

**FAIRFAX COUNTY
BOARD OF SUPERVISORS
MAY 4, 2009**

AGENDA

| | | |
|-------------|-------------|--|
| 9:00 | Held | Joint Meeting with Board of Supervisors and the Library Board Conference Room 232 |
| 9:30 | Done | Presentations |
| 10:00 | Done | Presentation of the Volunteer Fire Commission Annual Report |
| 10:10 | Done | Update on the H1N1 Influenza A Virus (Swine Flu) |
| 10:25 | Done | Items Presented by the County Executive |

**ADMINISTRATIVE
ITEMS**

| | | |
|---|-----------------|--|
| 1 | Approved | Authorization to Advertise a Public Hearing to Establish the Old Mill Community Parking District (Springfield District) |
| 2 | Approved | Authorization to Advertise a Public Hearing to Establish the South Run Crossing Community Parking District (Springfield District) |
| 3 | Approved | Approval of Traffic Calming Measures and Installation of "\$200 Additional Fine for Speeding" Signs, Multi-Way Stop and "Watch for Children" Signs as Part of the Residential Traffic Administration Program (Providence, Springfield, Dranesville and Hunter Mill Districts) |
| 4 | Approved | Streets into the Secondary System (Sully District) |
| 5 | Approved | Extension of Review Period for 2232 Review Application (Springfield District) |
| 6 | Approved | Approval of a Proposed Amendment to the Consolidated Plan One- Year Action Plan for FY 2009 to Include the Implementation of Homelessness Prevention and Rapid Re-Housing Program Activities and Authorization for the Department of Housing and Community Development to Apply for and Accept These Funds |
| 7 | Approved | Authorization to Advertise a Public Hearing on the Disposition of County-Owned Property in Connection with a Proposed Transit Oriented Development at the Wiehle Avenue Metrorail Station Site in Reston (Hunter Mill District) |

ACTION ITEMS

| | | |
|---|-----------------|---|
| 1 | Approved | Approval of 2009 School Bond Referendum |
|---|-----------------|---|

**FAIRFAX COUNTY
BOARD OF SUPERVISORS
MAY 4, 2009**

ACTION ITEMS

(continued)

- | | | |
|---|-----------------|--|
| 2 | Approved | Approval of a Resolution to Support Establishment of Emergency-Only Access to Buckley's Reserve Subdivision from Limited Access of Fairfax County Parkway (Springfield District) |
| 3 | Approved | Authorization of Maymont Regional Pond D-17 Pro Rata Share Reimbursement Agreement (Hunter Mill and Dranesville Districts) |
| 4 | Approved | Approval of Amended Lease Agreement Between the Board of Supervisors and Fairfax Corner Mixed Use, L.C. |

**INFORMATION
ITEMS**

- | | | |
|-------|--------------|--|
| 1 | Noted | Local Comment Letter to the Virginia Housing Development Authority on Westminster Oaks (Mount Vernon District) |
| 2 | Noted | Local Comment Letter to the Virginia Housing Development Authority on Buckman Road Apartments (Lee District) |
| 10:40 | Done | Matters Presented by Board Members |
| 11:30 | Done | Closed Session |

**PUBLIC
HEARINGS**

- | | | |
|------|--|---|
| 3:30 | Public hearing deferred to 6-1-09 at 3:30 p.m. | Public Hearing on RZ 2008-LE-014 (OPUS East, L.L.C.) (Lee District) |
| 3:30 | Public hearing deferred to 6-1-09 at 3:30 p.m. | Public Hearing on SE 2008-LE-028 (OPUS East, L.L.C.) (Lee District) |
| 3:30 | Approved | Public Hearing on SE 2007-MA-034 (TD Bank, N.A.) (Mason District) |
| 3:30 | Public hearing deferred to 5-18-09 at 3:00 p.m. | Public Hearing on SEA 84-M-012 (Quan Q. Nguyen & Ngan T. Nguyen) (Mason District) |
| 4:00 | Approved | Public Hearing on Proposed Plan Amendment S09-IV-LP1, Located Northwest of the South County Secondary School, South of Silverbrook Road and North of Laurel Crest Drive (Mount Vernon District) |
| 4:00 | Public hearing deferred to 5-18-09 at 4:00 p.m. | Public Hearing for the De-Creation/Re-Creation of a Small Sanitary District for Leaf Collection Service (Providence District) |



Fairfax County, Virginia
BOARD OF SUPERVISORS
AGENDA

Monday
May 4, 2009

9:30 a.m.

PRESENTATIONS

1. PROCLAMATION – To designate May 10-16, 2009, as Police Week in Fairfax County and May 15, 2009, as Peace Officers' Memorial Day in honor of Second Lieutenant Frank Stecco. Requested by Supervisor Hyland.
2. PROCLAMATION – To designate May 17-23, 2009, as Emergency Medical Services Week in Fairfax County. Requested by Chairman Bulova.
3. CERTIFICATE – To recognize Sean Fletcher for winning the 2009 Virginia AAA state swimming championship in the 100 yard butterfly event and setting a national record. Requested by Supervisor Hudgins.
4. PROCLAMATION – To designate May 16, 2009, as Angelman Syndrome Awareness Day in Fairfax County. Requested by Supervisor Frey.
5. PROCLAMATION – To designate May 15, 2009, as Bike to Work Day in Fairfax County. Requested by Supervisors Hudgins and Smyth.
6. PROCLAMATION – To designate May 3-9, 2009, as Building Safety Week in Fairfax County. Requested by Supervisor Frey.
7. PROCLAMATION – To designate May 6-12, 2009, as Nurses Week in Fairfax County. Requested by Supervisor Gross.
8. PROCLAMATION – To designate May 2009 as Older Americans Month in Fairfax County. Requested by Chairman Bulova.

— more —

Board Agenda Item
May 4, 2009

9. PROCLAMATION – To designate May 20, 2009, as Employee Health and Fitness Day in Fairfax County. Requested by Supervisor Gross.

STAFF:

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

Board Agenda Item
May 4, 2009

10:00 a.m.

Presentation of the Volunteer Fire Commission Annual Report

ENCLOSED DOCUMENTS:

None. Report delivered under separate cover.

PRESENTED BY:

Tim Fleming, Chief, Franconia VFD, the Chair of the Volunteer Fire Commission

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Board Agenda Item
May 4, 2009

10:10 a.m.

Items Presented by the County Executive

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Board Agenda Item
May 4, 2009

ADMINISTRATIVE - 1

Authorization to Advertise a Public Hearing to Establish the Old Mill Community Parking District (Springfield District)

ISSUE:

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

RECOMMENDATION:

The County Executive recommends that the Board authorize advertisement of a public hearing for June 1, 2009, at 4:00 p.m. (Attachment III) to consider adoption of a Fairfax County Code amendment (Attachment I) to establish the Old Mill CPD in accordance with current CPD restrictions.

TIMING:

The Board of Supervisors should take action on May 4, 2009, to provide sufficient time for advertisement of the public hearing on June 1, 2009, at 4:00 p.m.

BACKGROUND:

Fairfax County Code Section 82-5B-2 authorizes the Board to establish a CPD for the purpose of prohibiting or restricting the parking of watercraft; boat trailers; motor homes; camping trailers and any other trailer or semi-trailer; any vehicle with three or more axles; any vehicle that has a gross vehicle weight rating of 12,000 or more pounds except school buses used on a current and regular basis to transport students; any vehicle designed to transport 16 or more passengers including the driver, except school buses used on a current and regular basis to transport students; and any vehicle of any size that is being used in the transportation of hazardous materials as defined in Virginia Code § 46.2-341.4 on the streets in the CPD.

