

**FAIRFAX COUNTY
BOARD OF SUPERVISORS
JANUARY 12, 2009**

AGENDA

9:30	Done	Presentations
10:00	Done	Board Organization and Appointments of Board Members to Various Regional and Internal Boards and Committees
10:00	Done	Items Presented by the County Executive

**ADMINISTRATIVE
ITEMS**

1	Approved	Authorization to Advertise a Public Hearing to Expand the Lake Braddock Community Parking District (Braddock District)
2	Approved	Authorization to Advertise a Public Hearing to Establish the Lakeford Community Parking District (Providence District)
3	Approved	Authorization to Advertise a Public Hearing to Establish the Cherry Run Community Parking District (Springfield District)
4	Approved	Extension of Review Periods for 2232 Review Applications (Dranesville, Lee, Mount Vernon, and Sully Districts)
5	Approved	Streets into the Secondary System (Braddock, Lee, Providence, Springfield and Sully Districts)
6	Approved	Adoption of a Resolution for the Economic Development Authority to Issue Revenue Bonds for the Benefit of Capital Hospice
7	Approved	Supplemental Appropriation Resolution AS 09100 for the Fairfax County Fire and Rescue Department to Accept Funding from the Virginia Department of Transportation to Support the Implementation of the I-495 High Occupancy Traffic Lanes Transportation Management Plan
8	Approved	Supplemental Appropriation Resolution AS 09097 for the Health Department to Accept Grant Funding from the United States Department of Agriculture Through the Virginia Department of Health for the Women, Infants, and Children Grant
9	Approved	Approval of Traffic Calming Measures, Installation of "\$200 Additional Fine for Speeding" Signs, and "Watch for Children" Signs as Part of the Residential Traffic Administration Program (Sully, Hunter Mill, Lee and Providence Districts)

**FAIRFAX COUNTY
BOARD OF SUPERVISORS
JANUARY 12, 2009**

**ADMINISTRATIVE
ITEMS**

(continued)

10	Approved	Board of Supervisors' Meeting Schedule for Calendar Year 2009
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ACTION ITEMS

1	Approved	Resolution for Reimbursement of Capital Expenditures from the Proceeds of the Sale of Sewer Revenue Bonds
2	Withdrawn	Fairfax Corner Temporary License Agreement (Springfield District)
3	Approved w/amendment	Testimony for Public Hearing on Commonwealth of Virginia's Revision to the Six-Year Improvement Program for Highway and Transit Funds FY 2009 Through FY 2014

INFORMATION ITEMS

1	Noted	Planning Commission Action on Application 2232-D08-21, Department of Public Works and Environmental Services (Great Falls Volunteer Fire Station) (Dranesville District)
2	Noted	Planning Commission Action on Application 2232-P08-16, AT&T Mobility (Providence District)
3	Noted	Contract Award – Frying Pan Farm Park, Phase 1 Equestrian Barn Replacement (Hunter Mill District)
4	Noted	Contract Award – Quander Road at West Potomac High School (Mount Vernon District)
5	Noted	Fairfax County Awarded AAA Credit Rating
10:30	Done	Matters Presented by Board Members
11:20	Done	Closed Session

PUBLIC HEARINGS

3:30	Approved	Public Hearing on PCA 78-C-098-03 (Gregor, LLC) (Hunter Mill District)
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**FAIRFAX COUNTY
BOARD OF SUPERVISORS
JANUARY 12, 2009**

**PUBLIC HEARINGS
(continued)**

3:30	Public hearing deferred to 3/30/09 at 3:30 p.m.	Public Hearing on PCA 2004-LE-012 (Redbrick Development Group, LLC and MDP Groveton, LLC) (Lee District)
3:30	Approved	Public Hearing on SEA 83-D-030-08 (The Madeira School, Inc.) (Dranesville District)
3:30	Public hearing deferred to 2/9/09 at 3:30 p.m.	Public Hearing on SE 2008-MA-020 (Woodlake Towers Condominium Unit Owners Association) (Mason District)
3:30	Approved	Public Hearing on SEA 2002-MA-003 (T-Mobile Northeast LLC/Trustees of The Sleepy Hollow United Methodist Church) (Mason District)
4:00	Approved	Public Hearing to Consider an Ordinance Amending County Code Relating to Election Precincts (Hunter Mill, Mount Vernon, and Springfield Districts)
4:00	Approved	Public Hearing for the Conveyance of County-Owned Property to the Virginia Department of Transportation for the Woodrow Wilson Bridge Project (Lee District)
4:00	Approved w/amendment	Public Hearing to Obtain Citizen Input for the Department of Community and Recreation Services' Grant Application to the Commonwealth of Virginia for Funding Under the Federal Transit Administration (FTA) Section 5310 Program for Three Replacement Vehicles



Fairfax County, Virginia
BOARD OF SUPERVISORS
AGENDA

Monday
January 12, 2009

9:30 a.m.

PRESENTATIONS

1. CERTIFICATE – To recognize the team members of the Southwestern Youth Association (SYA) East 9-10 year old Little League All-Stars for their achievement. Requested by Supervisors Herrity and Frey.
2. RESOLUTION – To honor the life of Sami Kalifa and his dedication to the residents of Fairfax County. Requested by Vice Chairman Bulova and Supervisors Gross, Herrity and McKay.
3. CERTIFICATE – To recognize staff from Fairfax County and Fairfax County Public Schools for their work on the Budget Community Dialogues. Requested by Vice Chairman Bulova.

STAFF:

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

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Board Agenda Item
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10:00 a.m.

Board Organization and Appointments of Board Members to Various Regional and Internal Boards and Committees

ENCLOSED DOCUMENTS:

Listing of Interjurisdictional Committees and Inter- and Intra- Governmental Boards and Committees for Calendar Year 2009

STAFF:

Nancy Vehrs, Clerk to the Board of Supervisors

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Board Agenda Item
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10:00 a.m.

Items Presented by the County Executive

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Board Agenda Item
January 12, 2009

ADMINISTRATIVE - 1

Authorization to Advertise a Public Hearing to Expand the Lake Braddock Community Parking District (Braddock 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 expand the Lake Braddock Community Parking District (CPD).

RECOMMENDATION:

The County Executive recommends that the Board authorize advertisement of a public hearing for February 9, 2009, at 4:00 p.m. (Attachment III) to consider adoption of a Fairfax County Code amendment (Attachment I) to expand the Lake Braddock CPD in accordance with current CPD restrictions.

TIMING:

The Board of Supervisors should take action on January 12, 2009, to provide sufficient time for advertisement of the public hearing on February 9, 2009, at 4:00 p.m.

BACKGROUND:

Fairfax County Code Section 82-5B-2 authorizes the Board to expand 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

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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 expand a CPD if: (1) the Board receives a petition requesting such an expansion 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, and (3) the Board receives an application fee of \$10 for each petitioning property address in the proposed CPD.

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

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

FISCAL IMPACT:

The cost of sign installation is estimated at \$150 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 Lake Braddock CPD 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, Sr. Transportation Planner, FCDOT

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ADMINISTRATIVE - 2

Authorization to Advertise a Public Hearing to Establish the Lakeford Community
Parking District (Providence District)

ISSUE:

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

RECOMMENDATION:

The County Executive recommends that the Board authorize advertisement of a public hearing for February 9, 2009, at 4:00 p.m. (Attachment III) to consider adoption of a Fairfax County Code amendment (Attachment I) to establish the Lakeford CPD in accordance with current CPD restrictions.

TIMING:

The Board of Supervisors should take action on January 12, 2009, to provide sufficient time for advertisement of the public hearing on February 9, 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

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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 Lakeford 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 \$1000 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 Lakeford CPD
Attachment III: Notice of Public Hearing

STAFF:

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

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ADMINISTRATIVE - 3

Authorization to Advertise a Public Hearing to Establish the Cherry Run 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 Cherry Run Community Parking District (CPD).

