and Environmental Services (Copy of the PRMG's "Rate Study" is available at the Office of the Clerk to the Board)

STAFF:

Robert A. Stalzer, Deputy County Executive

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

Randy Bartlett, Deputy Public Works Director, DPWES

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

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Board Agenda Item
February 23, 2009

ADMINISTRATIVE – 2

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

ISSUE:

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

RECOMMENDATION:

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

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
Thomas Avenue	Dranesville	Thomas Run Drive
Reston Section 935 Blocks 2A & 2B (Village Commons)	Hunter Mill	Sunset Hills Road (Route 675) (Additional Right-of-Way (ROW) Only)
Courts of Laurel Crest Silverbrook Road	Mt. Vernon	Silverbrook Road (Route 600) (Additional ROW Only)
Grace Bible Church	Mt. Vernon	Lorton Station Boulevard (Route 7768) (Additional ROW Only)
Mount Vernon Meadows	Mt. Vernon	Newington Road (Route 637) (Additional ROW Only)
Briarwood Trace Section 2 and Part of Section 1	Providence	I-66 (Additional ROW) Hideaway Road (Route 827) (Additional ROW Only)
Boehly Property	Providence	Arden Street (Route 3450) (Additional ROW Only)

Board Agenda Item
February 23, 2009

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
James Creek	Springfield	James Creek Drive Beatrice Court Center Rd., Rt. 777 (Additional ROW Only)
Heatherbrook	Springfield	Collin Chase Place (Route 10124) Swedes Street Christie Jane Lane Sammy Joe Drive Owens Glen Drive (Route 10057) Fairfax County Parkway (Route 7100) Ramp from I-66 Eastbound (Additional ROW Only) Westbrook Drive (Route 1258) (Additional ROW Only)
Fairfax Corner – Random Hills Road	Springfield	Random Hills Road (Route 7230) Additional ROW Only)
West Grove Estates	Sully	Ox Ridge Road Ox Ridge Court West Ox Road (Route 608) (Additional ROW Only) West Ox Road (Route 608) (Additional ROW Only)

TIMING:
Routine.

Board Agenda Item
February 23, 2009

BACKGROUND:

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

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

Attachment 1 - Street Acceptance Form

STAFF:

Robert A. Stalzer, Deputy County Executive

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

Howard J. Guba, Deputy Director, DPWES

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

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Board Agenda Item
February 23, 2009

ADMINISTRATIVE – 3

Extension of Review Periods for 2232 Review Applications (Dranesville, Lee, Mount Vernon, and Springfield Districts)

ISSUE:

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

RECOMMENDATION:

The County Executive recommends that the Board extend the review periods for applications 2232-V08-6, FS-L08-117, FS-D08-124, FS-L08-125, FS-S08-126, and FS-D08-127 to April 30, 2009.

TIMING:

Board action is required on February 23, 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 2232-V08-6, FS-L08-117, FS-D08-124, FS-L08-125, FS-S08-126, and FS-D08-127 listed below, which were accepted for review by the Department of Planning and Zoning on December 1, 2008. These applications are for telecommunications facilities, and thus are subject to the State Code provision that the Board may extend the time required for the Planning Commission to act on these applications by no more than sixty additional days:

2232-V08-6	New Cingular Wireless PCS, LLC & T-Mobile Northeast LLC 85' monopole (flagpole) 8717 Fort Hunt Road Mount Vernon District
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Board Agenda Item
February 23, 2009

- FS-L08-117 New Cingular Wireless PCS, LLC
Antenna colocation on existing transmission tower
Landsdowne Center
Lee District
- FS-D08-124 Cricket Communications
Antenna colocation on existing monopole
I-495 / Georgetown Pike interchange
Dranesville District
- FS-L08-125 Cricket Communications
Rooftop antennas
5716 South Van Dorn Street
Lee District
- FS-S08-126 Cricket Communications
Antenna colocation on existing transmission tower
13940 Balmoral Greens Avenue
Springfield District
- FS-D08-127 Cricket Communications
Antenna colocation on existing monopole
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
David B. Marshall, Planning Division, DPZ
David S. Jillson, Planning Division, DPZ

Board Agenda Item
February 23, 2009

ADMINISTRATIVE - 4

Authorization to Advertise a Public Hearing to Consider Adopting an Ordinance
Establishing the Northern Virginia Community College Residential Permit Parking
District, District 39 (Braddock District)

ISSUE:

Board authorization to advertise a public hearing for Monday, March 30, 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 Northern Virginia Community College Residential Permit Parking District (RPPD), District 39.

RECOMMENDATION:

The County Executive recommends that the Board authorize advertisement of a public hearing for Monday, March 30, 2009, at 4:00 p.m. (Attachment III), to consider adopting an amendment (Attachment I) to Appendix G, of *The Code of the County of Fairfax, Virginia*, to establish the Northern Virginia Community College RPPD, District 39.

TIMING:

The Board should take action on February 23, 2009, to advertise a public hearing for March 30, 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.

Petitions requesting establishment of the RPPD were received on December 19, 2008.

Board Agenda Item
February 23, 2009

The proposed District establishment includes the following street block: Raleigh Avenue (Route 2472) from Wakefield Drive (Route 1029) to Chapel Drive (Route 2473) (Attachment II).

The signatures on the petitions 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 December 19, 2008, thereby satisfying Code fee requirements.

Therefore, it is recommended that the Board authorize the proposed advertisement (Attachment III) of a public hearing to consider establishing the Northern Virginia Community College RPPD.

FISCAL IMPACT:

The cost of printing notices and letters, decals, and installing the RPPD signs is approximately \$1100. 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
Attachment III: Notice of Public Hearing

STAFF:

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

Board Agenda Item
February 23, 2009

ADMINISTRATIVE - 5

Authorization to Advertise a Public Hearing to Consider Adopting an Ordinance
Expanding the Culmore Residential Permit Parking District, District 9 (Mason District)

ISSUE:

Board authorization to advertise a public hearing for Monday, March 30, 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 Culmore Residential Permit Parking District (RPPD) District 9.

RECOMMENDATION:

The County Executive recommends that the Board authorize advertisement of a public hearing for Monday, March 30, 2009, at 4:00 p.m. (Attachment III), to consider adopting an amendment (Attachment I) to Appendix G, of *The Code of the County of Fairfax, Virginia*, to expand the Culmore RPPD, District 9.

TIMING:

The Board should take action on February 23, 2009, to advertise a public hearing for March 30, 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, the foregoing provisions apply only to the area to be added to the existing District.

Board Agenda Item
February 23, 2009

Petitions requesting expansion of the RPPD were received on September 25, 2002 and December 23, 2008. The proposed District expansion includes the following street: Courtland Drive (Route 2943) from Washington Drive (Route 794) to the southern boundary of 61-2((17)) (E) parcel 29 and the southern boundary of 61-2((17)) (A) parcel 27 (Attachment II).

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 September 25, 2002 thereby satisfying Code fee requirements.

On December 6, 2008, staff conducted a peak parking demand survey for Courtland Drive. This survey verified that more than 75 percent of the total number of on-street parking spaces of the petitioning block were occupied by parked vehicles, and more than 50 percent of those occupied spaces were occupied by nonresidents of the petitioning block, thereby satisfying Code parking requirements.

Therefore, it is recommended that the Board adopt the proposed amendment (Attachment I) to expand the Culmore RPPD.

FISCAL IMPACT:

The cost of printing notices and letters, decals, and installing the RPPD signs is approximately \$1100. These funds are currently available in the Department of Transportation's budget.

ENCLOSED DOCUMENTS:

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

STAFF:

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

Board Agenda Item
February 23, 2009

ADMINISTRATIVE - 6

Approval of Traffic Calming Measures as Part of the Residential Traffic Administration Program (Braddock District)

ISSUE:

Board endorsement of traffic calming measures as part of the Residential Traffic Administration Program (RTAP)

RECOMMENDATION:

The County Executive recommends that the Board endorse traffic calming measures for Oak Leather Drive and Fred's Oak Road (Attachment I), consisting of the following:

- One speed table on Oak Leather Drive (Braddock District)
- One speed table on Fred's Oak Road (Braddock 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 February 23, 2009.

BACKGROUND:

As part of the RTAP, roads are reviewed for traffic calming when requested by a Board member on behalf of a homeowners or civic association. 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. Staff performed engineering studies documenting the attainment of qualifying criteria for Oak Leather Drive and Fred's Oak Road. Subsequently, petitions were gathered from the community evidencing support for further study. A task force was formed with the community to develop a traffic calming plan to reduce the speed of traffic. Once a plan for both roads was adopted and approved by staff and VDOT, the plan was submitted for approval to residents of the petition area in the community. On December 22, 2008, the Department of Transportation received written verification from the local supervisor confirming community support for the referenced traffic calming plan.

Board Agenda Item
February 23, 2009

FISCAL IMPACT:

The estimated cost of \$15,000 for traffic calming measures is to be paid out of the VDOT secondary road construction budget.