No such CPD shall apply to (i) any commercial vehicle when discharging passengers or when temporarily parked pursuant to the performance of work or service at a particular location or (ii) utility generators located on trailers and being used to power network facilities during a loss of commercial power or (iii) restricted vehicles temporarily parked on a public street within any such CPD for a maximum of 48 hours for the purpose of loading, unloading, or preparing for a trip or (iv) restricted vehicles that are temporarily

Board Agenda Item
May 4, 2009

parked on a public street within any such CPD for use by federal, state, or local public agencies to provide services.

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

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

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

FISCAL IMPACT:

The cost of sign installation is estimated at \$800 to be paid out of Fairfax County Department of Transportation (FCDOT) funds.

ENCLOSED DOCUMENTS:

Attachment I: Amendment to the Fairfax County Code, Appendix M (CPD Restrictions)
Attachment II: Area Map of Proposed Old Mill CPD

STAFF:

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

Board Agenda Item
May 4, 2009

ADMINISTRATIVE - 2

Authorization to Advertise a Public Hearing to Establish the South Run Crossing
Community Parking District (Springfield District)

ISSUE:

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

RECOMMENDATION:

The County Executive recommends that the Board authorize advertisement of a public hearing for June 1, 2009, at 4:00 p.m. (Attachment III) to consider adoption of a Fairfax County Code amendment (Attachment I) to establish the South Run Crossing CPD in accordance with current CPD restrictions.

TIMING:

The Board of Supervisors should take action on May 4, 2009, to provide sufficient time for advertisement of the public hearing on June 1, 2009, at 4:00 p.m.

BACKGROUND:

Fairfax County Code Section 82-5B-2 authorizes the Board to establish a CPD for the purpose of prohibiting or restricting the parking of watercraft; boat trailers; motor homes; camping trailers and any other trailer or semi-trailer; any vehicle with three or more axles; any vehicle that has a gross vehicle weight rating of 12,000 or more pounds except school buses used on a current and regular basis to transport students; any vehicle designed to transport 16 or more passengers including the driver, except school buses used on a current and regular basis to transport students; and any vehicle of any size that is being used in the transportation of hazardous materials as defined in Virginia Code § 46.2-341.4 on the streets in the CPD.

No such CPD shall apply to (i) any commercial vehicle when discharging passengers or when temporarily parked pursuant to the performance of work or service at a particular location or (ii) utility generators located on trailers and being used to power network facilities during a loss of commercial power or (iii) restricted vehicles temporarily parked on a public street within any such CPD for a maximum of 48 hours for the purpose of loading, unloading, or preparing for a trip or (iv) restricted vehicles that are temporarily

Board Agenda Item
May 4, 2009

parked on a public street within any such CPD for use by federal, state, or local public agencies to provide services.

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

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

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

FISCAL IMPACT:

The cost of sign installation is estimated at \$2000 to be paid out of Fairfax County Department of Transportation (FCDOT) funds.

ENCLOSED DOCUMENTS:

Attachment I: Amendment to the Fairfax County Code, Appendix M (CPD Restrictions)
Attachment II: Area Map of Proposed South Run Crossing CPD

STAFF:

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

Board Agenda Item
May 4, 2009

ADMINISTRATIVE - 3

Approval of Traffic Calming Measures and Installation of "\$200 Additional Fine for Speeding" Signs, Multi-Way Stop and "Watch for Children" Signs as Part of the Residential Traffic Administration Program (Providence, Springfield, Dranesville and Hunter Mill Districts)

ISSUE:

Board endorsement of a Traffic Calming plan, "\$200 Additional Fine for Speeding" signs, multi-way stop and "Watch for Children" signs as part of the Residential Traffic Administration Program (RTAP).

RECOMMENDATION:

The County Executive recommends that the Board endorse traffic calming measures for Buckelew Drive (Attachment I) consisting of the following:

- One speed table on Buckelew Drive (Providence District)

The County Executive further recommends approval for the installation of "\$200 Additional Fine for Speeding" signs (Attachment II and III) on the following road:

- Tobin Road (Providence District)

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

- Huntsman Boulevard and Janphil Lane/Sabine Hill Road (Springfield District)

The County Executive further recommends approval for "Watch for Children" signs on the following streets (Attachment IV):

- Merchant Lane (Dranesville District)
- Laurel Ridge Road (Hunter Mill District)

TIMING:

In addition, the County Executive recommends that the Virginia Department of Transportation (VDOT) be requested to install the approved measures as soon as possible. Board action is requested on May 4, 2009.

Board Agenda Item
May 4, 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 an engineering study documenting the attainment of qualifying criteria for Buckelew Drive. Subsequently, petitions were gathered from the community evidencing support for further study. A task force was formed in the community to develop a traffic calming plan to reduce the speed of traffic. Once a plan for the road was adopted and approved by staff and VDOT, the plan was submitted for approval to residents of the petition area in the community. On April 6, 2009, the Department of Transportation received written verification from the appropriate local supervisor confirming community support for the referenced traffic calming plan.

Section 46.2-878.2 of the *Code of Virginia* permits a maximum fine of \$200, in addition to other penalties provided by law, to be levied on persons exceeding the speed limit on appropriately designated residential roadways. Also, these residential roadways must have a posted speed limit of 35 mph or less. In addition, to determine that a speeding problem exists, staff performs an engineering review to ascertain that additional speed and volume criteria are met. Tobin Road between Woodburn Road and Monarch Lane meet the RTAP requirements for posting of the "\$200 Additional Fine for Speeding" signs. The Department of Transportation received written verification from the appropriate local supervisors confirming community support for the referenced "\$200 Additional Fine for Speeding" signs on Tobin Road (December 17, 2008).

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

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

Staff and VDOT have authorized the multi-way stop requested. On, March 26, 2009, the Department of Transportation received written verification from the appropriate local supervisor confirming community support.

The Board should be aware, however, of the potential negative impacts of multi-way stops. These include delay in travel time, reduced motorist compliance with regulatory signs,

Board Agenda Item
May 4, 2009

difficulty of police enforcement, parking restrictions within 30 feet of stop signs, and increased air and noise pollution.

The RTAP allows for installation of “Watch for Children” signs at the primary entrance to residential neighborhoods, or at a location with an extremely high concentration of children relative to the area, such as playgrounds, day care or community centers. In particular, Section 33.1-210.2 of the *Code of Virginia* provides that the Board may request, by resolution to the Commissioner of VDOT, signs alerting motorists that children may be at play nearby. VDOT reviews each request to ensure the proposed signs will be effectively located and will not be in conflict with any other traffic control devices. The Department of Transportation received written verification from the appropriate local supervisor confirming community support for the referenced “Watch for Children” signs on Merchant Lane (April 2, 2009) and Laurel Ridge Road (April 8, 2009).

FISCAL IMPACT:

The estimated cost of \$3,400 is to be paid out of the VDOT secondary road construction budget.

ENCLOSED DOCUMENTS:

Attachment I: Traffic Calming Plan for Buckelew Drive

Attachment II: “\$200 Fine for Speeding” Signs Resolution – Tobin Road

Attachment III: Area Map of Proposed “\$200 Fine for Speeding” Signs – Tobin Road

Attachment IV: “Watch for Children” Signs Resolution – Merchant Lane and Laurel Ridge Road

STAFF:

Robert A. Stalzer, Deputy County Executive

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

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

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

William P. Harrell, Transportation Planner, FCDOT

Steven K. Knudsen, Transportation Planner, FCDOT

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Board Agenda Item
May 4, 2009

ADMINISTRATIVE – 4

Streets into the Secondary System (Sully District)

ISSUE:

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

RECOMMENDATION:

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

Subdivision

District

Street

Capital Automotive LP
(Pohanka Chantilly)

Sully

Elmwood Street (Route 1010)
(Additional Right-of-Way (ROW) Only

Vernon Street (Route 3624)
(Additional ROW Only)

TIMING:

Routine.