RECOMMENDATION:

The County Executive recommends that the Board authorize advertisement of a public hearing for February 9, 2009, at 4:00 p.m. (Attachment III) to consider adoption of a Fairfax County Code amendment (Attachment I) to establish the Cherry Run CPD in accordance with current CPD restrictions.

TIMING:

The Board of Supervisors should take action on January 12, 2009, to provide sufficient time for advertisement of the public hearing on February 9, 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

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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 Cherry Run 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 \$1,600 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 Cherry Run CPD

Attachment III: Notice of Public Hearing

STAFF:

Robert A. Stalzer, Deputy County Executive

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

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

Maria Turner, Sr. Transportation Planner, FCDOT

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ADMINISTRATIVE – 4

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

ISSUE:

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

RECOMMENDATION:

The County Executive recommends that the Board extend the review periods for the following applications: applications FS-L08-86, FS-L08-94 and FS-V08-95 to March 16, 2009; application FS-Y08-110 to March 19, 2009; and FS-D08-112 to March 21, 2009.

TIMING:

Board action is required on January 12, 2009, to extend the review periods of the applications noted above before their expirations.

BACKGROUND:

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

The Board should extend the review periods for applications FS-L08-86, FS-L08-94, FS-V08-95, FS-Y08-110, and FS-D08-112 listed below, which were accepted for review by the Department of Planning and Zoning between October 17, 2008, and October 22, 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:

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- FS-L08-86 Cricket Communications
Antenna colocation on existing monopole
7711 Loisdale Road
Lee District
- FS-L08-94 Cricket Communications
Antenna colocation on existing monopole/light pole
5801 Franconia Road (Edison High School)
Lee District
- FS-V08-95 Cricket Communications
Rooftop antennas
6677 Richmond Highway
Mount Vernon District
- FS-Y08-110 T-Mobile Northeast LLC
Antenna colocation inside stealth chimney
5675 Stone Road
Sully District
- FS-D08-112 Verizon Wireless
Antenna colocation inside replacement steeple
8980 Brook Road
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

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ADMINISTRATIVE – 5

Streets into the Secondary System (Braddock, Lee, 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>
The Reserve at Martins Pointe Section 2	Braddock	Danas Crossing Drive
		Abernathy Court
		Lindsey Meadow Court
		Brandon Ridge Way
		Zion Drive (Route 654) (Additional Right-of-Way (ROW) Only)
Autumn Chase Hunt Section 4	Lee	Zion Drive (Route 654) (Additional ROW Only)
		Schurtz Street
National Automobile Dealers Association	Providence	Beulah Street, Route 613 (Additional ROW Only)
		Leesburg Pike (Route 7) (Additional ROW Only)
Warren H. & Elaine N. McConnell Accotink Academy	Springfield	Westpark Drive (Route 5061) (Additional ROW Only)
		Tuttle Road (#824) (Additional ROW Only)

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<u>Subdivision</u>	<u>District</u>	<u>Street</u>
Willow Oaks at Fair Lakes Section 1	Springfield	Fair Lakes Parkway (Route. 7700) (Additional ROW Only)
Holland Property	Springfield	Westbrook Drive (Route. 1258) (Additional ROW Only)
Murray Farms Fair Oaks Hospital	Sully	Rugby Road (Route 750) (Additional ROW Only)
		Rugby Road (Route 750) (Additional ROW Only)
		Ox Trail (Route 6985) (Additional ROW Only)
		Alder Woods Drive (Route 7201) (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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ADMINISTRATIVE – 6

Adoption of a Resolution for the Economic Development Authority to Issue Revenue Bonds for the Benefit of Capital Hospice

ISSUE:

Board adoption of a resolution for the Fairfax County Economic Development Authority to issue up to \$7,200,000 revenue bonds pursuant to the plan of financing of Capital Hospice.

RECOMMENDATION:

The County Executive recommends that the Board adopt the attached resolution.

TIMING:

Board action is requested on January 12, 2009.

BACKGROUND:

The Fairfax County Economic Development Authority has received a request from Capital Hospice (“Hospice”), to issue its revenue bonds in an amount not to exceed the sum of \$7.2 million. The purpose of the bonds will be to finance the acquisition of new facilities to be located on approximately 1.28 acres of land at 2900 Telstar Court, Falls Church, Fairfax County, Virginia. The new facility will consist of a three-story office building which will be the new headquarters for Hospice and will serve Fairfax County and the metropolitan area.

FISCAL IMPACT:

None

ENCLOSED DOCUMENTS:

Attachment 1 - Resolution of the Board of Supervisors

Attachment 2 - Certificate of Public Hearing with supporting documents

STAFF:

Gerald L. Gordon, Director, Fairfax County Economic Development Authority

Thomas O. Lawson, Counsel to Fairfax County Economic Development Authority

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ADMINISTRATIVE – 7

Supplemental Appropriation Resolution AS 09100 for the Fairfax County Fire and Rescue Department to Accept Funding from the Virginia Department of Transportation to Support the Implementation of the I-495 High Occupancy Traffic Lanes Transportation Management Plan

ISSUE:

Board approval of Supplemental Appropriation Resolution AS 09100 for the Fairfax County Fire and Rescue Department to accept funding from the Virginia Department of Transportation (VDOT) to provide funding for Safety/Liaison officers to serve as the department's primary contacts for matters related to the construction of Capital Beltway High Occupancy Traffic (HOT) Lanes. Funding not to exceed \$618,913 annually will provide resources to cover expenses to implement 3/3.0 SYE grant positions and purchase all needed equipment. Funding will be provided for the duration of the construction period, anticipated to be late 2012. No Local Cash Match will be required.

RECOMMENDATION:

The County Executive recommends that the Board approve Supplemental Appropriation Resolution AS 09100 for the Fairfax County Fire and Rescue Department to accept annual funding from VDOT for the HOT Lanes Project and accept the agreement between the Fire and Rescue Department and the Virginia Department of Transportation.

TIMING:

Board approval is requested on January 12, 2009.

BACKGROUND:

The I-495 HOT Lanes Project construction zone in Virginia will take place along the Capital Beltway (I-495) between the American Legion Bridge and the Springfield Interchange (I-95/395), adding approximately 11 miles of additional traffic lanes. The HOT lanes will utilize a variable-rate pricing system, which changes the toll rates throughout the day to maintain high traffic speeds for faster travel through two additional lanes in both northbound and southbound directions. The project is a public-private venture with VDOT in partnership with Capital Beltway Express, LLC (CBE). CBE will operate the toll lanes once the project is completed.

The Incident Management Plan, designed to reduce or alleviate congestion and enhance the mobility of vehicular travel during the construction period, involves VDOT, Virginia State Police, and Fairfax County Police and Fire and Rescue Departments. The Fire and Rescue Department will provide additional resources to support incident preparedness, training, communications, mitigation, and post incident analysis required to implement the Incident Management Plan.

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The coverage area includes Braddock Road (Route 620), Little River Turnpike (Route 236), Gallows Road (Route 650), Arlington Blvd. (US-50), I-66, Chain Bridge Road (Route 123), Leesburg Pike (Route 7), and the Dulles Toll Road, which have ramps leading to the Capital Beltway. Also included are Lee Highway (Route 29), Idylwood Road, Oak Street, and Lewinsville Road which are arterials with bridges that transverse the Capital Beltway.

Responsibilities include:

- Develop and implement training for department units;
- Serve as liaison between multi-jurisdictional fire and rescue units;
- Provide Incident Command Staff member;
- Conduct after action critiques with Fire, Police and VDOT; and
- Collect, analyze, and monitor intelligence reports to prepare for impacts on regional transportation infrastructure.