ENCLOSED DOCUMENTS:

Attachment I: Traffic Calming Plan for Oak Leather Drive and Fred's Oak Road

STAFF:

Robert A. Stalzer, Deputy County Executive

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

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

William P. Harrell, Transportation Planner, FCDOT

Steven K. Knudsen, Transportation Planner, FCDOT

Board Agenda Item
February 23, 2009

ADMINISTRATIVE - 7

Supplemental Appropriation Resolution AS 09096 to Authorize the Fairfax Juvenile and Domestic Relations District Court to Accept Grant Funding from the Northern Virginia Regional Gang Task Force Through Loudoun County, Virginia

ISSUE:

Board approval of Supplemental Appropriation Resolution AS 09096 for the Fairfax Juvenile and Domestic Relations District Court to accept funding from the Northern Virginia Regional Gang Task Force through Loudoun County, Virginia in the amount of \$350,000. This grant will be used to purchase contract services for at-risk and gang-involved youth in each of the Northern Virginia jurisdictions under the Intervention, Prevention, Education (IPE) Program. The funding period for this award is through August 30, 2009. No Local Cash Match is required.

RECOMMENDATION:

The County Executive recommends that the Board approve Supplemental Appropriation Resolution AS 09096 for the Fairfax Juvenile and Domestic Relations District Court to accept funding from the Northern Virginia Regional Gang Task Force through Loudoun County, Virginia in the amount of \$350,000 to provide regional gang prevention and intervention services. No Local Cash Match is required.

TIMING:

Board approval is requested on February 23, 2009. The Task Force was notified in October 2008 of continued funding. As a result of discussions among the regional partners, the county is ready to accept the funds.

BACKGROUND:

The Northern Virginia Regional Gang Task Force has been in existence since 2004 as a result of a federal appropriation. The Congress appropriates this funding for the Congressional District Gang Task Force. The purpose of the grant is to provide gang prevention and intervention assistance to jurisdictions. This grant is used to help identify gang-involved youth and to engage gang-involved youth in alternative activities in their community through employment opportunities, mentoring and recreation programs and mental health and other community based agencies. The contracted provider will hire IPE counselors who will act as a bridge between gang-involved youth and services, provide access and assistance to opportunities that exist within

Board Agenda Item
February 23, 2009

government agencies as well as private and non-profit organizations, and work directly with at-risk and gang-involved youth and their families.

FISCAL IMPACT:

Grant funding in the amount of \$350,000 is available from the Northern Virginia Regional Gang Task Force through Loudoun County, Virginia to provide regional gang prevention and intervention services. This action does not increase the expenditure level of Fund 102, Federal/State Grant Fund, as funds are held in reserve for unanticipated grant awards in FY 2009. This grant does not allow the recovery of indirect costs. No Local Cash Match is required.

CREATION OF NEW POSITIONS:

No positions will be created by this grant.

ENCLOSED DOCUMENTS:

Attachment 1 – Notice of Grant Funding for Intervention, Prevention, Education (IPE) Program
Attachment 2 – Supplemental Appropriation Resolution AS 09096

STAFF:

Verdia Haywood, Deputy County Executive
James S. Dedes, Director, Court Service Unit

Board Agenda Item
February 23, 2009

ADMINISTRATIVE - 8

Authorization to Advertise a Public Hearing to Amend Articles 2, 3 and 7 of Chapter 3 RE: Uniformed, Police Officers and Employees' Retirement Systems – Changes to Allow Surviving Spouses of Deceased Members to Continue Receiving Benefits When They Remarry

ISSUE:

Authorization to advertise a Public Hearing to amend Articles 2, 3 and 7 of Chapter 3, County Employees. These changes to the Uniformed, Police Officers and Employees' Retirement Systems allow the surviving spouses of deceased members to continue receiving benefits when they subsequently remarry.

RECOMMENDATION:

The County Executive recommends that the Board authorize advertisement of a Public Hearing regarding amendments to the Uniformed, Police Officers and Employees' Retirement Systems to allow surviving spouses of deceased members to continue receiving benefits when they subsequently remarry. The Personnel and Reorganization Committee has reviewed and concurs with this recommendation.

TIMING:

Board action is requested on February 23, 2009, to provide sufficient time to advertise the proposed public hearing on April 27, 2009 at 3:30 p.m.

BACKGROUND:

The ordinances of the three Fairfax County Retirement Systems provide designated benefits to surviving spouses of members. These benefits terminate under certain circumstances, as follows:

I. Police Officers Retirement System

A. The surviving spouse of a member who dies before or during retirement is entitled to receive a flat rate per month, which is increased annually by the lesser of four percent (4%) or the increase in the Consumers Price Index. Currently, this flat monthly rate is \$2,010.54. This benefit ceases upon the spouse's remarriage (at any age).

B. The surviving spouse of a member killed while in the performance of official duties may elect to receive a benefit of sixty-six and two-thirds percent (66 2/3%) of the member's current salary in lieu of the benefit explained in 1.A above. This benefit ceases upon the spouse's remarriage (at any age).

II. Employees' and Uniformed Retirement Systems

Should death occur to a member before retirement who has completed five (5) years of service, the surviving spouse may elect to receive either a) a monthly benefit of fifty percent (50%) of the retirement allowance based on creditable service and average final compensation as of the member's death, or b) a lump sum of the member's contributions plus interest. If the monthly benefit (explained in 2.a above) is selected, the benefit ceases if the spouse remarries prior to age sixty (60).

These changes to the ordinances of the three Fairfax County Retirement Systems would allow surviving spouses of deceased members to continue receiving benefits from the Systems when they subsequently remarry.

Note that staff has queried other governmental entities regarding their policies on benefits to surviving spouses upon remarriage. Thus far, responses have been received from the following:

1. Federal Government – The annuity to a surviving spouse terminates if s/he remarries prior to age 55. However, the annuity does not terminate if the surviving spouse was married at least thirty (30) years to the member on whose service the annuity is based.
2. Virginia Retirement System – The annuity to a surviving spouse continues regardless of remarriage.
3. Montgomery County, Maryland – The annuity to a surviving spouse continues regardless of remarriage.

FISCAL IMPACT:

The actuary has determined that changing the ordinances to allow surviving spouses to continue receiving System benefits when they remarry would "...not result in an actuarial impact to any of the Fairfax Retirement Systems."

Board Agenda Item
February 23, 2009

ENCLOSED DOCUMENTS:

- Attachment 1: Amendment to Chapter 3, Section 3-2-42
- Attachment 2: Amendment to Chapter 3, Section 3-3-44
- Attachment 3: Amendment to Chapter 3, Section 3-7-41
- Attachment 4: Amendment to Chapter 3, Section 3-7-43
- Attachment 5: Letter from Fiona Liston, Consulting Actuary, Cheiron, Inc. to Jack Sahn dated December 19, 2008

STAFF:

Edward L. Long, Deputy County Executive
Robert L. Mears, Executive Director, Fairfax County Retirement Systems
Susan Woodruff, Director, Department of Human Resources

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Board Agenda Item
February 23, 2009

ADMINISTRATIVE - 9

Authorization to Advertise a Public Hearing to Amend Articles 2 and 3 of Chapter 3 RE:
Uniformed and Employees' Retirement Systems – Changes Regarding Service Credit
for Military Leave Without Pay

ISSUE:

Authorization to advertise a Public Hearing to amend Articles 2 and 3 of Chapter 3, County Employees. These changes to the Uniformed and Employees' Retirement Systems provide members with free service credit for periods of Military Leave Without Pay (MLWOP).

RECOMMENDATION:

The County Executive recommends that the Board authorize advertisement of a Public Hearing regarding amendments to the Uniformed and Employees' Retirement Systems for the purpose of providing members with free service credit for periods of MLWOP. The Personnel and Reorganization Committee has reviewed and concurs with this recommendation.

TIMING:

Board action is requested on February 23, 2009, to provide sufficient time to advertise the proposed public hearing on April 27, 2009, at 3:30 p.m.

BACKGROUND:

Members of the Police Officers Retirement System (PORS) are entitled to free service credit for periods of MLWOP, as provided for in the Fairfax County Code. However, members of the Uniformed Retirement System (URS) and the Employees' Retirement System (ERS) who return to County employment from a period of MLWOP must make those employee contributions that would have been made but for the military service in order to receive service credit for a period of MLWOP. (Note that for all three Systems, there are no corresponding employer contributions specifically identified when military service is claimed/purchased.)

These changes to the ordinances of the URS and the ERS would provide members with free service credit for periods of MLWOP, thereby achieving equity with members of the Police Officers Retirement System.

Board Agenda Item
February 23, 2009

FISCAL IMPACT:

The actuary has determined that "Changing the ordinances of the ERS and URS to make them consistent with the PORS may produce a slight increase in liability to those Systems. Since there are more employees known to have military service in the URS than there are in the ERS, the liability increase would be greater in that plan. After reviewing information gathered to date on employees who have reported military service without pay, we anticipate that the cost impact of making this change would be minimal. The waiver of member contributions may lead to an increase in URS liability of around \$200K. Since this cost would arise over a number of months or years, it would not have an impact on the Plan's funding. The impact on the ERS plan would be negligible."

ENCLOSED DOCUMENTS:

Attachment 1: Amendment to Chapter 3, Section 3-3-25
Attachment 2: Amendment to Chapter 3, Section 3-2-24
Attachment 3: Letter from Fiona Liston, Consulting Actuary, Cheiron, Inc. to Jack Sahm dated January 23, 2009

STAFF:

Edward L. Long, Deputy County Executive
Robert L. Mears, Executive Director, Fairfax County Retirement Systems
Susan Woodruff, Director, Department of Human Resources

Board Agenda Item
February 23, 2009

ADMINISTRATIVE - 10

Authorization to Advertise a Public Hearing to Consider the Creation of a Community Development Authority for the Mosaic - Merrifield Town Center Development (Providence District)

ISSUE:

On February 11, 2009, a petition was submitted to the Clerk to the Board requesting that the Board create a Community Development Authority (CDA) for the proposed Mosaic project in Merrifield, as provided by Article 6 of Chapter 51 of Title 15.2 of the Code of Virginia, as amended (the Petition). A public hearing on the question of whether the Board should adopt an ordinance creating the CDA as requested by the Petition must be held before the Board can act on the request. Accordingly, the issue is whether the Board should set a date for that public hearing and authorize public notice of the hearing to be given as required by applicable law.