BACKGROUND:

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

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

Attachment 1 - Street Acceptance 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
May 4, 2009

ADMINISTRATIVE – 5

Extension of Review Period for 2232 Review Application (Springfield District)

ISSUE:

Extension of the review period for specific 2232 Review application 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 period for application FS-S09-11 to August 3, 2009.

TIMING:

Board action is required on May 4, 2009, to extend the review period of the application noted above before its expiration.

BACKGROUND:

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

The Board should extend the review period for the following application, which was accepted for review by the Department of Planning and Zoning on March 6, 2009:

| | |
|-----------|--|
| FS-S09-11 | Fairfax County Dept. of Public Works and Environmental Services Live fire Class B training prop (burn building) & rappelling tower 4600 West Ox Road Springfield District |
|-----------|--|

This application is for a public facility, and thus is not subject to the State Code provision for extending the review period by no more than sixty additional days. The

Board Agenda Item
May 4, 2009

need for this extension 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



ADMINISTRATIVE – 6

Approval of a Proposed Amendment to the Consolidated Plan One-Year Action Plan for FY 2009 to Include the Implementation of Homelessness Prevention and Rapid Re-Housing Program Activities and Authorization for the Department of Housing and Community Development to Apply for and Accept These Funds

ISSUE:

Board approval for the Department of Housing and Community Development (HCD) to apply for and accept the allocation of funding from the U.S. Department of Housing and Urban Development (HUD) for the Homelessness Prevention and Rapid Re-Housing Program (HPRP) in the amount of \$2,462,398 through approval of the proposed amendment to the Consolidated Plan One-Year Action Plan for FY 2009 to incorporate HPRP activities. No Local Cash Match will be required. The HPRP funding is one-time funding requiring that 60 percent of it must be expended within two years of the date that it becomes available to the County for obligation, and 100 percent must be expended within three years of that date. This funding has been made available as a result of the American Recovery and Reinvestment Act of 2009. When grant funding expires, the County is under no obligation to continue funding the program. If the actual award is significantly different from the application amount, another item will be submitted to the Board requesting appropriation of grant funds. Otherwise, staff will process the award administratively as per Board policy.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors 1) authorize the Department of Housing and Community Development to apply for and accept funding from HUD for the Homelessness Prevention and Rapid Re-Housing Program in the amount of \$2,462,398; 2) adopt the proposed amendment to the Consolidated Plan One-Year Action Plan for FY 2009 to include the implementation of HPRP activities; 3) authorize signature of the Consolidated Plan Certifications and federal funding application form (SF424) required by the U.S. Department of Housing and Urban Development; 4) authorize the Office to Prevent and End Homelessness, supported by the Department of Administration for Human Services, as the agency responsible for the administration, quality control, and reporting of HPRP funds expended through this program; and 5) authorize the Department of Housing and Community Development as the agency responsible for oversight and monitoring of the funds.

Board Agenda Item
May 4, 2009



TIMING:

Board approval is requested on May 4, 2009, in order to maintain the schedule for the HPRP Substantial Amendment to the Consolidated Plan process and to ensure timely submission of the proposed amendment to the Consolidated Plan One-Year Action Plan for FY 2009 to HUD by May 18, 2009.

BACKGROUND:

The One-Year Action Plan for FY 2009 was approved on April 27, 2008, by the Board of Supervisors. The proposed amendment to the Consolidated Plan One-Year Action Plan for FY 2009 includes the implementation of HPRP activities and contains the proposed uses of HPRP funded programs to be implemented in the fourth year of the Five-Year Consolidated Plan for FY 2006 to 2010. An annual action plan is required by HUD for four federal programs. These programs include: Community Development Block Grant (CDBG), HOME Investment Partnerships Program (HOME), Emergency Shelter Grant (ESG), and Housing Opportunities for Persons with AIDS (HOPWA). HUD added a fifth program under the Consolidated Plan, the new Neighborhood Stabilization Program, and now a sixth program, the HPRP.

Under Title XII of the American Recovery and Reinvestment Act of 2009 (Recovery Act), Congress designated \$1.5 billion for communities nationwide to provide financial assistance and services to prevent individuals and families from becoming homeless or help those who are experiencing homelessness to be quickly re-housed and stabilized. The grant program under Title XII is commonly referred to as the Homelessness Prevention and Rapid Re-Housing Program (HPRP). Fairfax County will receive \$2,462,398 from HUD under the program.

In accordance with federal requirements, the proposed amendment to the Consolidated Plan One-Year Action Plan for FY 2009 for the implementation of HPRP activities contains several certifications, including drug-free workplace, affirmatively furthering fair housing, and lobbying restrictions, which will be signed by the County Executive following Board approval of the Plan Amendment.

The Recovery Act called for allocating funds to grantees, such as Fairfax County, that are eligible under the federal Emergency Shelter Grant program based on a formula allocation. The HPRP, however, is considered to be a new program.

The following is a list of HPRP-eligible activities:

- Financial assistance, limited to short- and medium-term rental assistance, security and utility deposits, utility payments, moving cost assistance, and motel and hotel vouchers;

Board Agenda Item
May 4, 2009



- Housing relocation and stabilization services, limited to case management, outreach and engagement, housing search and placement, legal services, and credit repair;
- Data collection and evaluation involved with operating a Homeless Management Information System (HMIS) and HUD research and evaluation of the HPRP; and
- Administrative activities such as accounting for the use of grant funds, preparing reports for submission to HUD, obtaining program audits, and training for staff who will administer the program or case managers who will serve program participants. No more than 5 percent of the HPRP grant may be used for administrative costs.

Since the intent of the HPRP funds is to provide funding for housing expenses to persons who are homeless or who would be homeless if not for this assistance, expenses such as child care, employment training, payment of credit card bills or other consumer debt, food, medical or dental care, and medicines are not eligible. Financial assistance might be available through other Recovery Act programs to assist with these. There are also some housing costs determined to be ineligible such as financial assistance to pay for mortgage costs; construction or rehabilitation costs; and home furnishings.

HPRP participants, whether homeless or housed, must be at or below 50 percent of Area Median Income (AMI). In addition to the household being either homeless or at risk of losing its housing, it must meet both of the following circumstances: (1) no appropriate housing options have been identified and (2) the household lacks the financial resources and support networks it needs to obtain immediate housing or remain in its existing housing.

The HPRP funding is one-time funding requiring that 60 percent of it must be expended within two years of the date that it becomes available to the County for obligation, and 100 percent must be expended within three years of that date.

On April 1, 2009, Fairfax County held a meeting of community partners involved in preventing and ending homelessness, Continuum of Care grantees, partners, and advocates to obtain input on the use of these funds. As a result of this feedback and feedback obtained during the public comment period on the proposed amendment, the following are the proposed uses of the \$2,462,398 federal HPRP funds:

Rapid Re-Housing Services: 55 percent, or \$1,350,000 of HPRP funds, will be available for moving people who have become homeless back into housing as quickly as possible.

Board Agenda Item
May 4, 2009



Prevention Services: 37 percent, or \$910,000 of HPRP funds, will be available for financial assistance targeted toward preserving the housing of households with incomes below 50 percent of AMI.