Initial construction has begun on the project and is expected to be completed by late 2012. Upon approval of the MOU by the Board, the Fire and Rescue Department can commence work with VDOT.

FISCAL IMPACT:

Funding in the amount of \$618,913 annually through 2012 will be available from VDOT to fully reimburse the Fairfax County Fire and Rescue Department for salaries, equipment, and operating costs of three safety/liason officers. Funding will be provided by VDOT on a reimbursement basis using authorized State billing procedures. Acceptance of this funding will not increase the expenditure level in Fund 102, Federal/State Grants, as funds are held in reserve for unanticipated grant awards. This agreement does not allow the recovery of indirect costs. No Local Cash Match is required.

CREATION OF NEW POSITIONS:

This award includes funding to support 3/3.0 SYE grant Captain I (F-25) positions. The County has no obligation to fund these positions when the performance period ends.

ENCLOSED DOCUMENT:

Attachment 1—Memorandum of Understanding from the Virginia Department of Transportation
Attachment 2—Supplemental Appropriation Resolution AS 09100

STAFF:

Robert A. Stalzer, Deputy County Executive
Chief Ronald L. Mastin, Fire Chief
Chief David L. Rohr, Assistant Fire Chief

ADMINISTRATIVE – 8

Supplemental Appropriation Resolution AS 09097 for the Health Department to Accept Grant Funding from the United States Department of Agriculture Through the Virginia Department of Health for the Women, Infants, and Children Grant

ISSUE:

Board approval of Supplemental Appropriation Resolution AS 09097 for the Health Department to accept funding in the amount of \$391,913 from the United States Department of Agriculture through the Virginia Department of Health for funding to continue services under the Women, Infants, and Children (WIC) Grant for Fiscal Year 2009. This amount is in addition to funding of \$1,899,192 approved by the Board of Supervisors on September 8, 2008, under AS 09017. Each year the State uses a formula to distribute federal dollars. The formula is based on average WIC participation and maternity participation over the last 12 months. The increase will allow the Health Department to continue funding positions created during the year as a result of 15 percent participation growth during FY 2008 in addition to increases in related travel, training and supplies. The funding period for this award is October 1, 2008 through September 30, 2009. No Local Cash Match is required to accept this award. The grant will allow the Health Department to continue to certify eligible families for WIC food packages, provide counseling to at-risk and high-risk families, and continue lactation promotion activities.

RECOMMENDATION:

The County Executive recommends that the Board approve Supplemental Appropriation Resolution AS 09097 for the Health Department to accept funding from the United States Department of Agriculture through the Virginia Department of Health in the amount of \$391,913 for the WIC Grant.

TIMING:

Board action is requested on January 12, 2009, as funds became available October 1, 2008. Fairfax County was notified of the additional funds on November 25, 2008.

BACKGROUND:

WIC is a federally-funded nutrition program for pregnant and post partum women, infants, and children up to age 5. Participants must meet medical and financial criteria. If eligible, participants receive nutrition counseling and vouchers for specific foods (e.g., milk, juice, and cheese). Participants are certified every six months and receive

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vouchers every three months. The Health Department has been providing WIC services for over 20 years. WIC has over 17,000 active participants.

FISCAL IMPACT:

The Health Department will receive a total of \$2,291,105 of which \$1,899,192 was approved by the Board of Supervisors on September 8, 2008, under AS 09017. No Local Cash Match is required. Acceptance of this grant does not increase the appropriation level of Fund 102, Federal/State Grant Fund, as funds are held in reserve for anticipated grant awards in FY 2009. Indirect cost recovery is not available under this grant.

CREATION OF NEW POSITIONS:

In FY 2009, funding is sufficient to support a total of 24/24.0 SYE grant positions; 23 positions are ongoing and one additional SYE grant position will be created as a result of this increased funding. Funding will also support necessary limited-term staff, as well as related travel and educational supplies. The County has no obligation to continue funding these positions if grant funding is discontinued.

ENCLOSED DOCUMENTS:

Attachment 1: Supplemental Appropriation Resolution AS 09097

Attachment 2: Award letter from State Health Department

Attachment 3: Spreadsheet from State Health Department indicating award amount

STAFF:

Verdia L. Haywood, Deputy County Executive

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

Esther Walker, Assistant Director of Patient Care Services

ADMINISTRATIVE - 9

Approval of Traffic Calming Measures, Installation of "\$200 Additional Fine for Speeding" Signs, and "Watch for Children" Signs as Part of the Residential Traffic Administration Program (Sully, Hunter Mill, Lee and Providence Districts)

ISSUE:

Board endorsement of traffic calming plans, "\$200 Additional Fine for Speeding" signs, and "Watch for Children" signs, as part of the Residential Traffic Administration Program (RTAP).

RECOMMENDATION:

The County Executive recommends that the Board endorse the traffic calming plans for Cobra Drive/Kinross Circle (Attachment I), and Garrett Street (Attachment II) consisting of the following:

- One speed hump on Cobra Drive (Sully District).
- Two speed humps and two raised crosswalks on Kinross Circle (Sully District).
- One raised crosswalk and multi-way stop on Garrett Street (Hunter Mill District).

The County Executive further recommends approval of a resolution (Attachments III & IV) for the installation of "\$200 Additional Fine for Speeding" signs on the following road:

- Old Courthouse Road between Beulah Road / Trap Road and west corporate limits of the Town of Vienna and Old Courthouse Road between east corporate limits of the Town of Vienna and Gosnell Road (Hunter Mill District).

The County Executive further recommends approval for "Watch for Children" signs at the following intersections (Attachment V):

- Seven Woods Drive and Buckman Road (Lee District).
- Briarwood Farms Court (Providence 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 January 12, 2009.

BACKGROUND:

Traffic calming employs the use of physical devices such as speed humps, speed tables, raised pedestrian crosswalks, chokers, median islands, or traffic circles to reduce the speed

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January 12, 2009

of traffic on a residential street. For Cobra Drive, Kinross Circle, and Garrett Street, a plan for each road was approved by staff and the Virginia Department of Transportation (VDOT), and the traffic calming plans were subsequently submitted for approval to residents of the petition area in each community. On December 2, 2008, (Cobra Drive and Kinross Circle), and December 5, 2008, (Garrett Street), the Department of Transportation received written verification from the appropriate local supervisor confirming community support.

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. Old Courthouse Road between Beulah Road/ Trap Road and west corporate limits of the Town of Vienna and Old Courthouse Road between east corporate limits of the Town of Vienna and Gosnell Road, meets the RTAP requirements for posting of the "\$200 Additional Fine for Speeding" signs. On November 13, 2008, the Department of Transportation received written verification from the local supervisor confirming community support.

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 sign will be effectively located and will not be in conflict with any other traffic control devices. On November 25, 2008, (Seven Woods Drive), and December 12, 2008, (Briarwood Farms Court) the Department of Transportation received written verification from the appropriate local supervisor confirming community support for the referenced "Watch for Children" signs.

FISCAL IMPACT:

The estimated cost of \$40,000 is to be paid out of the VDOT secondary road construction budget.

ENCLOSED DOCUMENTS:

Attachment I: Traffic Calming Plan - Cobra Drive and Kinross Circle

Attachment II: Traffic Calming Plan - Garrett Street

Attachment III: \$200 Fine for Speeding Signs Resolution - Old Courthouse Road

Attachment IV: Area Map of Proposed \$200 Fine for Speeding Signs - Old Courthouse Road

Attachment V: "Watch for Children" Signs Resolution - Seven Woods Drive, Briarwood Farms Court

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January 12, 2009

STAFF:

Robert A. Stalzer, Deputy County Executive

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

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

William P. Harrell, Transportation Planner, FCDOT

Steven K. Knudsen, Transportation Planner, FCDOT

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ADMINISTRATIVE – 10

Board of Supervisors' Meeting Schedule for Calendar Year 2009

ISSUE:

Board of Supervisors' adoption of a meeting schedule for January through December, 2009.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors adopt the meeting schedule for January through December, 2009.