RECOMMENDATION:

The County Executive recommends that the Board advertise the public hearing.

TIMING:

Authorization to advertise this item on February 23, 2009, will permit the public hearing to be scheduled for March 30, 2009, at 3:30 p.m. Public notice of the public hearing on the question of creating a CDA must be published once a week for 3 successive weeks, with the public hearing on the CDA to be held not sooner than 10 days after the last publication. After the hearing but before adopting a resolution or ordinance creating the CDA, the Board must mail a copy of the proposed ordinance or resolution to the petitioning landowners or their attorney, and they have 30 days to decide whether to withdraw their petition. If after 30 days, the petition is still supported by the 51% minimum requirement, the Board can adopt the ordinance or resolution and create the CDA. Va. Code Ann. section 15.2-5156.

BACKGROUND:

By law the Board may create a CDA if petitioned to do so by the owners of at least 51% of the land area or assessed value of land proposed to be included in the requested CDA. The Petition was submitted by entities collectively purporting to own all of the real property within the proposed CDA, as well as by entities claiming to have a contract right to purchase some of that property from one of the petitioning owners.

Board Agenda Item
February 23, 2009

On July 21, 2008, the Board of Supervisors adopted 16 Principles for Public Investment in Support of Commercial Redevelopment (“Principles”) in order to provide policy guidance related to requests for public investment in designated redevelopment, revitalization and other strategic areas of the County and endorsed a process whereby such requests would be evaluated.

The County has various funding methods available that can be used to assist commercial investment. One mechanism by which public investment may be requested is through the establishment of a CDA, which can be established to provide a broad range of infrastructure and services. A CDA is established by petition to the Board from a majority (51%) of land owners within a proposed area, and is governed by appointees of the Board of Supervisors. The 51% can be based on either land area or assessed value. A CDA is a flexible tool that can be funded by ad valorem special taxes or special assessments, as negotiated with petitioners; it typically covers a relatively small area (i.e., a single shopping mall; a downtown redevelopment area; a mixed use housing development; single or small group of owners); and, no general fund or debt impact is intended, unless the CDA is coupled with tax increment financing.

Pursuant to Article 6 of Title 15.2 of the Code of Virginia, prior to accepting any petitions for the creation of a CDA, the Board must act to assume the power to consider such request. The Board held a public hearing on September 8, 2008, after which the Board adopted an ordinance by which the County assumed the power to consider petitions for the establishment of CDAs.

On October 15, 2007, The Board of Supervisors approved RZ 2005-PR-041, a request by Edens & Avant to rezone 31.31 acres of land to the PDC and PRM Districts in order to develop the portion of Merrifield designated as the town center in the Comprehensive Plan. The site is located south of Lee Highway/Rt. 29, west of Yates Way, east of Eskridge Road and north of the Luther Jackson Middle School. The project was approved for approximately 1000 dwelling units, a multi-plex theatre, 125,000 square feet of office space, 500,000 square feet of other non-residential uses and a 150 room hotel. Among the improvements are two parks, the realignment and widening of Eskridge Road, the widening of Lee Highway, improvements to the Lee Highway/Gallows Road intersection and construction of a grid of streets. Virtually all parking will be provided in structures.

Early in 2007, Edens & Avant requested that the County consider the establishment of a CDA and to permit the CDA to issue bonds in order to assist in the funding of the public infrastructure associated with the project. The petition submitted by Edens & Avant is Attachment 1. County staff and the County’s consultants – MuniCap, Inc. and Public Financial Management (PFM) – have evaluated the information submitted by Edens & Avant and negotiated terms and conditions of a CDA with them that are contained in the

Board Agenda Item
February 23, 2009

Memorandum of Understanding (MOU) which is an attachment to the Petition in Attachment 1. In summary, Edens & Avant proposes to:

- establish a CDA for the site under a Memorandum of Understanding (MOU) with the County. The CDA would include only this one site, and thus meets the test of 51% of the land or assessed value within a proposed CDA area.
- fund a 30 million dollar portion of the public facilities to be constructed on the site through a 30 year bond to be issued by the CDA whose debt service will be paid by a self assessment.
- fund a 42 million dollar portion of the public facilities to be constructed on the site (road improvements, parks, and a small portion of the parking garage) through a 22 year bond also issued through the CDA whose debt service will be paid through incremental real estate tax revenues. Liability for the debt service will be secured by the CDA, not the County.

In the evaluation of the proposal, the “but for” test was utilized. This test consists of an evaluation as to whether the project would or would not occur without the assistance. In this instance, the evaluation concluded that the project, without assistance, would generate a rate of return (approximately 5%) that is too low for the project to proceed; with the bonds, the rate of return is projected to be approximately 6%, still a low number.

The project’s finances were evaluated to determine how much assistance in the form of bonds should be considered. Three factors were looked at – how much is necessary to make the project feasible; how much can the County afford while still receiving an adequate return on the project; and, what can the projected revenues support. In this instance, the last constraint was the controlling factor. In reaching the conclusion that a 42 million dollar, 22 year bond was appropriate, the fundamental analysis consisted of determining the base value, which is the pre-rezoning 2007 assessed value (approximately 38 million dollars) and subtracting that from the projected assessed value after development (approximately 483 million dollars), resulting in an incremental assessed value of approximately 445 million dollars. Projections are then made as to yearly real property revenues above the base value, less debt service for the bond, which results in an increase in real property taxes of approximately \$966,000 per year. When revenues from other sources, such as BPOL and personal property, are added, annual net County revenues amount to approximately \$7.2 million per year, which, when additional operating expenses are subtracted, leaves a net surplus to the County of approximately \$4.8 million per year, or \$248 million over a 30 year period. Other tangible impacts, such as added employment and wages, and intangible benefits, including the creation of the town center and the impetus for additional development in Merrifield, provide additional benefits as a result of the creation of the CDA with the ability to issue the bonds as described previously.

Board Agenda Item
February 23, 2009

It is staff's evaluation that the proposal for a CDA with bond financing complies with the Board's 16 Principles for Public Investment in Support of Commercial Redevelopment.

On September 10, 2008, the Community Revitalization and Reinvestment Advisory Board considered the proposal and approved unanimously the following statement:

"The Committee supports the formation of the proposed Community Development Authority (CDA) for Merrifield and finds that the Tax Increment Financing (TIF) plan proposed for this CDA is consistent with the principles supported by the CRRAG and approved by the Board of Supervisors. The CRRAG commends the developer and staff for the hard work that got us here today and the thoroughness of the presentations."

This item was presented to the Board's Revitalization and Reinvestment Committee on November 17, 2008.

FISCAL IMPACT:

The creation of the CDA will have no fiscal impact. Prior to the issuance of any bonds, the staff will return to the Board for additional approvals.

ENCLOSED DOCUMENTS:

Attachment 1: CDA Petition submitted by Edens & Avant, which includes the proposed MOU as Exhibit E

Attachment 2: Proposed CDA Ordinance

STAFF:

Anthony H. Griffin, County Executive

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

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

ACTION - 1

Approval of the Disease Carrying Insects Suppression Program

ISSUE:

Annual submission of the Disease Carrying Insects Program (DCIP):

- (1) West Nile virus (WNV) activities, including disease surveillance, public outreach and education, contract management, and research, continue throughout the year. Mosquito surveillance and larvicide treatments for monitoring and control of WNV commence with the beginning of the mosquito breeding season in May and continue through October;
- (2) Lyme disease activities include tick surveillance, public outreach and education which also continue throughout the year.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors direct staff to take the following actions concerning Fairfax County's 2009 Disease Carrying Insects Program:

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

Board Agenda Item
February 23, 2009

Board action on this item will cover all Disease Carrying Insects Program activities carried out through June 30, 2010.

TIMING:

Board approval is requested on February 23, 2009, in order to (1) continue FY2010 mosquito suppression strategies (i.e., surveillance, larviciding mosquito breeding areas, and public outreach) and (2) continue FY2010 tick surveillance program and public outreach.

BACKGROUND:

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

West Nile Virus

During 2008, West Nile virus continued to inflict disease and death across the continental United States as anticipated by the Centers for Disease Control and Prevention (CDC). Fairfax County WNV surveillance indicated that the virus was present and widespread throughout most of the County. By the end of the 2008 WNV season (October 2008), the virus had been detected in mosquitoes collected in many of the surveillance stations in the County. Furthermore, one neuroinvasive human case was recorded in 2008 (compared with 13 in 2002, three in 2003, one in 2004, none in 2005, three in 2006, and one in 2007). The two fatal cases since 2002 underlie the severity of this disease. Many factors have been suggested as influencing the presence of human cases in the County:

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

The DCIP continued to maintain intense surveillance and treatment activities in the Huntington area as a follow-up to the flooding of 2006. The results of the surveillance in this area during the last three years indicates the need to maintain an increase in the rate of catch basin treatments in the area and in 2008 prompted two additional, proactive larvicide treatments.