Administration: 5 percent, or \$123,119 of HPRP funds, will be allocated for the general administration of the HPRP. Funding provides for administration of the grant, preparation of reports for submission to HUD, financial management, compliance monitoring for use of the grant funds, and administrative and professional support associated with these administrative costs.

Data Collection and Reporting: 3 percent, or \$79,279 of HPRP funds, will be allocated for data collection involved with the program and the HMIS as well as other HPRP reporting activities.

In order to access the funds from HUD, the Department of Housing and Community Development (HCD) must submit a complete application to HUD no later than May 18, 2009. Attachment 1 is the HPRP Substantial Amendment, which follows the template requested by HUD, and has been added as Appendix J to the Consolidated Plan One-Year Action Plan for FY 2009.

The HPRP Substantial Amendment to the Consolidated Plan One-Year Action Plan for FY 2009 was circulated for review and comment by citizens, service providers and other interested parties during the formal public comment period which ended on April 22, 2009. HCD considered all comments received on the Proposed Amendment and is forwarding its recommendation to the Board for final action.

FISCAL IMPACT:

Grant funding in the amount of \$2,462,398 will be available for up to three years from the date of the award. No Local Cash Match is required and no County positions will be created. This action does not increase the expenditure level in Fund 102, Federal/State Grant Fund as funds are held in reserve for unanticipated grant awards in FY 2009. As part of the *FY 2009 Carryover Review*, staff will recommend a reserve to address additional funding received as a result of the American Reinvestment and Recovery Act of 2009. This grant does not allow the recovery of indirect costs.

Reporting Requirements

In order to meet the American Reinvestment and Recovery Act of 2009 transparency and accountability requirements, HUD will be establishing specific reporting requirements for this funding. Once these reporting requirements are made available, staff will notify the County Executive.

Board Agenda Item
May 4, 2009



CREATION OF NEW POSITIONS:

No positions will be created by this grant.

ENCLOSED DOCUMENTS:

Attachment 1: Substantial Amendment to the Consolidated Plan 2008 (FY 2009)
Action Plan for HPRP

STAFF:

Verdia L. Haywood, Deputy County Executive

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

Dean H. Klein, Director, Office to Prevent and End Homelessness

W. Kenneth Garnes, Director, Department of Administration for Human Services

John Payne, Deputy Director, Real Estate, HCD

Aseem K. Nigam, Director, Real Estate Finance and Grants Management (REF&GM)
Division, HCD

Audrey Spencer-Horsley, Associate Director, Grants Management, REF&GM Division, HCD

Stephen E. Knippler, Senior Program Manager, REF&GM Division, HCD

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Board Agenda Item
May 4, 2009

ADMINISTRATIVE – 7

Authorization to Advertise a Public Hearing on the Disposition of County-Owned Property in Connection with a Proposed Transit Oriented Development at the Wiehle Avenue Metrorail Station Site in Reston (Hunter Mill District)

ISSUE:

Authorization to Advertise a public hearing on the disposition of County-owned property to Comstock Reston Station Holdings, LC as required by *Va. Code Ann § 15.2-1800* (2008) in connection with a proposed transit oriented development at the Wiehle Avenue Metrorail Station site in Reston.

RECOMMENDATION:

The County Executive recommends that the Board authorize the advertisement of a public hearing.

TIMING:

Board action is requested on May 4, 2009, to provide sufficient time to advertise the proposed public hearing on June 1, 2009, at 3:30 p.m.

BACKGROUND:

The County issued a solicitation under the auspices of the Public Private Education Facilities and Infrastructure Act of 2002, as amended (§§56-575.1-575.16) ("PPEA") in January 2008 for "Development at Wiehle Avenue Metrorail Station Site Reston, Va. (RFP08-946065-10)" to seek developers to initiate a Transit Oriented Development (TOD) in conjunction with the opening of the Metrorail Station in 2013. The mixed use TOD would occur on an approximate 9 acre parcel owned by the Board of Supervisors identified as Tax Map No. 17-4-001-17A and currently used as a park and ride facility. On December 13, 2008, the Board was informed that Comstock Reston Station, LC ("Comstock") had been selected as the successful bidder and final negotiations were proceeding.

Negotiations with Comstock for construction of the Metrorail Station parking facilities at the Wiehle Avenue (Reston East) Metrorail station have been completed. Per required guidelines under the PPEA, the draft Comprehensive Agreement, a proposed ground lease and a proposed development agreement have been posted on the web site of the Department of Purchasing and Supply Management for a 30-day period of public review and comment. The web site can be viewed at: (<http://www.fairfaxcounty.gov/dpsm/solic.htm>).

Board Agenda Item
May 4, 2009

Upon expiration of the 30-day public review period, Staff will present these documents and any comments received to the Board for approval. In addition, the Board is required to hold a public hearing related to the disposition of County property in accordance with *Va. Code Ann* § 15.2-1800 (2008).

In brief, the agreements call for Comstock to build a 2300 space public garage for the use by Metrorail passengers. The garage will be built in such a way as to support an estimated 980,000 square feet of mixed use development on top. The County will lease the real property rights for this development to Comstock Reston Station Holdings, LC, an affiliate of Comstock. A rezoning action will be necessary to achieve the development and the application is expected to be filed in July. Following a period of public review and action by the Planning Commission and the Board of Supervisors next year, the County and Comstock will proceed with the development and construction of the garage in accordance with the development agreement. The ultimate development is contingent on, *inter alia*, successful rezoning to permit the development to proceed.

FISCAL IMPACT:

The County expects to receive minimum annual rent of 8 percent of the fair market value of the property in connection with the proposed development which is conservatively estimated at over \$3 million per year once the full development is in place. The cost of the garage is estimated to be approximately \$90 million, but final figures will not be known until design is complete. In addition the County will receive all allowable tax revenue from approximately 980,000 square feet of mixed use residential, commercial and retail development. More details on the economics and proposed plan of finance will be available for the Board's consideration at the June 1, 2009, meeting of the Board of Supervisors.

ENCLOSED DOCUMENTS:

Attachment A -- Tax Map No. 017-4-001-17A

STAFF:

Edward L. Long, Deputy County Executive
Robert A. Stalzer, Deputy County Executive
Richard Stevens, Dulles Rail Project Manager, Fairfax County Department of Transportation
Leonard P. Wales, County Debt Manager

Board Agenda Item
May 4, 2009

ACTION - 1

Approval of 2009 School Bond Referendum

ISSUE:

The Board of Supervisors approval of the Fairfax County Public Schools Referendum totaling \$232,580,000, as requested by the School Board and adoption of the enclosed resolutions requesting the Circuit Court to order a special election on the issuance of such bonds on November 3, 2009. A schedule of events is included as Attachment I.

RECOMMENDATION:

The County Executive recommends that the Board adopt the enclosed School Bond Referendum Resolution (Attachment 2).

TIMING:

Adoption of the resolution is required prior to the filing of a petition with the Circuit Court to request the election. After the petition is filed and the order for a special election is entered, this special election will be submitted for pre-clearance in accordance with Section 5 of the federal Voting Rights Act of 1965, as amended. Board action on May 4, 2009, will allow staff adequate time to complete the necessary procedures.

BACKGROUND:

On April 23, 2009, the School Board approved a resolution for a School Referendum in the amount of \$232,580,000 (Attachment 3). Details of the projects expected to be funded are included in (Attachment 4). It should be noted that \$50 million is included in this requested amount for the new South County Middle School previously endorsed by the Board of Supervisors. The School Board sizes the referendum to include the full cost of new construction and renovation projects although spending for the projects is anticipated to occur over the course of a multi-year period. It is anticipated that the referendum amount can be accommodated within the FY 2010 - FY 2014 Capital Improvement Program (With Future Years to FY 2019) (CIP) as approved by the Board of Supervisors on April 20, 2009.