TIMING:

The Board should take action on January 12, 2009.

BACKGROUND:

At the September 8, 2008, meeting of the Board of Supervisors, the Board adopted a meeting schedule for January through December.

The *Code of Virginia*, Section 15.2-1416, requires the governing body to establish the days, times and places of its regular meetings at the annual meeting, which is the first meeting of the year. Therefore, the schedule for the entire 2009 calendar is presented for Board approval. The section further states that "meetings shall be held on such days as may be prescribed by resolution of the governing body but in no event shall less than six meetings be held in each fiscal year."

Scheduled meetings may be adjourned and reconvened as the Board may deem necessary, and the Board may schedule additional meetings or adjust the schedule of meetings approved at the annual meeting, after notice required by Virginia law, as the need arises.

ENCLOSED DOCUMENTS:

January-December, 2009 Schedule for Board of Supervisors' Meetings

STAFF:

Catherine A. Chianese, Assistant County Executive

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January 12, 2009

ACTION - 1

Resolution for Reimbursement of Capital Expenditures from the Proceeds of the Sale of Sewer Revenue Bonds

ISSUE:

Board approval of a reimbursement resolution relating to proceeds of future sales of Sewer Revenue Bonds.

RECOMMENDATION:

The County Executive recommends that the Board approve the attached reimbursement resolution.

TIMING:

Board action approving the Bond Resolution is requested on January 12, 2009, to give the County maximum flexibility in funding the County's share of plant upgrade costs at the Alexandria Sanitation Authority, District of Columbia Water and Sewer Authority (Blue Plains), and Arlington County wastewater treatment facilities as well as the County's Noman M. Cole Pollution Control Plant. If the interest on the Sewer Revenue Bonds to be issued to provide permanent financing for the expenditures made after November 12, 2008, for these projects is to be exempt from federal income tax, the Board must adopt the appended resolution.

BACKGROUND:

Proceeds from future bond sales of Sewer Revenue Bonds will be used to fund a portion of the 5-year, \$525 million Capital Improvement Program (CIP). Area wastewater treatment plants are being upgraded to meet stringent water quality standards set by Environmental Protection Agency (EPA). A major portion of the CIP, nearly 60 percent, reflects the costs of constructing nitrogen removal facilities at wastewater treatment plants to comply with new discharge requirements imposed by the state and the Chesapeake Bay Program. Design and construction activity has already started at all major treatment plants in the area; compliance with nutrient standards is expected in the 2010 – 2012 timeframe.

Staff anticipates that approximately \$300 million in Sewer Revenue Bonds will be needed to support this planned program of expenditures in the next five years. Significant expenditures have already been made in FY 2009 in accordance with the approved budget and the CIP. The first bond issue is anticipated before the end of the fiscal year.

Under Treasury Regulation §1.150-2, interest on bonds, such as the County's Sewer

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Revenue Bonds, can be exempt from federal income tax where proceeds are to be used to reimburse the issuer for expenditures made more than 60 days prior to the date of issue of the bonds only if the issuer has expressed its "official intent" to reimburse itself for such expenditures. Since staff recommends reimbursement of capital expenditures for these projects made as early as mid-November 2008 ,and a declaration of official intent is effectively retroactive for only expenditures made not more than 60 days' prior to the declaration, the Board must adopt the appended resolution at its January 12, 2009 meeting, if it is to issue tax-exempt bonds to reimburse itself for such expenditures and similar ones made thereafter. "Preliminary expenditures," such as architectural and engineering expenditures are not subject to the declaration of official intent requirement to the extent that they do not exceed 20% of the principal amount of the future bond issues.

FISCAL IMPACT:

Approval of this resolution will preserve the County's ability to reimburse the Sewer Funds from bond proceeds for approximately \$20 million of expenditures for these projects estimated to be made in the 60-day period prior to January 12, 2009. Until now the capital expenditures have been supported by available cash on hand reserved in the Sewer Funds for this purpose.

Wastewater Management would expect to request the Board to authorize the issuance of Sewer Revenue Bonds prior to the end of this fiscal year. Debt service payments will be due within one year of debt issuance. The amount of the debt service payments will depend on the amount of debt issued. Multiple bond issues may be appropriate if the current bond market environment continues. Currently, at 6.0% interest rate, semi-annual payments, and a 30-year debt service term, \$150 million in bonds would require a \$10.8 million annual debt service. Since debt service payments would be funded in Fund 403, Sewer Bond Parity Debt Service, the General Fund is not affected. Wastewater Management will also explore the option of seeking approval from the Department of Environmental Quality for funding through the Virginia Resources Authority.

ENCLOSED DOCUMENTS:

Attachment I – Reimbursement Resolution

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
January 12, 2009

ACTION - 2

Fairfax Corner Temporary License Agreement (Springfield District)

ISSUE:

Board approval of a Temporary License Agreement with Fairfax Corner Mixed Use L.C./Peterson Management and Fairfax County to permit Fairfax Connector buses to utilize land located in the northwest portion of the shopping center parking lot to conduct operator skill and defensive driver training.

RECOMMENDATION:

The County Executive recommends that the Board approve, in substantial form, the attached Temporary License Agreement with Fairfax Corner Mixed Use L.C./Peterson Management and authorize the Director of Transportation to execute the finalized agreement on behalf of Fairfax County.

TIMING:

Board action is requested on January 12, 2009, to allow Fairfax Connector buses to conduct skill and defensive driving training beginning January 24, 2009, or the commencement of the next scheduled January class.

BACKGROUND:

In order to permit Fairfax Connector buses to utilize the northwest parking area of Fairfax Corner Center, FCDOT staff has identified a site located at Random Hills Road and Government Center Parkway. We have requested to utilize this site for Connector Bus operator skill and defensive driving training.

Negotiations between the two parties resulted in the identification of a location, specifics of the types of training to be conducted, driving skill and defensive driving techniques, duration of training to be conducted every other month, and times of the training. The provision of liability insurance for the County's bus contractor (Veolia Transportation) will be handled through the Virginia Transit Liability Pool (VTLP). The duration of the agreement is for one (1) year unless terminated at an earlier date by either party. The proposed License Agreement is included as Attachment I.

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FISCAL IMPACT:

There is no fiscal impact as a result of this agreement.

ENCLOSED DOCUMENTS:

Attachment I: Fairfax Corner Metro Parcel Temporary License Agreement

STAFF:

Robert. A. Stalzer, Deputy County Executive

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

Rollo C. Axton, Chief, Transit Services Division; FCDOT

Thomas N. Black, Section Chief, Transportation, FCDOT

Board Agenda Item
January 12, 2009



ACTION - 3

Testimony for Public Hearing on Commonwealth of Virginia's Revision to the Six-Year Improvement Program for Highway and Transit Funds FY 2009 Through FY 2014

ISSUE:

On December 18, 2008, the Commonwealth Transportation Board (CTB) at its combined workshop and meeting released a mid-year revision of the Fiscal Years 2009-2014 Six-Year Improvement Program (SYIP) in response to the declining state and federal transportation revenues. The revision included \$1.3 billion in anticipated cuts to highway and transit projects and programs in response to a \$2.6 billion reduction in overall state and federal transportation revenue. Reductions of \$1.3 billion were already taken when the Program was adopted in June 2008. The public hearing will be held on January 13, 2009, at 7:00 p.m., at the Fairfax County Government Center, Fairfax County Board Room, Fairfax, Virginia.