Based on past surveillance information, the Health Department will continue the storm drain catch basin larviciding activities, as was done in the 2008 mosquito season, and will initiate treatment in mid-May and continue in approximately six week intervals for the duration of the season. Larviciding will also be done in targeted areas that are identified as a result of the larval surveillance activities.

Board Agenda Item
February 23, 2009

As in 2008, avian and mosquito surveillance will be carried out by County staff. The County began performing these surveillance activities in 2004 in lieu of contracted services, as County staff could do it more comprehensively and more cost effectively. This WNV season (May to October 2009), County staff will continue to carry out all surveillance activities, including avian, human, and mosquito vectors. The Fairfax County Health Department's Epidemiological Unit will continue to do human case surveillance. The County's Mosquito Surveillance and Management Subcommittee, a multiple County agency group with representatives from other jurisdictions covered by the program, will meet three times this year (March, July, November) to ensure an aggressive response to WNV, in order to reduce the impact of the virus on County residents.

In 2009, the Division of Consolidated Laboratory Systems (DCLS-Richmond) announced that it will no longer provide mosquito testing for West Nile virus or tick testing for the pathogens they carry. The Health Department has decided to bring this testing in-house. For immediate WNV testing, the Health Department will use the RAMP® system and is seeking a laboratory to carry out tick testing. The Health Department will proceed with plans to introduce molecular diagnostics in the future for WNV and tick testing.

All insecticides used in this program, including the biological larvicides, are registered with the U.S. EPA and sanctioned for use by the Commonwealth of Virginia. The principal larvicide that the County will use is *Bacillus sphaericus*, a biological product that is one of the most environmentally friendly larvicides available.

The Disease Carrying Insects Program will continue to implement its outreach and education strategy. The program will target the major ethnic groups in the County with material in their own language, as well as target older residents (>50 years of age) who are at greater risk of developing a more serious form of the West Nile virus. In 2008, the DCIP's outreach activities included the preparation and production of another 18-month calendar full of educational information that was widely distributed to County residents, as well as a "Reference Guide to Mosquitoes, Ticks, West Nile Virus, and Lyme Disease" that was mailed to every household in the County. The DCIP is in the process of translating this "Reference Guide" into Spanish and Korean for distribution to these communities. For the younger residents in the County, the DCIP introduced a successful outreach and education project called "Make your own tick," which will continue in 2009.

The Disease Carrying Insects Program's "2008 Report and Comprehensive Plan of Action for 2009" (Attachment 1) reviews the 2008 season activities and presents wide ranging plans for minimizing the impact and risk of mosquito-borne diseases through:

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

Board Agenda Item
February 23, 2009

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

Tick-Borne Disease

During 2008, Lyme disease continued to be a major concern for County residents, and it is the most frequently occurring vector-borne disease in the County. Tick surveillance efforts in the County have indicated that the bacterium that causes Lyme disease was present and widespread throughout most of the County. Furthermore, 179 confirmed and two probable cases of Lyme disease (as of January 22, 2009) were reported in Fairfax County in 2008 compared to 208 cases in 2007. Some of the factors that influence human cases in the County include:

1. Bacterial activity in the black-legged (deer) tick vectors, as found in the surveillance efforts;
2. White footed mice acting as natural amplifiers of the bacteria;
3. Very large deer populations that act as a tick transport system, distributing the ticks throughout the County, as well as a source of blood for the females to develop their eggs; and
4. Increased public awareness resulting in increased use of personal protection measures.

The Disease Carrying Insects Program will continue to include tick prevention and personal protection from ticks in its outreach and education strategy. It is noted that the 2008 DCIP outreach program included Lyme disease, ticks and tick-borne disease prevention methods in the 18-month calendar as well, as in the new "Reference Guide". The DCIP's "2008 Report and Comprehensive Plan of Action for 2009" (Attachment 1) reviews the 2008 season activities and presents wide ranging plans for minimizing the impact and risk of tick-borne diseases through:

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

FISCAL IMPACT:

The Disease Carrying Insects Program is primarily funded by a Countywide tax levy of \$0.001 per \$100 of assessed value and is budgeted in Fund 116, Integrated Pest Management Program. No additional funding is required as the current FY2010 funding level of \$1.8 million is sufficient to meet the anticipated program needs.

Board Agenda Item
February 23, 2009

ENCLOSED DOCUMENTS:

Attachment 1 - Disease Carrying Insects Program 2008 Report and Comprehensive Plan of Action for 2009

STAFF:

Verdia L. Haywood, Deputy County Executive

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

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

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Board Agenda Item
February 23, 2009

ACTION - 2

Approval of a Memorandum of Understanding Between the Fairfax County Police Department and the "WAVE II" Washington/Maryland and Northern Virginia Regional Vehicle Theft Investigation Initiative Tactical Team

ISSUE:

Board approval of a Memorandum of Understanding between the Fairfax County Police and the "WAVE II" Washington/Maryland and Northern Virginia Regional Vehicle Theft Investigation Initiative Tactical Team authorizing part time assignment of one detective to WAVE II Tactical Team.

RECOMMENDATION:

The County Executive recommends that the Board authorize the Chief of Police to sign the Memorandum of Understanding between the Police Department and the "WAVE II" Washington/Maryland and Northern Virginia Regional Vehicle Theft Investigation Initiative Tactical Team.

TIMING:

Board action is requested on February 23, 2009.

BACKGROUND:

The proposed memorandum of understanding updates the Washington Area Vehicle Theft Enforcement Team (WAVE) agreement created in 2001 with cooperation between various law enforcement agencies from the suburban Maryland, Washington, D.C., and Northern Virginia metropolitan areas.

The mission of the WAVE II is to reduce auto theft throughout the Washington Metropolitan area by bringing to bear the combined resources of regional law enforcement agencies. WAVE II tactical teams will be deployed to recover stolen vehicles, apprehend auto thieves, share information and coordinate investigative efforts, which result from the WAVE II Tactical Team activities.

As a participant in WAVE II, the Police Department and Fairfax County should benefit significantly. In many cases, the assigned detective would be present at a vehicle recovery or be notified immediately by working members of the WAVE II team. This would provide an opportunity to interview the suspect and make the connection to

Board Agenda Item
February 23, 2009

Virginia or specifically, Fairfax County. A determination could then be made as to whether the suspect is part of an organized effort; if so, additional offenders who might be operating within the geographical boundaries of Fairfax County could be identified as well.

This assignment would require the detective to participate in WAVE II operations one evening a week, as available, and participate in monthly team training. The days assigned to WAVE would be considered regular work days and the detective would continue to receive his/her normal case load. Being a member of the WAVE II team should not have any negative effect on the Auto Theft Unit.

FISCAL IMPACT:

None

ENCLOSED DOCUMENTS:

Attachment 1: Memorandum of Understanding between the Fairfax County Police Department and the "WAVE II" Washington/Maryland and Northern Virginia Regional Vehicle Theft Investigation Initiative Tactical Team (Separate from package)

STAFF:

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

Board Agenda Item
February 23, 2009

ACTION - 3

Approval of a Memorandum of Agreement Between the Fairfax County Police Department and the Northern Virginia Gang Task Force

ISSUE:

Board approval of a Memorandum of Agreement between the Fairfax County Police and the Northern Virginia Gang Task Force authorizing the assignment of one second lieutenant and one detective to the Gang Task Force.

RECOMMENDATION:

The County Executive recommends that the Board authorize the Chief of Police to sign the Memorandum of Agreement between the Police Department and the Northern Virginia Gang Task Force.

TIMING:

Board action is requested on February 23, 2009

BACKGROUND:

In supporting the regional effort toward intervention and suppression of criminal street gangs and their activities, the Fairfax County Police Department continues to be a lead agency within the Northern Virginia Gang Task Force. The Task Force was created in 2003 with initial funding from the federal government.

Under this agreement, the Northern Virginia Gang Task Force and the Fairfax County Police work to facilitate sharing information in an effort to suppress criminal street gang crime and protect the region against the acts of violence that are associated with the culture of criminal street gangs.

The assigned Fairfax County Police personnel are members of the Northern Virginia Gang Task Force engaged in specific, directed investigations and intelligence gathering designed to support the prosecution and disruption of gang related crime in the Northern Virginia area.

The Northern Virginia Gang Task Force is funded through a Bureau of Justice Affairs, Targeting Violent Crime Initiative Grant, #2007-DD-BX-0654 through September 30,

Board Agenda Item
February 23, 2009

2009. As a result, mandatory reporting requirements related to the disbursements of these grant funds have been incorporated into this Memorandum of Agreement.

Additionally, language stating that the Virginia State Police are voting members of “the Board of Directors” has been clarified and the name of the database, GangNet, has also been added.

FISCAL IMPACT:

None

ENCLOSED DOCUMENTS:

Attachment 1: Memorandum of Agreement between the Northern Virginia Gang Task Force and the Fairfax County Police (Separate from package)

STAFF:

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

Board Agenda Item
February 23, 2009

ACTION - 4

Endorsement of the Residential Traffic Administration Program (RTAP) Revised Traffic Calming General Operating Procedures

ISSUE:

Board endorsement of the revised traffic calming general operating procedures.

RECOMMENDATION:

The County Executive recommends that the Board endorse the Residential Traffic Administration Program (RTAP) revised Traffic Calming General Operating Procedures.

TIMING:

The Board should take action on this matter as soon as possible.