FISCAL IMPACT:

Sales of the bonds approved in the 2009 School Referendum will occur as needed to meet projected cash flow requirements as approved in the CIP.

Board Agenda Item
May 4, 2009

ENCLOSED DOCUMENTS:

Attachment 1 - Schedule of Events

Attachment 2 - Board of Supervisors Resolution Requesting an Order for Election on the Issuance of Bonds in the amount of \$232,580,000 for Schools.

Attachment 3 - Resolution Adopted by School Board on April 23, 2009 Requesting Bond Referendum

Attachment 4 -2009 School Bond Referendum Project List

STAFF:

Anthony H. Griffin, County Executive

Jack D. Dale, Superintendent of Fairfax County Public Schools

Edward L. Long, Jr., Deputy County Executive

Leonard P. Wales, County Debt Manager

Dean Tistadt, Chief Operating Officer, Fairfax County Public Schools

Board Agenda Item
May 4, 2009

ACTION - 2

Approval of a Resolution to Support Establishment of Emergency-Only Access to Buckley's Reserve Subdivision from Limited Access of Fairfax County Parkway (Springfield District)

ISSUE:

Approval of a Board resolution to support Centex Homes request to the Commonwealth Transportation Board (CTB) to consider an emergency-only access to Buckley's Reserve Subdivision from a limited access highway (Fairfax County Parkway).

RECOMMENDATION:

The County Executive recommends that the Board approve a resolution to support establishment of emergency-only access to Buckley's Reserve Subdivision from a limited access highway (Fairfax County Parkway).

TIMING:

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

BACKGROUND:

The Buckley's Reserve subdivision has a total of 91 homes, fully built and occupied, and is located at the intersection of the Fairfax County Parkway and Route 29 in the Springfield District. The subdivision has sole access from Route 29. Construction of all streets and related improvements is complete and the developer, Centex Homes, is in the process of complying with bond release requirements from the Virginia Department of Transportation (VDOT) and Fairfax County. Thirty -six of the lots are served by a roadway which also serves as the dam embankment for the wet pond. VDOT advised Centex Homes during the project approval stage that a secondary emergency access to those lots is required in the event of catastrophic failure of the roadway embankment. While public road access to these 36 homes could be restored fairly quickly, it is required that emergency-only access be made available, through which emergency vehicles could access these homes. The emergency access will be constructed with grass pavers and blocked with bollards and chain to prevent non-emergency use. This requirement has been coordinated with the Police and Fire and Rescue. This resolution is necessary because the Fairfax County Parkway was originally established as a limited access highway, and VDOT regulations will not permit access across the limited access line without a resolution from the Board.

Board Agenda Item
May 4, 2009

FISCAL IMPACT:
None.

ENCLOSED DOCUMENTS:
Attachment I: Resolution for Break in Limited Access Control (Fairfax County Parkway)

STAFF:
Robert A. Stalzer, Deputy County Executive
Katharine D. Ichter, Director, Fairfax County Department of Transportation (FCDOT)
Ellen Gallagher, Chief, Capitol Projects and Operations Division, FCDOT
Karyn L. Moreland, Chief, Capital Projects and Operations Division
Tad Borkowski, Senior Transportation Planner, FCDOT

Board Agenda Item
May 4, 2009

ACTION – 3

Authorization of Maymont Regional Pond D-17 Pro Rata Share Reimbursement Agreement (Hunter Mill and Dranesville Districts)

ISSUE:

Authorization to execute an agreement to reimburse Basheer/Edgemoore-Moutoux, L.L.C., from pro rata share collections (Fund 316), for the engineering, design, and construction of the Maymont Regional Stormwater Management Pond D-17 (Maymont Regional Pond D-17) within the Maymont development located in the Difficult Run Watershed.

RECOMMENDATION:

The County Executive recommends that the Board authorize the execution of the attached Pro Rata Share Reimbursement Agreement.

TIMING:

Routine. Board action is requested on May 4, 2009.

BACKGROUND:

The Implementation Procedures for Regional Stormwater Management approved by the Board on August 5, 1991, provide that a landowner/developer, whose property contains the site of a planned regional stormwater pond, may be requested to grant necessary easements, dedicate land, prepare the design, and/or construct the regional stormwater facility. The implementation procedures further provide for reimbursement agreements for developers to recover costs in excess of their normal stormwater management requirements as contained in the Public Facilities Manual. These reimbursements are funded through existing and future pro rata share collections. The implementation of this regional pond is consistent with the Regional Stormwater Management Plan adopted by the Board of Supervisors on January 19, 1989, and the Difficult Run Watershed Plan adopted on February 26, 2007.

The developer of Maymont, Basheer/Edgemoore-Moutoux, L.L.C., has substantially completed construction of Maymont Regional Pond D-17, and has submitted to the County a request to enter into a reimbursement agreement to recover the construction costs that are in excess of its normal onsite stormwater management requirements.

Board Agenda Item
May 4, 2009

Execution of this agreement establishes the terms and conditions for reimbursement by the County to the developer.

A regional stormwater management pond in this location is beneficial to the upstream watershed because it controls stormwater runoff and improves water quality from existing development as well as new development. The Maymont Regional Pond will provide stormwater control for approximately 133.04 acres, which includes 63.87 acres of upstream watershed area and 69.17 acres for the Maymont development. The total cost to design and construct the pond was \$1,690,484.75. The land use depicted in the comprehensive plan was used to determine the increase in the volume of stormwater that would flow through and be treated by the regional pond. The increased volumes of stormwater that were attributable to the Maymont development and the upstream properties were used to determine the developers and pro-rata share costs. The developer's share of the cost of the pond was determined to be \$692,688.89.

FISCAL IMPACT:

In accordance with the Pro Rata Share Reimbursement Agreement, the County's share of the construction costs is limited to \$997,795.86. Funding in the amount of \$997,834.00 is available in Project DF1017, Regional Pond D-17, Fund 316, Pro-Rata Share Drainage Construction. Reimbursement payments to the developer will be processed through Project DF1017.

ENCLOSED DOCUMENTS:

Attachment 1 - Location Map
Attachment 2 – Agreement

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
Randolph W. Bartlett, Deputy Director, DPWES

Board Agenda Item
May 4, 2009

ACTION - 4

Approval of Amended Lease Agreement Between the Board of Supervisors and Fairfax Corner Mixed Use, L.C.

ISSUE:

Board approval of a amended lease agreement between the Board of Supervisors and Fairfax Corner Mixed Use, L.C., related to the lease of County-owned property at Government Center Parkway and Monument Drive, Tax Map 56-1 ((1)), Parcel 47-C.

RECOMMENDATION:

The County Executive recommends that the Board approve the amended lease agreement between the Board of Supervisors and Fairfax Corner Mixed Use, L.C.

TIMING:

The Board of Supervisors is requested to act on this item on May 4, 2009.