RECOMMENDATION:

The County Executive recommends that the Board approve the attached letter to Secretary Pierce Homer, Attachment I, transmitting the recommendations of the Board and emphasizing its concerns regarding the reductions to Interstate, Primary, and Public Transportation projects.

TIMING:

Action should be taken on this item on January 12, 2009, so that the position of the Board can be presented to the Commonwealth Transportation Board (CTB) at the Six-Year Program Public Hearing to be held in Northern Virginia on January 13, 2009.

BACKGROUND:

The CTB began an unusual mid-year revision of the FY 2009 through FY 2014 Six-Year Improvement Program during its monthly meeting on December 18, 2008. The Virginia Department of Transportation (VDOT) draft released to the CTB details \$1.3 billion in proposed reductions to highway projects and adjustments to public transit projects in response to a \$2.6 billion reduction in overall state and federal transportation revenue. Additional reductions to the program are likely to follow as the recently announced December revenue reduction is addressed. Reductions to administrative programs and other services will account for more than \$1 billion in cost cutting measures.

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The CTB has scheduled public hearings across the state to receive testimony regarding the reductions to the Interstate, Primary, and Public Transportation projects. They have indicated that comments received at the public hearings will be used to formulate a revision to the allocation of FY 2009 funds and to update the Six-Year Program and finalize the revised program in January 2009.

In the draft plan released to the CTB on December 18, 2009, the \$10.6 billion program adopted in June 2008, was reduced to \$9.3 billion with cuts to all highway systems including:

- \$615 million in interstate funds
- \$240 million in primary road funds
- \$199 million in secondary road funds
- \$90 million in urban road funds

The draft plan focuses on maximizing federal funding, continuing project phases that are already underway, and developing needed safety, bridge, and reconstruction of existing infrastructure projects. However, there were more needs than funding available.

Attachment I of the Board item contains a letter to Secretary Homer transmitting the comments of the Board.-

FISCAL IMPACT:
None.

ENCLOSED DOCUMENTS:
Attachment I: Letter to Secretary Homer

STAFF:
Robert A. Stalzer, Deputy County Executive
Katharine D. Ichter, Director, Department of Transportation (FCDOT)
Ellen Gallagher, Chief, Capital Projects and Operations Division, FCDOT
Thomas Biesiadny, Chief, Coordination and Funding Division, FCDOT
Rollo Axton, Chief, Transit Services Division, FCDOT
Michael Lake, Coordination and Funding Division, FCDOT

Board Agenda Item
January 12, 2009

INFORMATION - 1

Planning Commission Action on Application 2232-D08-21, Department of Public Works and Environmental Services (Great Falls Volunteer Fire Station) (Dranesville District)

On Thursday, December 4, 2008, the Planning Commission voted unanimously (Commissioner Hall not present for the vote; Commissioner Lusk absent from the meeting) to approve 2232-D08-21.

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

Application 2232-D08-21 sought approval to construct a replacement fire station at the existing Great Falls volunteer fire station location at 9916 Georgetown Pike in Great Falls Village, about six miles northwest of I-495. Tax Map 13-1 ((1)) 2.

ENCLOSED DOCUMENTS:

Attachment 1: Verbatim excerpts from 12/4/08 Commission meeting

Attachment 2: Vicinity map

STAFF:

Robert A. Stalzer, Deputy County Executive

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

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

Barbara J. Lipka, Executive Director, Planning Commission Office

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Board Agenda Item
January 12, 2009

INFORMATION - 2

Planning Commission Action on Application 2232-P08-16, AT&T Mobility (Providence District)

On Thursday, December 11, 2008, the Planning Commission voted unanimously (Commissioners Flanagan, Hall, and Litzenberger absent from the meeting) to approve 2232-P08-16.

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

Application 2232-P08-16 sought approval to construct a 20' addition to an existing 103' stadium light pole/monopole with up to six wireless flush-mounted telecommunications antennas and related equipment cabinets at Oakton High School, located at 2900 Sutton Road, Vienna. (Tax Map 48-1 ((1)) 111).

ENCLOSED DOCUMENTS:

Attachment 1: Verbatim excerpts from 12/11/08 Commission meeting

Attachment 2: Vicinity map

STAFF:

Robert A. Stalzer, Deputy County Executive

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

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

Barbara J. Lippa, Executive Director, Planning Commission Office

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Board Agenda Item
January 12, 2009

INFORMATION – 3

Contract Award – Frying Pan Farm Park, Phase 1 Equestrian Barn Replacement
(Hunter Mill District)

Thirteen sealed bids were received and opened on Tuesday, November 18, 2008, for the Phase 1 replacement of equestrian barns and related work at Frying Pan Farm Park, in Project 475804, Building Renovation and Expansion, Fund 370, Park Authority Bond Construction. The scope of work for the project includes demolishing four existing barns, and constructing two replacement barns (90 and 50 stall configurations) along with supporting infrastructure and utilities.

This project is included in the FY 2009 – FY 2013 Adopted Capital Improvement Program.

The lowest responsive and responsible bidder is Hammerhead Construction of Dulles, Virginia. Their total bid (base bid plus add alternates 1-3) of \$2,123,106 is \$646,894, or 23.4% below the Park Authority's pre-bid cost estimate of \$2,770,000. The second lowest bid of \$2,175,000 is \$51,894, or 2.4% above the low bid, and the highest bid of \$4,051,302 is \$1,928,196, or 90.8% above the low bid. Staff reviewed a breakdown of Hammerhead Construction's bid and concluded that their bid was lower than anticipated because structural fill material is available at no cost in this weak construction market, and the cost to demolish and dispose of the existing barns can be offset by the salvage value of the material. The resulting cost reductions were not considered in the pre-bid cost estimate.

Based on their financial capability and construction experience Hammerhead Construction is considered to be a responsible contractor and holds an active Virginia Class A Contractor's License.

The Department of Tax Administration has verified that Hammerhead Construction has the appropriate Fairfax County Business, Professional and Occupational License (BPOL).

On December 10, 2008, the Fairfax County Park Authority Board approved the contract award.

Unless otherwise directed by the Board of Supervisors, the Park Authority will proceed to award this contract to Hammerhead Construction in the amount of \$2,123,106.

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FISCAL IMPACT:

Based on the post-bid update, funding in the amount of \$2,590,266 is necessary to award this contract and to fund the associated contingency, administrative costs, and other project-related costs. Funds are currently appropriated in the amount of \$2,590,266 in Project 475804, Building Renovation and Expansion, Fund 370, Park Authority Bond Construction to award this contract, and to fund the associated contingency, administrative costs, and other project related costs.

ENCLOSED DOCUMENTS:

Attachment 1: Bid Results
Attachment 2: Scope of Work
Attachment 3: Cost Estimate
Attachment 4: Site Plan

STAFF:

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

Board Agenda Item
January 12, 2009



INFORMATION -4

Contract Award – Quander Road at West Potomac High School (Mount Vernon District)

Eight sealed bids were received and opened on Wednesday, December 3, 2008, for construction of Quander Road at West Potomac High School, Project No. 4YP201 (PB042), Fund 304, Transportation Improvements. This project provides for construction of approximately 500 linear feet of concrete sidewalk, pavement, curb and gutter, storm drainage, traffic signal modification, relocation of existing water line, and other related items. This project is included in the adopted FY 2009 – FY 2013 Capital Improvement Program and is part of the 4-Year Transportation Improvement Program.

The lowest responsive and responsible bidder is Ashburn Contracting Corp. The firm's bid of \$239,924.50 is \$8,150.50 or 3.52% higher than the Engineer's Estimate of \$231,774.00. The second lowest bid of \$249,798.65 is \$9,874.15 or 4.12% above the low bid. The highest bid of \$365,109.20 is \$125,184.70 or 52.18% above the low bid.