BACKGROUND:

On January 22, 2002, the Board of Supervisors adopted the Virginia Department of Transportation's (VDOT's) traffic calming program for permanent use in the County's Residential Traffic Administration Program (RTAP), following a successful pilot program. Since then the traffic calming program has been very successful and has implemented over 200 calming measures throughout the county.

At the September 22, 2008, Board meeting, staff informed the Board that they were reviewing the guidelines and procedures of the existing permanent traffic calming program to see what revisions could be made to streamline that process and reduce the project development timelines. Revisions to the RTAP Traffic Calming General Operating Procedures have now been developed, with support from Board staff and VDOT.

The current process can take over a year for the community to gather the required petition signatures to establish a community task force and then develop, with staff assistance, a conceptual traffic calming plan. The new procedures eliminate the requirement of the community to gather petition signatures to establish a community task force.

The current procedure also depends on the task force to develop a conceptual traffic calming plan which meets certain technical requirements for the specific traffic control

Board Agenda Item
February 23, 2009

devices that are being considered, which can be difficult and time-consuming for them. With the revised procedures, FCDOT and VDOT will be responsible for developing the conceptual traffic calming plan with alternatives and will present the plan to the task force. The community task force will retain a significant role in the project approval and will communicate the proposed plans to their neighbors and build community support. The community will vote on the plan via the existing ballot process, as is done now to ensure that the traffic calming plan has widespread support across the community. Board endorsement of the final plan remains unchanged from the current procedure. These proposed changes to the County's permanent traffic calming program follow the Board's endorsement of guidelines for temporary traffic management during construction on September 22, 2008.

FISCAL IMPACT:

None

ENCLOSED DOCUMENTS:

Attachment 1: Fairfax County Department of Transportation, Residential Traffic Administration Program (RTAP), Traffic Calming General Operating Procedures (2/23/09 Revision)

STAFF:

Robert A. Stalzer, Deputy County Executive
Katharine D. Ichter, Director, Fairfax County Department of Transportation, (FCDOT)
Ellen Gallagher, Chief, Capital Projects and Operations Division, FCDOT
William P. Harrell, Senior Transportation Planner, Traffic Operations Division, FCDOT
Steve Knudsen, Transportation Planner, Traffic Operations Division, FCDOT

Board Agenda Item
February 23, 2009

ACTION - 5

Authorization for the County Executive to Execute the Virginia Water Quality Improvement Fund Point Source Grant and Operation and Maintenance Agreement Contract Between the County of Fairfax and the Commonwealth of Virginia Contract

ISSUE:

Board of Supervisors authorization is needed for the County Executive to execute the attached Water Quality Improvement Fund (WQIF) Point Source Grant and Operation and Maintenance Agreement (Contract #440-S-09-08) between the County and the Commonwealth of Virginia.

RECOMMENDATION:

The County Executive recommends that the Board authorize the County Executive to execute the attached WQIF agreement on behalf of the County.

TIMING:

Board action is requested on February 23, 2009.

BACKGROUND:

With the adoption of the Virginia Water Quality Improvement Act of 1997, and as amended in 2005, the Virginia General Assembly established a grant fund program to partially fund point and non-point source nutrient reduction projects to meet the goals of the Chesapeake Bay Program. On September 11, 2008, the County submitted a WQIF grant request for state-of-the-art nutrient reduction projects at the Noman M. Cole Pollution Control Plant (NMCPCP). In the request, NMCPCP project costs are estimated to be \$134.5 million, of which \$87.5 million was determined by the Virginia Department of Environmental Quality (DEQ) to be eligible for 35% grant funding. In accordance with the agreement, the County will be reimbursed for the grant eligible expenditures upon submission of a requisition for reimbursement on a not more than once a month basis. The agreement has a term of twenty years and requires the NMCPCP to meet a total nitrogen effluent concentration limitation of 3.0 mg/l on an average annual basis.

FISCAL IMPACT:

As set by DEQ guidelines, Fairfax County grant funding is limited to 35% of project eligible costs or \$30.6 million (\$87.5 X 35%). Methanol addition facilities, part of the

Board Agenda Item
February 23, 2009

first phases of the nutrient reduction project, have already been installed at the NMCPCP at a cost of \$4.4 million. Since methanol addition facilities have been determined to be eligible for grant support, 35% of the \$4.4 million in project costs, or \$1.5 million, can be requested for WQIF grant funding once the attached agreement is fully executed.

ENCLOSED DOCUMENTS:

Attachment I – Virginia Water Quality Improvement Fund Point Source Grant and Operation and Maintenance Agreement, Contract #440-S-09-08

STAFF:

Robert A. Stalzer, Deputy County Executive

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

Randy Bartlett, Deputy Public Works Director, DPWES

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

Board Agenda Item
February 23, 2009

INFORMATION – 1

Contract Award – Fair Ridge Richmond American Pond Retrofit and Fair Ridge “A” Pond Retrofit (Springfield District)

Eleven sealed bids were received and opened on Wednesday, January 14, 2009, for the construction of the Fair Ridge Richmond American Pond Retrofit and Fair Ridge “A” Pond Retrofit, Project No. CU8001, Cub Run Pro Rata Share Projects, in Fund 316, Pro Rata Share Drainage Construction. This contract award will provide for the retrofit of two stormwater detention ponds. This retrofit will improve the efficiency of these existing facilities by increasing their storage capacity, which will improve water quality and help manage high frequency storm events. This project is included in the FY 2009 – FY 2013 Adopted Capital Improvement Program.

The lowest responsive and responsible bidder is T & O Contracting, Inc. The firm’s bid of \$594,400.04 is \$41,728.04 or 7.6% higher than the Engineer’s Estimate of \$552,672.00. The second lowest bid of \$599,891.72 is \$5,491.68 or 0.9% above the low bid. The highest bid of \$1,156,935.00 is \$562,534.96 or 94.6% above the low bid.

The firm of T & O Contracting, Inc. has not performed any projects for Fairfax County. T & O Contracting, Inc. has successfully performed work for other governmental jurisdictions and is considered to be a responsible contractor. The Department of Tax Administration has verified that T & O Contracting, Inc. has the appropriate Fairfax County Business, Professional and Occupational License. T & O Contracting, Inc. is a small business firm.

This bid may be withdrawn after February 28, 2009.

Unless otherwise directed by the Board of Supervisors, the Department of Public Works and Environmental Services will proceed to award this contract to T & O Contracting, Inc. in the amount of \$594,400.04 and reallocate funds as noted below.

FISCAL IMPACT:

Funding in the amount of \$760,127 is necessary to award this contract and to fund the associated contingency and other project costs. Funds are currently appropriated in Project CU8001, Cub Run Pro Rata Share Projects in Fund 316, Pro Rata Share Drainage Construction, in the amount of \$3,212,798.00 to award this and other contracts and to fund the associated contingency and other project costs.

Board Agenda Item
February 23, 2009

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
February 23, 2009

INFORMATION - 2

Contract Award – Martha Washington Library Renovation and Expansion (Mount Vernon District)

A total of seventeen contractors were prequalified to bid on the project for the construction of the Martha Washington Library Renovation and Expansion, Project 004845, Fund 302, Library Construction. Thirteen sealed bids were received and opened on January 21, 2009. This contract award will provide for the renovation and expansion of the existing 10,600 square-foot facility to a 17,000 square-foot facility located at 6614 Fort Hunt Road in Alexandria. This project is included in the FY 2009 - FY 2013 Adopted Capital Improvement Program.

The lowest responsive and responsible bidder is David E. Harvey Builders, Inc. d.b.a. Harvey-Cleary Builders (Harvey-Cleary Builders). The firm's bid of \$3,839,000 is \$1,191,255 or 23.7% below the Engineer's Estimate of \$5,030,255. The second lowest bid of \$4,273,390 is \$434,390 or 11.3% above the low bid. The average of the bids is \$4,502,799 or 10.5% below the Engineer's Estimate. The contractor's experience in this type of work and an extremely competitive bidding environment are reflected in the lowest responsive and responsible bid.

The firm of Harvey-Cleary Builders has successfully performed work for other governmental jurisdictions, and is considered a responsible contractor. They have demonstrated success in LEED certified commercial construction in the DC metro area although none has been with Fairfax County. The Department of Tax Administration has verified that Harvey-Cleary Builders has the appropriate Fairfax County Business, Professional and Occupational License.

This bid may be withdrawn after March 22, 2009.

Unless otherwise directed by the Board of Supervisors, the Department of Public Works and Environmental Services will proceed to award this contract to Harvey-Cleary Builders in the amount of \$3,839,000.

FISCAL IMPACT:

Funding is available in Project 004845, Martha Washington Library Renovation and Expansion, Fund 302, Library Construction to award this contract and to fund the associated contingencies, and other project costs including utility connections, contract administration, and inspection.

Board Agenda Item
February 23, 2009

This project was funded partially by the General Fund in the amount of \$50,278 for initial feasibility work. Based on the favorable construction contract award, an amount of \$50,278 will be returned to the General Fund as part of the FY 2009 third quarter review.

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
February 23, 2009

INFORMATION - 3

Contract Award – Noman M. Cole Jr. Pollution Control Plant Equalization Facility Expansion (Mount Vernon District)

In accordance with the Fairfax County Purchasing Resolution, the Design-Build procurement delivery method was utilized to procure design and construction services for the Noman M. Cole Jr., Pollution Control Plant Equalization Facility Expansion, Project N00322, Noman M. Cole, Jr., Pollution Control Plant Upgrade, Fund 408, Sewer Bond Construction. The Commonwealth of Virginia Design-Build/Construction Management Review Board authorized a blanket approval for Design-Build and construction management contracting by Fairfax County on August 13, 2008. This contract award will provide for design and construction of a four-million gallon equalization tank, associated pump, and miscellaneous appurtenances. This project is included in the FY 2009 - FY 2013 Adopted Capital Improvement Program (with future Fiscal Years to 2018).