BACKGROUND:

The referenced parcel was acquired by the County as part of RZ 1987-S-039 as an offset towards contributions to the Fairfax Center Road Fund. The property was subsequently leased back to Fairfax Corner as temporary parking for their commercial and office development. The site is intended to be used for parking associated with a rail station when Metrorail is extended in the I-66 corridor. In the meantime, the County agreed to lease the property to Fairfax Corner. The original lease agreement was executed on August 10, 2001. The amended lease agreement makes the following changes:

- Extends the original lease agreement from August 10, 2011, until August 10, 2031;
- Permits the termination of the lease at anytime upon two years notice provided that a full funding grant agreement has been executed for construction of Metrorail in the vicinity of the premises or the Board of Supervisors passes a resolution to use the property for transit support uses. These provisions replace the current one-year termination provision;
- Permits County use of 100 parking spaces for a commuter parking lot weekdays between 4:00 a.m. and 7:00 p.m.;

Board Agenda Item
May 4, 2009

- Permits use of the property for training purposes by the Fairfax County Police Department and Fairfax County Fire Department between 4:00 a.m. and 7:00 p.m., Monday through Friday;
- Permits use of the property for training purposes for Fairfax Connector between 7:00 am and 2:00 pm, in February, April, June, August, and September;
- Allows the County use of the property for short-term parking for County staff and public buses during the annual Celebrate Fairfax Festival; and
- Provides a procedure for increasing the annual rent payment after August 10, 2016.

FISCAL IMPACT:

The Fairfax Corner Mixed Use, L.C., will continue to pay the County \$50,000 rent per year per the original 2001 Agreement. The rental payment is recalculated effective August 10, 2016, per the original 2001 Agreement. Beginning on August 10, 2017, the payment will increase annually by the same percentage as the Consumer Price Index-Urban (CPI-U) over the previous 12 months.

ENCLOSED DOCUMENTS:

Attachment I: Amended and Restated Lease between Board of Supervisors of Fairfax County Virginia and Fairfax Corner Mixed Use, L.C.

STAFF:

Anthony H. Griffin, County Executive
Robert A. Stalzer, Deputy County Executive
Katharine D. Ichter, Director, Fairfax County Department of Transportation (FCDOT)
Alan Weiss, Office of the County Attorney
Tom Biesiadny, FCDOT
Carl Winstead, FCDOT

Board Agenda Item
May 4, 2009

INFORMATION - 1

Local Comment Letter to the Virginia Housing Development Authority on Westminster Oaks (Mount Vernon District)

The Virginia Housing Development Authority (VHDA) has requested a letter of comment (local support letter) from the County concerning the application for federal housing tax credits. The application was submitted by SP Springfield GP Inc. who will be the General Partner of the Ownership entity, SP Springfield LP:

Westminster Oaks
8227 Maple Leaf Court
Springfield, VA 22153

The developer listed above intends to apply to VHDA for Low Income Housing Tax Credits (LIHTC). The following table summarizes the type of construction, type of development, total number of units, total affordable units and population to be served.

| Project Name | Construction | Development Type | Total Units | Affordable Units | Tenant Population |
|---------------------|---------------------|-------------------------|--------------------|-------------------------|--------------------------|
| Westminster Oaks | Rehab | Townhouses | 50 | 50 | Family |

This existing project will contribute toward meeting the County's goal of preserving existing affordable housing. As described in Attachment 3, VHDA accepts letters in support of proposed projects applying for tax credits. Local support letters in the form of Attachment 1 will qualify the proposed projects for 50 points in VHDA's scoring of the applications. Letters stating opposition to the development stating the development is inconsistent with current zoning or other applicable land use regulations, the development will receive 0 points. A letter reflecting no comment or a letter of opposition or support which do not meet the criteria set forth above is submitted to VHDA, the proposed project applications receive 25 points. County policy requires that the Board be informed of Consolidated Plan certifications and similar letters of comment.

Unless directed otherwise by the Board, the County Executive will sign the attached letter of support for Westminster Oaks and forward it to VHDA for consideration with the tax credit application.

Board Agenda Item
May 4, 2009

ENCLOSED DOCUMENTS:

Attachment 1 – Draft Letter to the Virginia Housing Development Authority

Attachment 2 – Certification of Consistency with the Consolidated Plan

Attachment 3 – Notification Letter

STAFF:

Verdia L. Haywood, Deputy County Executive

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

John Payne, Deputy Director, Real Estate, HCD

Aseem K. Nigam, Director, Real Estate Finance and Grants Management Division, HCD

Molly Norris, Acting Associate Director, Real Estate Finance, HCD

Derek DuBard, Real Estate Finance Officer, HCD

Board Agenda Item
May 4, 2009

INFORMATION - 2

Local Comment Letter to the Virginia Housing Development Authority on Buckman Road Apartments (Lee District)

The Virginia Housing Development Authority (VHDA) has requested a letter of comment (local support letter) from the County concerning the application for federal housing tax credits. The application was submitted by Buckman Road Development LLC:

Buckman Road Apartments
3426 Buckman Road
Alexandria, VA 22039

The developer listed above intends to apply to VHDA for Low Income Housing Tax Credits (LIHTC). The following table summarizes the type of construction, type of development, total number of units, total affordable units and population to be served.

| Project Name | Construction | Development Type | Total Units | Affordable Units | Tenant Population |
|-------------------------|---------------------|-------------------------|--------------------|-------------------------|--------------------------|
| Buckman Road Apartments | Rehab | Garden Apartments | 204 | 145 | Family |

This existing project will contribute toward meeting the County's goal of preserving existing affordable housing. As described in Attachment 3, VHDA accepts letters in support of proposed projects applying for tax credits. Local support letters in the form of Attachment 1 will qualify the proposed projects for 50 points in VHDA's scoring of the applications. Letters stating opposition to the development stating the development is inconsistent with current zoning or other applicable land use regulations, the development will receive 0 points. A letter reflecting no comment or a letter of opposition or support which do not meet the criteria set forth above is submitted to VHDA, the proposed project applications receive 25 points. County policy requires that the Board be informed of Consolidated Plan certifications and similar letters of comment.

Unless directed otherwise by the Board, the County Executive will sign the attached letter of support for Buckman Road Apartments and forward it to VHDA for consideration with the tax credit application.

Board Agenda Item
May 4, 2009

ENCLOSED DOCUMENTS:

Attachment 1 – Draft Letter to the Virginia Housing Development Authority

Attachment 2 – Certification of Consistency with the Consolidated Plan

Attachment 3 – Notification Letter

STAFF:

Verdia L. Haywood, Deputy County Executive

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

John Payne, Deputy Director, Real Estate, HCD

Aseem K. Nigam, Director, Real Estate Finance and Grants Management Division, HCD

Molly Norris, Acting Associate Director, Real Estate Finance, HCD

Derek DuBard, Real Estate Finance Officer, HCD

Board Agenda Item
May 4, 2009

10:40 a.m.

Matters Presented by Board Members

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Board Agenda Item
May 4, 2009

11:30 a.m.

CLOSED SESSION:

- (a) Discussion or consideration of personnel matters pursuant to Virginia Code § 2.2-3711(A) (1).
- (b) Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Virginia Code § 2.2-3711(A) (3).
- (c) Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, and consultation with legal counsel regarding specific legal matters requiring the provision of legal advice by such counsel pursuant to Virginia Code § 2.2-3711(A) (7).
 - 1. Authorization to Hire Outside Law Firm for the Collection of Delinquent Taxes and Other Fees Due to the County
 - 2. Krispy Kreme Doughnut Corporation and Damaged Sewer Facilities Serving the Gunston Commerce Center (Tax Map Nos. 113-3((1)) Parcels 5E, 5F, 5G, 5H1, 5H2, 5H3, 5J, and 5K1) (Mount Vernon District)
 - 3. Wrongful Death Claim of the Estate of Debra Chiles
 - 4. Continuity of Government Planning (Countywide)
 - 5. *Kirk Wiles, Jane Kincheloe Wiles, and Paradise Springs Winery, LLC v. Board of Zoning Appeals for Fairfax County, Virginia*, Case No. CL-2009-0003136 (Fx. Co. Cir. Ct.) (Springfield District)
 - 6. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Cesia C. Rivera*, Case No. CL-2008-0011521 (Fx. Co. Cir. Ct.) (Lee District)
 - 7. *Eileen M. McLane, Fairfax County Zoning Administrator v. Daniel F. Sturdivant, II*, Case No. CL-2008-0006954 (Fx. Co. Cir. Ct.) (Lee District)