Ashburn Contracting Corp. has satisfactorily completed several County projects and is considered a responsible bidder. The Department of Tax Administration has verified that Ashburn Contracting Corp. has the appropriate Fairfax County Business, Professional and Occupational License. Ashburn Contracting Corp. is a small, minority owned business.

This bid may be withdrawn after January 17, 2009.

Unless otherwise directed by the Board of Supervisors, the Department of Public Works and Environmental Services will proceed to award this contract to Ashburn Contracting Corp. in the amount of \$239,924.50.

FISCAL IMPACT:

Funding in the amount of \$344,000.00 is necessary to award this contract and to fund the associated contingency and other related costs including contract administration, inspection, and fees. Funds are currently available in the amount of \$11,109,920 in Project 4YP201, Pedestrian Task Force Recommendations, Fund 304, Transportation Improvements. The remaining balance in the project will be retained to complete other pedestrian task force recommendation projects.

Board Agenda Item
January 12, 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

INFORMATION – 5

Fairfax County Awarded AAA Credit Rating

In preparation for the 2009 bond sale scheduled for January 13th, the County requested a bond rating from Moody's Investors Service, Standard and Poor's Corporation and Fitch Ratings. All three rating agencies gave the County a triple-A rating with a stable outlook. Retention of the triple-A is crucial during these uncertain economic times and a testament to the strong and consistent financial management practiced by the County for many years. In particular, each of the rating agencies reported that the County's outlook was stable, meaning that despite the recent decline in assessed values, all three rating agencies consider the impact to be well within the County's ability to continue to provide essential services and ensure payments to bondholders. All three expect the County to take appropriate management action to mitigate the fiscal stress and ensure long-term viability.

In the ratings reports received, the County's self imposed financial and debt management guidelines have been mentioned as strengths by all three rating services. Fitch noted, "Fitch expects the county will be able to absorb the effects of the housing market downturn given the depth and breadth of the local economy" and "Fitch anticipates the county's continued adherence to sound financial management practices, conservative budgeting, and proven ability to make adjustments during economic downturns will result in generally stable operations." Moody's said "the AAA rating reflects Moody's expectation of long-term stability for the County's large and diverse economy despite the current housing downturn, continued prudent financial management and affordable debt levels." Moody's also expects "the county will make necessary revenue and expenditure modifications to ensure structurally balanced operations and maintain adequate reserves." Standard & Poor's noted, "The stable outlook signifies Fairfax County's strong economy, large property tax base, excellent financial management, and moderate overall debt burden. The slowdown in the housing market and assessed valuation (AV) will continue to put pressure on the county's near term budget, but proactive steps already instituted and planned are indicative of strong financial management." Moody's and S&P in particular also indicated a close watch will be maintained on the county's pension and Other Post-Employment Benefits (OPEB) liabilities.

The County has held the AAA rating from Moody's since 1975, an AAA rating from Standard and Poor's since 1978, and received an AAA rating from Fitch Ratings for the first time in 1997. As of December 29, 2008, only 7 states, 22 counties and 23 cities in the nation have a triple-A rating from all of these leading rating agencies.

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FISCAL IMPACT:

It should be noted that since 1978, the County has saved approximately \$257.93 million on bond sales due to its Triple-A rating on new public improvement bonds. Including refunding sales, the County has saved over \$364.39 million as a result of the AAA rating.

ENCLOSED DOCUMENTS:

None.

STAFF:

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

Board Agenda Item
January 12, 2009

10:30 a.m.

Matters Presented by Board Members

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Board Agenda Item
January 12, 2009

11:20 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. *Geoff Livingston, et al. v. County of Fairfax and Virginia Department of Transportation*, Case No. CL-2008-0008875 (Fx. Co. Cir. Ct.)
 - 2. *Request of Edward J. Nuttall, Esquire, for Reimbursement of Attorney's Fees and Costs in Defending Fairfax County Police Officer Amanda Perry*
 - 3. *Salvatore J. Culosi, et al. v. Fairfax County, Virginia, et al.*, Case No. 1:07cv266 (E.D. Va.)
 - 4. *Michael Ku v. Schaefer Pyrotechnics, Inc., et al.*, Case No. CL-2008-0003303 (Fx. Co. Cir. Ct.); *Conley Ku v. Schaefer Pyrotechnics, Inc., et al.*, Case No. CL-2008-0003317 (Fx. Co. Cir. Ct.)
 - 5. *Eugenia B. White v. Fairfax County Government*, Case No. 1:07cv696 (E.D. Va.) and Case No. 08-2179 (4th Cir.) (White I)
 - 6. *Eugenia B. White v. Fairfax County Government*, Case No. 1:08cv418 (E.D. Va.) (White II)
 - 7. *Eugenia B. White v. Fairfax County Government*, Case No. 1:08cv1110 (E.D. Va.) (White III)

8. *Janet Lyon Haight, Conservator of the Estate of Jay Richard Lyon v. Robert Carlson, et al.*, Case No. CL-2008-0000671 (Fx. Co. Cir. Ct.)
9. *Michael L. Orem v. Richard Perl and Masoud Azadfroz*, Case No. CL-2008-0010186 (Fx. Co. Cir. Ct.)
10. *Notice of Claim: E. Scott Frison, Jr.*
11. *Deborah Imperato-Fieger v. Commonwealth of Virginia, Town of Vienna, and Fairfax County*, Case No. CL-2008-0015707 (Fx. Co. Cir. Ct.)
12. *Nahom F. Beyene v. J.W. Andrea*, Case No. CL-2008-0015943 (Fx. Co. Cir. Ct.)
13. *Carrhomes, LLC v. Board of Supervisors of Fairfax County, Virginia*, Case No. CL-2008-0009776 (Fx. Co. Cir. Ct.) (Mount Vernon District)
14. *Board of Supervisors of Fairfax County, Virginia, and Eileen M. McLane, Fairfax County Zoning Administrator v. Board of Zoning Appeals of Fairfax County, Virginia, and Hermilio Machicao*, Case No. CL-2008-0010800 (Fx. Co. Cir. Ct.); *Eileen M. McLane, Fairfax County Zoning Administrator v. Hermilio Machicao and J.A.M. Homes, Inc.*, Case No. CL-2008-0016138 (Fx. Co. Cir. Ct.) (Lee District)
15. *Eileen M. McLane, Fairfax County Zoning Administrator v. Jose A. Sanchez, Candida R. Sanchez, and Caroline M. Hervo-Akendengue Smith*, Case No. CL-2008-0002003 (Fx. Co. Cir. Ct.) (Lee District)
16. *Eileen M. McLane, Fairfax County Zoning Administrator v. Robert Purdy, Jr.*, Case No. CL-2008-0009693 (Fx. Co. Cir. Ct.) (Mount Vernon District)
17. *Eileen M. McLane, Fairfax County Zoning Administrator v. Rene Sorto*, Case No. CL-2006-0014416 (Fx. Co. Cir. Ct.) (Lee District)
18. *Eileen M. McLane, Fairfax County Zoning Administrator v. Wilber E. Sorto*, Case No. CL-2007-0015536 (Fx. Co. Cir. Ct.) (Lee District)
19. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Dorothy E. Young and Leon A. Young*, Case No. CL-2007-0010490 (Fx. Co. Cir. Ct.) (Mount Vernon District)