Design-Build procurement is an alternate project delivery method to traditional project delivery by design-bid-build. The Department of Public Works and Environmental Services (DPWES) evaluated the project requirements and selected the Design-Build approach for this project in an effort to improve the overall project delivery timeline by overlapping the permitting, design, and construction phases of the project.

In response to a Request for Qualifications issued by DPWES, three offerors were deemed qualified by a Selection Advisory Committee (SAC). DPWES subsequently issued a Request for Proposal (RFP) and received two technical proposals and corresponding sealed cost proposals on December 15, 2008.

The SAC evaluated the technical proposals using the award factors defined in the RFP. After the technical proposals were scored the sealed cost proposals were opened publicly on January 16, 2009. Using the award factors defined in the RFP, it was determined that M. A. Bongiovanni, Inc.'s proposal is the best value. The firm's cost proposal of \$7,970,000 is \$671,511 or 9.2% higher than the Independent Engineer's Estimate of \$7,298,489. The second lowest cost proposal of \$9,900,000 is \$1,930,000 or 24.2% above the lowest cost proposal. The higher cost proposal can be attributed to limited competition as only two firms responded to the RFP, the specialty nature of this project and additional risk borne by the Design-Build team for the completion of the project design, permitting, and construction.

The cost proposals and Engineer's Estimate were based on preliminary (30% complete) design documents since the detailed design will be completed by the successful

Board Agenda Item
February 23, 2009

Design-Build team. The two areas that varied the greatest between the Engineer's Estimate and the cost proposal were site work and metals. Because construction of the equalization tank will not begin for several months (after completion of final design and permitting), uncertainties associated with future commodity costs for cement and steel as a result of the American Recovery and Reinvestment Act of 2009 (federal stimulus package) may have also influenced the cost proposals for this project.

The firm of M. A. Bongiovanni, Inc. has satisfactorily completed several County projects and is considered a responsible Design-Builder. The Department of Tax Administration has verified that M. A. Bongiovanni, Inc. has the appropriate Fairfax County Business, Professional and Occupational License.

This offer may be withdrawn after April 14, 2009.

Unless otherwise directed by the Board of Supervisors, the Department of Public Works and Environmental Services will proceed to award this Design-Build contract to M. A. Bongiovanni, Inc. in the amount of \$7,970,000.

FISCAL IMPACT:

Funding in the amount of \$9,535,980 is necessary to award this contract and fund the associated contingency and other project costs. Funds are currently available in Project N00322, Noman M. Cole, Jr. Pollution Control Plant Upgrade, in Fund 408, Sewer Bond Construction, to fund this project and to fund the associated contingency and other project costs.

ENCLOSED DOCUMENTS:

Attachment 1 – Order of Offerors
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
February 23, 2009

11:45 a.m.

Matters Presented by Board Members

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12:35 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. *Elizabeth Paoli Case, Minor #1, Valerie Martin, James Martin, Minor #2, Sarah Marin-Barrera, Carlos Mann Barrera, Minor #3, Kim Case, and Doug Pease v. The Commonwealth of Virginia, The County of Fairfax, Virginia, Michael Elliot, Michael Smith, Marc Birmingham, Ken Williams, G.E. Harvey, Unnamed State Police Officers and Unnamed Fairfax County Police Officers, Case No. 1:08-cv-810 LMB/JFA (E.D. Va.); Samuel Ray Case, Minor #1 and Minor #2 v. The Commonwealth of Virginia, The County of Fairfax, Virginia, Michael Elliot, Michael Smith, Marc Birmingham, Ken Williams, G.E. Harvey, Unnamed State Police Officers, and Unnamed Fairfax County Police Officers, Case No. 1:08-cv-811 LMB/JFA (E.D. Va.)*
 - 2. *Commonwealth of Virginia v. Thomas Joseph O'Shea, Case No. 08-0192937 (Fx. Co. Gen. Dist. Ct.) (Criminal Division)*
 - 3. *Deborah Imperato-Feiger v. Commonwealth of Virginia, Town of Vienna, and Fairfax County, Case No. CL-2008-0015707 (Fx. Co. Cir. Ct.)*
 - 4. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Noubar Pech, Case No. CL-2008-0015527 (Fx. Co. Cir. Ct.) (Providence District)*
 - 5. *Eileen M. McLane, Fairfax County Zoning Administrator v. Christopher L. Harrop, Luong K. Harrop, and Hieu Hoang Lee, Case No. CL-2008-0010148 (Fx. Co. Cir. Ct.) (Mason District) (Strike Team Case)*

Board Agenda Item
February 23, 2009

6. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Arthur W. Smith and William T. Smith, Case No. CL-2008-0008405 (Fx. Co. Cir. Ct.) (Providence District)*
7. *Eileen M. McLane, Fairfax County Zoning Administrator v. Arturo Castellon, Case No. CL-2008-0004426 (Fx. Co. Cir. Ct.) (Springfield District)*
8. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Beltran Sanchez Carbajal, Sulma Patricia Flores de Sanchez, and Evelin Y. Mendoza, Case No. CL-2007-0013442 (Fx. Co. Cir. Ct.) (Mason District) (Strike Team Case)*
9. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Guy Kreiser, Josefina Kreiser, and Joanne S. Kreiser, Case No. CL-2008-0008940 (Fx. Co. Cir. Ct.) (Mount Vernon District)*
10. *Eileen M. McLane, Fairfax County Zoning Administrator v. Chalmer G. Dunbar, Case No. CL-2006-0007489 (Fx. Co. Cir. Ct.) (Mount Vernon District)*
11. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Jerry K. Pnevmatikatos and Susan Pnevmatikatos, Case No. CL-2008-0013590 (Fx. Co. Cir. Ct.) (Mount Vernon District)*
12. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Carol A. Davis, Case No. CL-2008-0014958 (Fx. Co. Cir. Ct.) (Lee District)*
13. *Eileen M. McLane, Fairfax County Zoning Administrator v. Marcelina Almanza, Case No. CL-2008-0014662 (Fx. Co. Cir. Ct.) (Braddock District)*
14. *Eileen M. McLane, Fairfax County Zoning Administrator v. Alvaro Hernandez, Case No. CL-2008-0015768 (Fx. Co. Cir. Ct.) (Mason District)*
15. *Eileen M. McLane, Fairfax County Zoning Administrator v. Pablo Almanza and Marcelina Almanza, Case No. CL-2008-0016413 (Fx. Co. Cir. Ct.) (Braddock District)*
16. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Lola Stubblefield, Case No. CL-2008-0014170 (Fx. Co. Cir. Ct.) (Mount Vernon District)*

Board Agenda Item
February 23, 2009

17. *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)*
18. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official For Fairfax County, Virginia v. Osmin Hernandez Sanchez and Ana Lucia Bonilla De Hernandez, Case No. CL-2009-0001471 (Fx. Co. Cir. Ct.) (Mount Vernon District) (Strike Team Case)*
19. *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)*
20. *Eileen M. McLane, Fairfax County Zoning Administrator v. The Sheila G. Cheatham Trust, Case No. CL-2009-0001724 (Fx. Co. Cir. Ct.) (Dranesville District)*

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Board Agenda Item
February 23, 2009

2:45 p.m.

Presentation on the Proposed Acquisition of Gatehouse II

ENCLOSED DOCUMENTS:

None. Materials to be distributed to the Board of Supervisors on February 23, 2009.

PRESENTED BY:

Dr. Jack Dale, Superintendent of Schools; Fairfax County Public Schools
Dean Tistadt, Chief Operating Officer, Fairfax County Public Schools

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Board Agenda Item
February 23, 2009

3:00 p.m.

Annual Meeting of the Fairfax County Solid Waste Authority

ISSUE:

Fairfax County Solid Waste Authority annual meeting.

RECOMMENDATION:

The County Executive recommends that the Fairfax County Solid Waste Authority hold its annual meeting in accordance with the Bylaws for the Authority; appoint officers; approve the minutes of the December 3, 2007, and January 28, 2008, meetings; and approve the financial statements.

TIMING:

Immediate. The Bylaws of the Fairfax County Solid Waste Authority require the annual meeting to coincide with the time for the last regular meeting of the Board of Supervisors set in January. The Solid Waste Authority convened the meeting as required, but adjourned until February 23, 2009.

BACKGROUND:

According to the Bylaws of the Fairfax County Solid Waste Authority, the regular annual meeting of the Authority shall coincide with the time for the last regular meeting of the Board of Supervisors set in January. Since the Chairman of the Board of Supervisors position was vacant, the January meeting was adjourned until after the Chairman of the Board of Supervisors could be duly elected. The proposed agenda of the Authority meeting is included as Attachment I. The Bylaws further require a review and approval of the minutes of the previous year's meetings (Attachments II and III) and that officers of the authority be appointed to serve for a one-year term.

During FY 2008, the I-95 Energy/Resource Recovery Facility (E/RRF) processed 1,032,401 tons of municipal solid waste, 11.1% above the Guaranteed Annual Tonnage (GAT) of 930,750 tons required by the Service Agreement with Covanta Fairfax, Inc. (Covanta), owner and operator of the facility. County waste delivered to the facility totaled 917,500 tons. This was below the GAT level for the first time in three years. The additional waste needed to meet/and in fact far exceed GAT primarily came from Prince William County. A five-year Agreement with the District of Columbia to bring additional waste to the facility has also been implemented.