8. *Eileen M. McLane, Fairfax County Zoning Administrator v. Lucia O. Palacio*, Case No. CL-2008-0005849 (Fx. Co. Cir. Ct.) (Providence District)
9. *Eileen M. McLane, Fairfax County Zoning Administrator v. Duane L. Hecox, Carolyn Day Hecox, and Wallace E. Day, Jr.*, Case No. CL-2008-0001326 (Fx. Co. Cir. Ct.) (Springfield District)
10. *Eileen M. McLane, Fairfax County Zoning Administrator v. Jose O. Montecino and Maria Montecino*, CL-2009-0005331 (Fx. Co. Cir. Ct.) (Sully District)
11. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Leo S. Morrison*, Case No. CL-2008-0012787 (Fx. Co. Cir. Ct.) (Dranesville District)
12. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Idania Maria Barahona and Gixeis J. Barahona*, Case No. CL-2008-0016021 (Fx. Co. Cir. Ct.) (Lee District) (Strike Team Case)
13. *Eileen M. McLane, Fairfax County Zoning Administrator v. Juan A. Argueta and Maria D. Argueta, a/k/a Maria D'Angeles Argueta*, Case No. CL-2008-0004425 (Fx. Co. Cir. Ct.) (Lee District) (Strike Team Case)
14. *Eileen M. McLane, Fairfax County Zoning Administrator v. Pablo Almanza and Marcelina Almanza*, Case No. CL-2008-0016413 (Fx. Co. Cir. Ct.) (Braddock District)
15. *William E. Shoup, Fairfax County Zoning Administrator v. Thanh Truong, a.k.a. Thich Van Dam*, Case No. CL-2006-0001577 (Fx. Co. Cir. Ct.) (Providence District)
16. *Eileen M. McLane, Fairfax County Zoning Administrator v. Athenie F. Munoz*, Case No. CL-2008-0009340 (Fx. Co. Cir. Ct.) (Lee District)
17. *Jane W. Gwinn, Fairfax County Zoning Administrator v. William A. Clark, Jr., and Susan L. Clark*, Case No. CL-2009-0004536 (Fx. Co. Cir. Ct.) (Springfield District)
18. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. William F. Flores*, Case No. CL-2008-0007755 (Fx. Co. Cir. Ct.) (Sully District)

19. *Eileen M. McLane, Fairfax County Zoning Administrator v. William S. French, III, and Ann R. French*, Case No. CL-2008-0016979 (Fx. Co. Cir. Ct.) (Dranesville District)
20. *Eileen M. McLane, Fairfax County Zoning Administrator v. Savon Ok, Yeng Skam, and Makaravee Ok*, Case No. CL-2008-0016940 (Fx. Co. Cir. Ct.) (Lee District) (Strike Team Case)
21. *Eileen M. McLane, Fairfax County Zoning Administrator v. Marta A. Cortez*, Case No. CL-2009-0001067 (Fx. Co. Cir. Ct.) (Lee District)
22. *Eileen M. McLane, Fairfax County Zoning Administrator v. Ahmad Zia Safari and Inayet Nadri*, Case No. CL-2008-0016692 (Fx. Co. Cir. Ct.) (Mount Vernon District)
23. *Eileen M. McLane, Fairfax County Zoning Administrator v. Robert Wayne Oliver*, Case No. CL-2009-0000810 (Fx. Co. Cir. Ct.) (Springfield District)
24. *Eileen M. McLane, Fairfax County Zoning Administrator v. Juana Flores and Oscar A. Coreas*, Case No. CL-2008-0016022 (Fx. Co. Cir. Ct.) (Lee District)
25. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Ercilia Vargas and Walter Vargas*, Case No. CL-2009-0002073 (Fx. Co. Cir. Ct.) (Lee District) (Strike Team Case)
26. *Eileen M. McLane, Fairfax County Zoning Administrator v. Rony Rigoberto Hernandez*, Case No. CL-2009-0005120 (Fx. Co. Cir. Ct.) (Mason District) (Strike Team Case)
27. *Eileen M. McLane, Fairfax County Zoning Administrator v. Tania Soto-Yapura*, Case No. CL-2009-0005284 (Fx. Co. Cir. Ct.) (Mason District) (Strike Team Case)
28. *Eileen M. McLane, Fairfax County Zoning Administrator v. Deborah R. Hakenson and Melvin E. Hakenson*, Case No. CL-2009-0005303 (Fx. Co. Cir. Ct.) (Lee District)
29. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Janine R. Perky*, Case No. CL-2009-0005395 (Fx. Co. Cir. Ct.) (Providence District)

30. *Eileen M. McLane, Fairfax County Zoning Administrator v. Steven C. Bryant*, Case No. CL-2009-0005546 (Fx. Co. Cir. Ct.) (Sully District)
31. *Eileen M. McLane, Fairfax County Zoning Administrator v. Rafat Mahmood and Shaista Mahmood*, Case No. CL-2009-0005621 (Fx. Co. Cir. Ct.) (Mount Vernon District)
32. *Jimmie D. Jenkins, Director, Fairfax County Department of Public Works and Environmental Services v. Matthew Q. Pugsley and Barbara T. Pugsley*, Case No. CL-2009-0005807 (Fx. Co. Cir. Ct.) (Springfield District)
33. *Eileen M. McLane, Fairfax County Zoning Administrator v. Trung Dinh-Chi Phan*, Case No. 09-0006933 (Fx. Co. Gen. Dist. Ct.) (Lee District)
34. *Eileen M. McLane, Fairfax County Zoning Administrator v. Tram Le and Phong Le*, Case No. 09-0006931 (Fx. Co. Gen. Dist. Ct.) (Providence District)
35. *Eileen M. McLane, Fairfax County Zoning Administrator v. Crystal Lewis*, Case No. 09-0006932 (Fx. Co. Gen. Dist. Ct.) (Lee District)
36. *Eileen M. McLane, Fairfax County Zoning Administrator v. Sergio Ferrufino and Emma Salazar*, Case Nos. 09-0007962 and 09-0007963 (Fx. Co. Gen. Dist. Ct.) (Mason District)
37. *Eileen M. McLane, Fairfax County Zoning Administrator v. Yonis A. Rodriguez and Belen P. Rodriguez*, Case Nos. 09-0009169 and 09-0009171 (Fx. Co. Gen. Dist. Ct.) (Sully District)
38. *Eileen M. McLane, Fairfax County Zoning Administrator v. Goher N. Khan*, Case No. 08-0009869 (Fx. Co. Gen. Dist. Ct.) (Lee District)
39. *Eileen M. McLane, Fairfax County Zoning Administrator v. Robert D. Scrimshaw and Teresa Marie Scrimshaw*, Case Nos. 09-0009387 and 09-0009388 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
40. *Board of Supervisors of Fairfax County, Virginia v. CCI Herndon SA, LLC*, Case No. CL-2009-0005253 (Fx. Co. Cir. Ct.) (Sully District)

Board Agenda Item
May 4, 2009

3:30 p.m.

Public Hearing on RZ 2008-LE-014 (OPUS East, L.L.C.) to Rezone from I-5 and C-8 to C-4 to Permit Commercial Development with an Overall Floor Area Ratio of 1.5, Located on Approximately 14.98 Acres, Lee District

and

Public Hearing on SE 2008-LE-028 (OPUS East, L.L.C.) to Permit a Hotel and an Increase in Building Height from 120 feet up to a Maximum of 150 feet, Located on Approximately 14.98 Acres Zoned C-4, Lee District

The application property is located on the west side of Backlick Road approximately 500 feet north of the intersection of Fullerton Road and Backlick Rd at 7800 Backlick Road, Tax Map 99-1 ((1)) 22 and 23A; 99-1 ((5)) 3 and 4.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission public hearings have been deferred to April 30, 2009. The Commission's recommendations will be forwarded to the Board of Supervisors subsequent to that date.

ENCLOSED DOCUMENTS:

None. Staff Report previously furnished.

STAFF:

Regina Coyle, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)
St. Clair Williams, Staff Coordinator, Zoning Evaluation Division, DPZ

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Board Agenda Item
May 4, 2009

3:30 p.m.

Public Hearing on SE 2007-MA-034 (TD Bank, N.A.) to Permit a Drive-In Financial Institution in a Highway Corridor Overlay District and Modifications and Waivers in the CRD, Located on Approximately 28,083 Square Feet Zoned C-8, HC, CRD and SC, Mason District

The application property is located at 7209 Little River Turnpike, Tax Map 71-1 ((1)) 89.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission public hearing was held on Wednesday, March 18, 2009 and decision was deferred for one week. On Wednesday, March 25, 2009, the Commission voted 10-0-1 (Commissioner Harsel abstaining; Commissioner Litzenberger not present for the vote) to recommend that the Board of Supervisors deny SE 2007-MA-034. The Planning Commission expressed concern about the number of waivers and modifications necessitated by the proposed use as well as concerns about the proposed entrance and the negative impact to onsite traffic circulation.

ENCLOSED DOCUMENTS:

None. Staff Report previously furnished.

STAFF:

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

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Board Agenda Item
May 4, 2009

3:30 p.m.

Public Hearing on SEA 84-M-012 (Quan Q. Nguyen & Ngan T. Nguyen) to Amend SE 84-M-012 Previously Approved for an Office to Permit Modifications to Development Conditions (Hours of Operation), Located on Approximately 20,713 Square Feet Zoned R-5, HC and SC, Mason District

The application property is located at 4217 Evergreen Lane, Tax Map 71-2 ((2)) 27.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission public hearing will be held on Thursday, April 30, 2009. The Commission's recommendation will be forwarded to the Board of Supervisors subsequent to that date.

ENCLOSED DOCUMENTS:

None. Staff Report previously furnished.

STAFF:

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

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Board Agenda Item
May 4, 2009

4:00 p.m.

Public Hearing on Proposed Plan Amendment S09-IV-LP1 Located Northwest of the South County Secondary School, South of Silverbrook Road and North of Laurel Crest Drive (Mount Vernon District)

ISSUE:

Plan Amendment (PA) S09-IV-LP1 involves Tax Map Parcels 98-3 ((1)) 25 and 107-3 ((1)) 19 (pt.), located within the Laurel Hill Community Planning Sector in the Lower Potomac Planning District. Fairfax County Public Schools is planning for the development of a South County Middle School, and owns an approximately 40-acre parcel (Tax Map 98-3 ((1)) 25) that is planned for this purpose. Located between the planned Middle School site and the South County Secondary School is an approximately 40-acre parcel (a portion of Tax Map 107-3 ((1)) 19), owned by the Fairfax County Park Authority that is planned for public park uses. The proposed Plan Amendment would revise the Comprehensive Plan recommendations for the properties to facilitate a land swap that would allow the Middle School to be developed on the current Park site, adjacent to the existing South County Secondary School. This adjacency would facilitate shared recreational and educational opportunities. The current Middle School site would be developed with public park uses.

PLANNING COMMISSION RECOMMENDATION:

On Wednesday, April 15, 2009, the Planning Commission voted unanimously (Commissioner Murphy absent from the meeting) to recommend that the Board of Supervisors adopt the attached Planning Commission alternative, dated April 15, 2009, to the staff recommendation for Plan Amendment S09-IV-LP1, with the following revision: On page 3, revise the first indented bullet by replacing the word “shall” with the word “should.”

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors adopt the staff recommendation as shown on Pages 8-10 of the Staff Report, dated April 1, 2009 (see Attachment 1). The recommendation would revise Comprehensive Plan text to facilitate the proposed land exchange.

TIMING:

Planning Commission public hearing— April 15, 2009
Board of Supervisors’ public hearing – May 4, 2009

Board Agenda Item
May 4, 2009

BACKGROUND:

On January 12, 2009, the Board of Supervisors authorized PA S09-IV-LP1 to evaluate a proposed land exchange between Fairfax County Public Schools and the Fairfax County Park Authority in Laurel Hill. The proposed land exchange will allow the South County Middle School to be developed adjacent to the existing South County Secondary School. This adjacency would facilitate shared recreational and educational opportunities. The subject properties (Tax Map Parcels 98-3 ((1)) 25 and 107-3 ((1)) 19 (pt.)) are located within the Laurel Hill Community Planning Sector in the Lower Potomac Planning District. Fairfax County Public Schools owns an approximately 40-acre parcel (Tax Map 98-3 ((1)) 25) that is planned for a Middle School. Located between the planned Middle School site and the South County Secondary School is an approximately 40-acre parcel (a portion of Tax Map 107-3 ((1)) 19), owned by the Fairfax County Park Authority that is planned for public park uses. The proposed Plan Amendment would revise the Comprehensive Plan recommendations for the properties to facilitate a land swap that would allow the Middle School to be developed on the current Park site. The current Middle School site would be developed with public park uses. The proposed Plan text reflects the new uses for each site.

FISCAL IMPACT:

None

ENCLOSED DOCUMENTS:

Attachment 1 - Staff Report for Proposed Plan Amendment S09-IV-LP1
Attachment 2 – Planning Commission Recommendation and Verbatim

STAFF:

James Zook, Director, Department of Planning and Zoning (DPZ)
Fred Selden, Director, Planning Division, DPZ
Chris Caperton, Laurel Hill Project Coordinator, DPZ
Leanna O'Donnell, Planner III, DPZ

Board Agenda Item
May 4, 2009

4:00 p.m.

Public Hearing for the De-Creation/Re-Creation of a Small Sanitary District for Leaf Collection Service (Providence District)

ISSUE:

Board of approval of the De-Creation/Re-Creation of a Small Sanitary Districts for leaf collection service.

RECOMMENDATION:

The County Executive recommends that the Board approve the proposed petition within Providence District.

| <u>Sanitary District</u> | <u>Action</u> | <u>Service</u> | <u>Recommendation</u> |
|---|---------------|----------------|-----------------------|
| Small District 2 | De-Create/ | Remove | Approve |
| Within Providence District (Pine Ridge area) | Re-Create | From Leaf | |

TIMING:

The Board authorization to advertise on March 30, 2009, for a public hearing on May 4, 2009, at 4:00 p.m.

BACKGROUND:

The administrative responsibility for the Creation/Enlargement/De-Creation/Re-Creation of Small and Local Sanitary Districts in the County of Fairfax for refuse/recycling and/or leaf collection is with the Department of Public Works and Environmental Services. The establishment of sanitary districts is accomplished through the action of the Board of Supervisors at public hearings.

The submitted petition has been reviewed, and it is recommended that the submitted petition be approved. If approved, the modification will become permanent in July 2009.

FISCAL IMPACT:

None

Board Agenda Item
May 4, 2009

ENCLOSED DOCUMENTS:

Attachment 1: Summary Sheet

Attachment 2: Data Sheet with Resolution and Map

STAFF:

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

Howard J. Guba, Deputy Director, DPWES