Board Agenda Item
February 23, 2009

The June 2008 stack test documented emissions from the E/RRF that were well below regulatory and permit limits established by the U.S. Environmental Protection Agency (EPA) and the Virginia Department of Environmental Quality. This year Covanta was certified as a Virginia Environmental Excellence Enterprise Program (E3) and recently received the Virginia Department of Labor and Industry's voluntary protection program "Star" award for workplace safety and health excellence.

Covanta is current in paying the construction bonds. Other financial information is contained in the Financial Statements (Attachment IV).

The Service Agreement and extension continue until 2016.

FISCAL IMPACT:

None

ENCLOSED DOCUMENTS:

Attachment I – Fairfax County Solid Waste Authority Meeting Agenda,
February 23, 2009

Attachment II – Minutes of the January 28, 2008, Solid Waste Authority Meeting

Attachment III – Minutes of the December 3, 2007, Solid Waste Authority Special
Meeting

Attachment IV – Financial Statements and Supplemental Information

STAFF:

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

Howard J. Guba, Deputy Director, DPWES

Joyce M. Doughty, Director, Division of Solid Waste Disposal and Resource Recovery

Board Agenda Item
February 23, 2009



3:30 p.m.

Public Hearing on a Proposed Zoning Ordinance Amendment Re: Mobile and Land Based Telecommunication Facilities

ISSUE:

The proposed amendment increases the maximum allowable height of by right structure and rooftop mounted panel antennas; allows replacement utility poles and light poles on which antennas are mounted that are located in any street right-of-way to be greater in size than the pole being replaced, subject to limitations; and allows mobile and land based telecommunication hub sites to locate by right in residential districts in certain circumstances.

PLANNING COMMISSION RECOMMENDATION:

On Thursday, January 29, 2009, the Planning Commission voted 9-0-1 (Commissioner Alcorn abstaining; Commissioner Sargeant recusing; Commissioner Harsel absent from the meeting) to recommend that the Board of Supervisors adopt the proposed Mobile and Land Based Telecommunication Facilities Zoning Ordinance amendment as advertised and contained in the December 8, 2009 staff report with the following revisions:

- Revise Par. 1D of Sect. 2-514 to allow structure or rooftop mounted directional or panel antennas to not exceed eight and one-half (8 ½) feet in height instead of the 8 feet as proposed in the staff report; and
- Revise Par. 5D of Sect. 2-514 to delete the word "in" after the word "feet" on Line 33 of Page 6 of the staff report so Par. 5D would read as follows:

"The hub site shall meet the minimum yard requirements of the district in which it is located, except that hub sites located in a utility transmission easement or street right-of-way shall be located a minimum of twenty (20) feet from the utility transmission easement or street right-of-way."

RECOMMENDATION:

The County Executive concurs with the Planning Commission's recommendation.

TIMING:

Board of Supervisors authorization to advertise on December 8, 2008; Planning Commission public hearing on January 8, 2009; Deferred Planning Commission decision on January 29, 2009; and Board of Supervisors' hearing on February 23, 2009 at 3:30 p.m.

BACKGROUND:

On May 5, 2008, the Board of Supervisors (Board) directed the Planning Commission to review the current telecommunication regulations to determine if minor adjustments are needed to address recent changes in the telecommunication industry and to solicit the appropriate input from citizens, industry and staff. This past summer, the Chairman of the Planning Commission conducted two meetings with an advisory group representing the telecommunication industry, citizens and staff, at which possible amendments to the Zoning Ordinance mobile and land based telecommunication provisions were discussed. A list of the individuals that participated as part of the advisory group is contained in Attachment 2. The recommendations of the advisory group were endorsed by the Planning Commission on September 25, 2008 (Attachment 3). The proposed amendment incorporates these recommendations into the Zoning Ordinance. Specifically, the amendment effects the following changes:

1. Allows an increase in the maximum allowable height of structure or building rooftop panel antennas that are permitted by right from 6 feet to 8.5 feet.
2. Currently by right replacement utility poles and light poles on which antennas are mounted that are located in any street right-of-way cannot be increased in size. The proposed amendment allows such replacement poles to be increased in size provided that such poles do not exceed 64 feet in height and 18 inches in diameter.
3. Defines a mobile and land based telecommunication hub site as an equipment cabinet or structure that serves a mobile and land based telecommunication system when there are no antennas located on the same lot as the equipment cabinet or structure.
4. Allows mobile and land based telecommunication hub sites by right in (a) all C Districts, I Districts, except the I-I District, and in the commercial areas of all P Districts; (b) in any zoning district on lots containing Group 3 special permit uses, except home child care facilities and group housekeeping units, Group 4, 5 or 6 special permit uses, Category 1, 2, 3 or 4 special exception uses, and Category 5 special exception uses, except for bed and breakfasts; (3) and in any zoning district on property owned or controlled by a public use or Fairfax County governmental unit, provided that the hub site meets certain size, setback and screening requirements.
5. Clarifies that the height of replacement utility poles and light/camera standards shall be measured as the vertical distance between the lowest point of finished ground level adjacent to the structure and the highest point of the structure, including antennas.

A more detailed discussion of the proposed amendment is set forth in the Staff Report enclosed as Attachment 1.

On January 8, 2009, the Planning Commission held a public hearing on the amendment. It was suggested by industry that the maximum allowable height of structure or building roof

Board Agenda Item
February 23, 2009

top panel antennas that are permitted by right should be increased from the current allowable 6 feet to 8 ½ feet, rather than the 8 feet as proposed in the Staff Report. This suggestion was made by a Verizon representative given that Verizon is planning to install 98 inch (8.2 feet) tall panel antennas. The Planning Commission decision was deferred in order to allow citizens additional time to provide written input. On January 29, 2009 the Planning Commission recommended to the Board that the proposed Zoning Ordinance amendment be approved as contained in the attached Staff Report with two modifications. The Planning Commission recommended that the maximum allowable height of structure or building roof top panel antennas be 8 ½ feet instead of the proposed 8 feet and also recommended a minor editorial revision to Par. 5 of Sect. 2-514. Staff recommends the proposed amendment be adopted as modified by the Planning Commission.

REGULATORY IMPACT:

The proposed amendment provides greater flexibility for the installation of mobile and land based telecommunication facilities, while protecting the adjacent properties from potential adverse impacts from such facilities.

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

Attachment 1 – Staff Report

Attachment 2 – Telecommunication Advisory Group

Attachment 3 – Planning Commission Verbatim, September 25, 2008

Attachment 4 – Planning Commission Verbatim, January 29, 2009

STAFF:

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

Eileen M. McLane, Zoning Administrator, DPZ

Brian Parsons, Senior Assistant to the Zoning Administrator, DPZ

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Board Agenda Item
February 23, 2009

3:30 p.m.

Public Hearing on AR 80-D-001-03 (Edith W. Spalding, Sidney P. Spalding, Jr., and Orlando W. Spalding, Trustees; and Patowmack Farm, A Virginia Limited Partnership) Statewide A&F District Renewal Application Authorized by Chapter 114 (County Code), Effective June 30, 1983, Located on Approximately 469.98 Acres Zoned R-E, Dranesville District

The application property is located at 215 Seneca Road, Tax Map 2-2 ((1)) 6A; 3-1 ((1)) 3Z, 4Z, 5Z; 3-3 ((1)) 1Z; 3-4 ((1)) 2 and 3.

PLANNING COMMISSION RECOMMENDATION:

On Wednesday, February 11, 2009, the Planning Commission voted unanimously (Commissioners Alcorn, Hall, Harsel, and Lusk absent from the meeting) to recommend to the Board of Supervisors that AR 80-D-001-03 be approved, amending Appendix E of the Fairfax County Code, to renew the Patowmack Farm Statewide Agricultural and Forestal District, subject to Ordinance provisions dated February 9, 2009.

ENCLOSED DOCUMENTS:

None. Staff Report previously furnished.

STAFF:

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

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Board Agenda Item
February 23, 2009

3:30 p.m.

Public Hearing on AR 90-S-005-02 (Stephen W. and Karen Klare, Kristin Klare, Alesia G. and Brian A. Klare) Local A&F District Application Authorized by Chapter 115 (County Code) Effective June 30, 1983, Located on Approximately 20.12 Acres Zoned R-1 and WS, Springfield District

The application property is located on the east side of Union Mill Road north of Compton Road, Tax Map 74-2 ((1)) 23Z and 75-1 ((1)) 35Z.

PLANNING COMMISSION RECOMMENDATION:

On Wednesday, February 11, 2009, the Planning Commission voted unanimously (Commissioners Alcorn, Hall, Harsel, and Lusk absent from the meeting) to recommend to the Board of Supervisors that it amend Appendix F of the Fairfax County Code to renew the Klare Local Agricultural and Forestal District, with approval subject to the Ordinance provisions listed in Appendix 1 of the staff report.

ENCLOSED DOCUMENTS:

None. Staff Report previously furnished.

STAFF:

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

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Board Agenda Item
February 23, 2009

3:30 p.m.

Public Hearing on RZ 2007-LE-007 (Franconia Two LP) to Rezone from C-7, C-8, HC and SC to PDC, HC and SC to Permit Mixed Use Development with an Overall Floor Area Ratio of 1.71, Located on Approximately 78.52 Acres, Lee District

The application property is located south of Franconia Road, east of Loisdale Road, west of Frontier Drive, and north of Spring Mall Road. Tax Map 90-2 ((1)) 81A, 98 and 90-2 ((13)) 1, 2, 3, 4A1, 5A1 and 6.

PLANNING COMMISSION RECOMMENDATION:

On Thursday, February 12, 2009, the Planning Commission voted 8-0-1 (Commissioner Hart abstaining; Commissioners Alcorn, Hall, and Harsel absent from the meeting) to recommend the following actions to the Board of Supervisors relative to RZ 2007-LE-007:

- 1) approval of RZ 2007-LE-007, subject to the proffers consistent with those dated February 11, 2009, and the CDP development conditions dated February 12, 2009;
- 2) approval of the modification of the required number of loading spaces, as required by the County Zoning Ordinance;
- 3) approval of the modification of the minimum eight-foot planting width requirements for trees, as required by the Public Facilities Manual;
- 4) approval of the waiver of the transitional screening yard and barrier requirements between uses on the site;
- 5) approval of the modification of the peripheral parking lot landscaping requirement, to that shown on the CDP/FDP;
- 6) approval of the waiver of the interior parking lot landscaping requirement for all existing parking structures;
- 7) approval of the modification of the trail requirement per the Comprehensive Plan for the perimeter of the site;
- 8) approval of a waiver of the 600-foot maximum length of private streets;
- 9) approval of the modification of the 50 percent limitation on residential as a secondary use in the PDC District;
- 10) request that the Board review and consider alterations to the development conditions, relative to both height and square footage.

The Commission also voted 8-0-1 (Commissioner Hart abstaining; Commissioners Alcorn, Hall, and Harsel absent from the meeting) to approve FDP 2007-LE-007, subject to Board of Supervisors' approval of RZ 2007-LE-007 and the Conceptual Development Plan.

Board Agenda Item
February 23, 2009

ENCLOSED DOCUMENTS:

None. Staff Report previously furnished.

STAFF:

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

Cathy Lewis, Branch Chief, Zoning Evaluation Division, DPZ

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

Board Agenda Item
February 23, 2009

3:30 p.m.

Public Hearing on SE 2008-PR-009 (Community Wireless Structures) to Permit a Telecommunications Facility (Monopole), Located on Approximately 3.83 Acres Zoned R-3, Providence District

The application property is located at 3457 Gallows Road, Tax Map 59-2 ((9)) (1) 6 and 7.

PLANNING COMMISSION RECOMMENDATION:

On Thursday, January 29, 2009, the Planning Commission voted unanimously (Commissioner Harsel absent from the meeting) to recommend the following actions to the Board of Supervisors:

- Approval of SE 2009-PR-009, subject to the Development Conditions dated January 29, 2009;
- Modification of the transitional screening and barrier requirements for all four property lines in favor of that shown on the SE Plat and as conditioned; and
- Denial of the modification of the trail requirement and waiver of the on-road bike lane along Gallows Road.

In a related action, the Planning Commission voted unanimously (Commissioner Harsel absent from the meeting) to approve 2232-P07-17. The Commission noted that the proposed telecommunication facility satisfies the criteria of location, character and extent, as specified in Sect. 15.2-2232 of the *Code of Virginia*, and is substantially in accord 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)
Suzianne Battista, Staff Coordinator, Zoning Evaluation Division, DPZ

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Board Agenda Item
February 23, 2009

3:30 p.m.

Public Hearing on SE 2008-MA-020 (Woodlake Towers Condominium Unit Owners Association) to Permit Offices, Located on Approximately 1,407 Square Feet, Zoned R-30, Mason District

The application property is located at 6001 Arlington Blvd. (Units 13A and 13B) Tax Map 51-4 ((13)) (1) 13A and 13B.

PLANNING COMMISSION RECOMMENDATION:

On Thursday, December 4, 2008, the Planning Commission voted unanimously (Commissioner Lusk absent from the meeting) to recommend the following actions to the Board of Supervisors:

- Approval of SE 2008-MA-020, subject to the Development Conditions dated October 15, 2008;
- Modification of the transitional screening requirement in favor of the existing onsite landscaping; and
- Waiver of the barrier requirement in favor of the existing onsite landscaping.

ENCLOSED DOCUMENTS:

None. Staff Report previously furnished.

STAFF:

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

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Board Agenda Item
February 23, 2009

4:00 p.m.

Public Hearing on SE 2008-PR-033 (Metropolitan Washington Airports Authority and the Virginia Department of Rail and Public Transportation on Behalf of Washington Metropolitan Area Transit Authority) to Permit an Electrically-Powered Regional Rail Transit Facility and Associated Components and Uses in a Floodplain, Located on Approximately 4.4 Acres Zoned C-3 and HC, Providence District

and

Public Hearing on SE 2008-MD-034 (Metropolitan Washington Airports Authority and the Virginia Department of Rail and Public Transportation on Behalf of Washington Metropolitan Area Transit Authority) to Permit an Electrically-Powered Regional Rail Transit Facility and Associated Components, Located on Approximately 1.91 Acres, Zoned C-7, HC and SC, Hunter Mill and Providence Districts

and

Public Hearing on SE 2008-PR-035 (Metropolitan Washington Airports Authority and the Virginia Department of Rail and Public Transportation on Behalf of Washington Metropolitan Area Transit Authority) to Permit an Electrically-Powered Regional Rail Transit Facility and Associated Components, Located on Approximately 3.46 Acres Zoned PDC, HC and SC, Providence District

and

Public Hearing on SE 2008-MD-036 (Metropolitan Washington Airports Authority and the Virginia Department of Rail and Public Transportation on Behalf of Washington Metropolitan Area Transit Authority) to Permit an Electrically-Powered Regional Rail Transit Facility and Associated Components, Located on Approximately 2.51 Acres Zoned C-7, C-8, HC and SC, Hunter Mill and Providence Districts

and

Public Hearing on SE 2008-HM-038 (Metropolitan Washington Airports Authority and the Virginia Department of Rail and Public Transportation on Behalf of Washington Metropolitan Area Transit Authority) to Permit an Electrically Powered Regional Rail Transit Facility and Associated Components and an Increase in Building Height from 75 Feet up to a Maximum of 85 Feet, Located on Approximately 10.29 Acres Zoned I-3 and I-4, Hunter Mill District

Board Agenda Item
February 23, 2009

Application property for SE 2008-PR-033 is located in the southwest quadrant of the intersection of Dolley Madison Boulevard and Colshire Drive and on the north side of Dolley Madison Boulevard, Tax Map 29-4 ((5)) A1, B1 pt. C1 pt., D and E; 30-3 ((28)) B3 pt. and C1 pt.

Application property for SE 2008-MD-034 is located at 1580 Spring Hill Rd. and 8536 and 8548 Leesburg Pike, Tax Map 29-3 ((1)) 2C1 pt., 53 pt. and 53A pt.

Application property for SE 2008-PR-035 is located in the northeast and northwest quadrants of the intersection of Tysons Boulevard and Chain Bridge Road, Tax Map 29-4 ((10)) 4A pt., 5A pt., 5B pt. and 5C pt

Application property for SE 2008-MD-036 is located at 8348 and 8359 Leesburg Pike, Tax Map 29-3 ((1)) 32 pt. and 71A pt.

Application property for SE 2008-HM-038 at 1860 Wiehle Avenue and 1850 Cenntennial Park Drive and 11400 Commerce Park Drive and portions of land owned by the Commonwealth of Virginia Tax Map 17-4 ((1)) 17A; 17-4 ((12)) 11D4 pt. and 11D5pt.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission public hearing will be held on Wednesday, February 18, 2009. The Commission's recommendations will be forward to the Board of Supervisors subsequent to that date.

ENCLOSED DOCUMENTS:

None. Staff Report previously furnished.

STAFF:

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

Board Agenda Item
February 23, 2009

4:00 p.m.

Public Hearing on PCA 78-S-063-06 (The Aerospace Corporation) to Amend the Proffers for RZ 78-S-063 Previously Approved for Office to Permit Modifications to Proffers and Site Design with an Overall Floor Area Ratio of 0.50, Located on Approximately 40.41 Acres Zoned I-3 and WS, Sully District

and

Public Hearing on SE 2008-SU-026 (The Aerospace Corporation) to Permit an Increase in Building Height from 75.0 feet up to a Maximum of 165.0 feet, Located on Approximately 40.41 Acres Zoned I-3 and WS, Sully District

The application property is located in the northeast quadrant of the intersection of Stonecroft Boulevard and Lee Road at 4801 Stonecroft Boulevard, Tax Map 44-1 ((4)) 35.

PLANNING COMMISSION RECOMMENDATION:

On Thursday, January 15, 2009, the Planning Commission voted 8-3-1 (Commissioners Alcorn, Hart, and Lawrence opposed; Commissioner Harsel absent from the meeting) to recommend the following actions to the Board of Supervisors:

- Approval of PCA 78-S-063-06, subject to the execution of proffers consistent with those dated January 13, 2009; and
- Approval of SE 2008-SU-026, subject to the Development Conditions dated December 31, 2008 and subject also to the Board's approval of PCA 78-S-063-06.

ENCLOSED DOCUMENTS:

None. Staff Report previously furnished.

STAFF:

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

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Board Agenda Item
February 23, 2009

4:30 p.m.

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

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