20. *Eileen M. McLane, Fairfax County Zoning Administrator v. Sonia G. Munoz*, Case No. CL-2007-0015538 (Fx. Co. Cir. Ct.) (Mount Vernon District)
21. *Eileen M. McLane, Fairfax County Zoning Administrator v. Jose A. Rodriguez and Doris Garcia Cordova*, Case No. CL-2007-0012673 (Fx. Co. Cir. Ct.) (Lee District)
22. *Eileen M. McLane, Fairfax County Zoning Administrator v. Miguel C. Miranda and Irma Dalila Miranda*, Case No. CL-2008-0011751 (Fx. Co. Cir. Ct.) (Mason District)
23. *Eileen M. McLane, Fairfax County Zoning Administrator v. Mohamad J. Al-Khalaf and Manal M. Fahmy*, Case No. CL-2008-0010091 (Fx. Co. Cir. Ct.) (Providence District)
24. *Eileen M. McLane, Fairfax County Zoning Administrator v. Jorge A. Lagarteira and Maria A. Lagarteira*, Case No. CL-2007-0014790 (Fx. Co. Cir. Ct.) (Mason District)
25. *Eileen M. McLane, Fairfax County Zoning Administrator v. Mirna Moreno*, Case No. CL-2008-0009111 (Fx. Co. Cir. Ct.) (Lee District)
26. *Eileen M. McLane, Fairfax County Zoning Administrator v. Benjamin Yavari*, Case No. CL-2008-0010092 (Fx. Co. Cir. Ct.) (Lee District)
27. *Eileen M. McLane, Fairfax County Zoning Administrator v. Federal, Inc.*, Case No. CL-2008-0004974 (Fx. Co. Cir. Ct.) (Sully District)
28. *Eileen M. McLane, Fairfax County Zoning Administrator v. Pedro Otero and Blanca Rose Otero*, Case No. CL-2008-0010922 (Fx. Co. Cir. Ct.) (Dranesville District)
29. *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)
30. *Eileen M. McLane, Fairfax County Zoning Administrator v. Johnny Ramos Pinto and Marisol Pinto*, Case No. CL-2008-0010799 (Fx. Co. Cir. Ct.) (Providence District)

31. *Eileen M. McLane, Fairfax County Zoning Administrator v. Rose Mary King*, Case No. CL-2008-0012699 (Fx. Co. Cir. Ct.) (Mason District)
32. *Eileen M. McLane, Fairfax County Zoning Administrator v. Emma Portillo and Juan Pablo Guzman*, Case No. CL-2008-0013109 (Fx. Co. Cir. Ct.) (Sully District)
33. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Khoa Nguyen*, Case No. CL-2008-0009339 (Fx. Co. Cir. Ct.) (Lee District)
34. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Peter P. Mitrano and Virginia L. Mitrano*, Case No. CL-2008-0013342 (Fx. Co. Cir. Ct.) (Springfield District)
35. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Frank Rowe*, Case No. CL-2008-0013676 (Fx. Co. Cir. Ct.) (Braddock District)
36. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Seville Homes, LLC*, Case No. CL-2008-0011675 (Fx. Co. Cir. Ct.) (Providence District)
37. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Jose Osmin Alvarado and Edgardo Osmin Alvarado*, Case No. CL-2008-0011676 (Fx. Co. Cir. Ct.) (Lee District)
38. *Washington D.C. SMSA Limited Partnership, d/b/a Verizon Wireless v. Fairfax County Board of Zoning Appeals*, Case No. CL-2008-0014622 (Fx. Co. Cir. Ct.) (Mount Vernon District)
39. *Eileen M. McLane, Fairfax County Zoning Administrator v. The Melvin Gelman Trust and ARPA Enterprises, Inc.*, Case No. CL-2008-0015529 (Fx. Co. Cir. Ct.) (Providence District)
40. *Eileen M. McLane, Fairfax County Zoning Administrator v. Juan Carlos Justiniano*, Case No. CL-2008-0014799 (Fx. Co. Cir. Ct.) (Lee District)

41. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Juan C. Justiniano*, Case No. CL-2008-0015614 (Fx. Co. Cir. Ct.) (Lee District)
42. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Thomas R. L'ecuyer*, Case No. CL-2008-0015328 (Fx. Co. Cir. Ct.) (Sully District)
43. *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)
44. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Victor Chi*, Case No. CL-2008-0015530 (Fx. Co. Cir. Ct.) (Providence District)
45. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Carmen Garcia*, Case No. CL-2008-0015613 (Fx. Co. Cir. Ct.) (Mason District) (Strike Team Case)
46. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Mariano Lopez Perez*, Case No. CL-2008-0015613 (Fx. Co. Cir. Ct.) (Mason District)
47. *Eileen M. McLane, Fairfax County Zoning Administrator v. Ahmad Bakhshi and Talat Bakhshi*, Case No. CL-2008-0015615 (Fx. Co. Cir. Ct.) (Lee District)
48. *Eileen M. McLane, Fairfax County Zoning Administrator v. Alvaro Hernandez*, Case No. CL-2008-0015768 (Fx. Co. Cir. Ct.) (Mason District)
49. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Susan W. Butler*, Case No. CL-2008-0015767 (Fx. Co. Cir. Ct.) (Mount Vernon District)
50. *Eileen M. McLane, Fairfax County Zoning Administrator v. Ju Wan Ryu*, Case No. CL-2008-0015857 (Fx. Co. Cir. Ct.) (Lee District)

51. *Eileen M. McLane, Fairfax County Zoning Administrator v. Luat Cong Dinh, Thin Thi Dinh, Trang Cong Dinh, and Duc Tien Dinh*, Case No. CL-2008-0015901 (Fx. Co. Cir. Ct.) (Providence District)
52. *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)
53. *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)
54. *Eileen M. McLane, Fairfax County Zoning Administrator v. Derlis A. Arnez, Rosario Arnez, and Carmen R. Arnez*, Case No. CL-2008-0016093 (Fx. Co. Cir. Ct.) (Lee District)
55. *Eileen M. McLane, Fairfax County Zoning Administrator v. Santos Funes and Dilia Diaz*, Case No. CL-2008-0016139 (Fx. Co. Cir. Ct.) (Lee District)
56. *Eileen M. McLane, Fairfax County Zoning Administrator v. Sergio Andrade*, Case No. CL-2008-0016277 (Fx. Co. Cir. Ct.) (Sully District)
57. *Eileen M. McLane, Fairfax County Zoning Administrator v. German Andres Camara and Celestina Balderrama Corrales*, Case No. CL-2008-0016276 (Fx. Co. Cir. Ct.) (Mason District)
58. *Eileen M. McLane, Fairfax County Zoning Administrator v. Ominex, Inc., and Belleview SC Co., LLC*, Case No. CL-2008-0016278 (Fx. Co. Cir. Ct.) (Mount Vernon District)
59. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Timothy A. Veto*, Case No. CL-2008-0016333 (Fx. Co. Cir. Ct.) (Dranesville District)
60. *Eileen M. McLane, Fairfax County Zoning Administrator v. Edgar Uriona*, Case No. CL-2008-0016332 (Fx. Co. Cir. Ct.) (Mason District)
61. *Eileen M. McLane, Fairfax County Zoning Administrator v. Tua Anh Ngo and Ngocnga T. Nguyen*, Case No. CL-2008-0016331 (Fx. Co. Cir. Ct.) (Providence District)

62. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Gregory Miklasiewicz*, Case No. CL-2008-0016330 (Fx. Co. Cir. Ct.) (Braddock District)
63. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Issam Hineidi*, Case No. CL-2008-0016509 (Fx. Co. Cir. Ct.) (Providence District)
64. *Eileen M. McLane, Fairfax County Zoning Administrator v. Pablo Almanza and Marcelina Almanza*, Case No. CL-2008-0016413 (Fx. Co. Cir. Ct.) (Braddock District) (Strike Team Case)
65. *Eileen M. McLane, Fairfax County Zoning Administrator v. Pablo Almanza and Marcelina Almanza*, Case No. CL-2008-0016554 (Fx. Co. Cir. Ct.) (Mason District) (Strike Team Case)
66. *Eileen M. McLane, Fairfax County Zoning Administrator v. Assad Saliba and Roxanne Saliba*, Case No. CL-2008-0016552 (Fx. Co. Cir. Ct.) (Braddock District)
67. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Daniel D. Liang*, Case No. CL-2008-0016553 (Fx. Co. Cir. Ct.) (Mount Vernon District)
68. *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)
69. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. David Strohl and Pamela L. Strohl*, Case No. CL-2008-0016691 (Fx. Co. Cir. Ct.) (Lee District)
70. *Eileen M. McLane, Fairfax County Zoning Administrator v. Tajinder S. Ruprai*, Case No. 2008-0035310 (Fx. Co. Gen. Dist. Ct.) (Providence District)
71. *Eileen M. McLane, Fairfax County Zoning Administrator v. Ghissa P. Torrico and Oscar Torrico*, Case No. 2008-0036353 (Fx. Co. Gen. Dist. Ct.) (Lee District)

72. *Eileen M. McLane, Fairfax County Zoning Administrator v. Mortgage Electronic Registration Systems, Inc.*, Case No. 08-0036352 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
73. *Eileen M. McLane, Fairfax County Zoning Administrator v. Hossein Nilforoush*, Case No. CL-2008-0036594 (Fx. Co. Gen. Dist. Ct.) (Providence District)
74. *Eileen M. McLane, Fairfax County Zoning Administrator v. RMC-Tyco, LLC*, Case No. CL-2008-0036595 (Fx. Co. Gen. Dist. Ct.) (Providence District)
75. *Eileen M. McLane, Fairfax County Zoning Administrator v. Auto Sound Express, Inc., and Kleriotis, LLC*, Case No. CL-2008-0037438 (Fx. Co. Gen. Dist. Ct.) (Lee District)
76. *Target Corp. v. Board of Supervisors, et al.*, Case No. CL-2008-0008197 (Fx. Co. Cir. Ct.) (Countywide)
77. *Costco Wholesale Corp. v. Board of Supervisors, et al.*, Case No. CL-2008-0008198 (Fx. Co. Cir. Ct.) (Springfield and Sully Districts)

Board Agenda Item
January 12, 2009

3:30 p.m.

Public Hearing on PCA 78-C-098-03 (Gregor, LLC) to Amend the Proffers, for RZ 78-C-098 Previously Approved for 60 Multi-Family Residences and a Hotel with an Floor Area Ratio of 0.65 and a Density of 11.57 du/ac to Permit Commercial Development with an Overall FAR of 1.5 as a Development Option, Located on Approximately 5.19 Acres, Zoned PDC, Hunter Mill District

The application property is located on the west side of Old Reston Avenue approximately 400 feet north of its intersection with Sunset Hills Road, Tax Map 17-4 ((1)) 1.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission public hearing will be held on January 8, 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)
St. Clair Williams, Staff Coordinator, Zoning Evaluation Division, DPZ

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Board Agenda Item
January 12, 2009

3:30 p.m.

Public Hearing on PCA 2004-LE-012 (Redbrick Development Group, LLC and MDP Groveton, LLC) to Amend the Proffers for RZ 2004-LE-012 Previously Approved for Mixed Use Development to Permit Site Modifications and Associated Modifications to Proffers and Site Design with an Overall Floor Area Ratio of 1.80, Located on Approximately 4.59 Acres Zoned PRM, CRD and HC, Lee District

Public Hearing on PCA 2004-LE-012 (Redbrick Development Group, LLC and MDP Groveton, LLC) is to be deferred to March 30, 2009, at 3:30 p.m.

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Board Agenda Item
January 12, 2009

3:30 p.m.

Public Hearing on SEA 83-D-030-08 (The Madeira School, Inc.) to Amend SE 83-D-030 Previously Approved for a Private School of General Education to Permit Increases in Student Enrollment from 338 up to 360 and Staff from 105 up to 109, Site Modifications, and Associated Revisions to Development Conditions, Located on Approx. 371.16 Acres Zoned R-E, Dranesville District

The application property is located at 8134 and 8328 Georgetown Pike Tax Map 20-1 ((1)) 14 and 20-2 ((1)) 1.

PLANNING COMMISSION RECOMMENDATION:

On Wednesday, October 22, 2008, the Planning Commission voted unanimously (Commissioner Alcorn absent from the meeting) to recommend the following actions to the Board of Supervisors:

- Approval of SEA 83-D-030-8, subject to the Development Conditions contained in Attachment 1 of the second staff report addendum, with the addition to two new Conditions as follows:
 - “16. The applicant will partner with the Nature Conservancy, or other qualified trail and conservation organizations, to conduct guided tours on the existing trails at least three times per year on the School Campus.”
 - “17. The unique and endangered plant species that are identified in ‘Ecological Communities of the Potomac Gorge in Virginia’ along the riverfront shall continue to be protected and the riverfront area shall be stewarded conscientiously.”
- Modification of the transitional screening requirement along all boundaries to that shown on the SEA Plat;
- Modification of the barrier requirement along all boundaries to that shown on the SEA Plat;
- Reaffirmation of the previously-approved modification of the trail requirement along Georgetown Pike in favor of the previously-granted easement and construction escrow previously posted by the school.

The Planning Commission voted 9-0-2 (Commissioners de la Fe and Hart abstaining; Commissioner Alcorn absent from the meeting) to recommend that the Board waive the requirement for the stream valley trail along the Potomac River for this approval only.

Board Agenda Item
January 12, 2009

ENCLOSED DOCUMENTS:

None. Staff Report previously furnished.

STAFF:

Regina Coyle, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)
Peter Braham, Senior Staff Coordinator, Zoning Evaluation Division, DPZ

Board Agenda Item
January 12, 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.

<p>The applicant has requested a deferral of Public Hearing on SE 2008-MA-020 (Woodlake Towers Condominium Unit Owners Association) to February 9, 2009, at 3:30 p.m.</p>

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
January 12, 2009

3:30 p.m.

Public Hearing on SEA 2002-MA-003 (T-Mobile Northeast LLC/Trustees of the Sleepy Hollow United Methodist Church) to Amend SE 2002-MA-003 Previously Approved for a Church and Child Care Center with a Maximum Daily Enrollment of 99 Students and a Telecommunications Facility to Permit Additional Antennas on an Existing Telecommunications Facility (Monopole) and Associated Modifications to Site Design and Development Conditions, Located on Approximately 5.04 Acres Zoned R-2, Mason District

The application property is located at 3435 Sleepy Hollow Road, Tax Map 60-2 ((33)) 1A and 1B.

PLANNING COMMISSION RECOMMENDATION:

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

- Approval of SEA 2002-MA-003, subject to the Development Conditions dated October 15, 2008;
- Modification of the transitional screening requirements along the four property lines in favor of the existing vegetation, as shown on the SEA Plat; and
- Waiver of the barrier requirements along the northeastern, northwestern and southeastern property boundaries and modification of the barrier requirement along the southwestern property boundary in favor of that shown on the SEA Plat.

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
January 12, 2009

4:00 p.m.

Public Hearing to Consider an Ordinance Amending County Code Relating to Election Precincts (Hunter Mill, Mount Vernon, and Springfield Districts)

ISSUE:

Adoption of an ordinance that proposes to amend Chapter 7 of the Fairfax County Code to (1) divide the McNair precinct to create a new precinct; (2) divide the Laurel Hill precinct to create a new precinct; and (3) divide the Newgate precinct to create two new precincts.

RECOMMENDATION:

The County Executive recommends adoption of the proposed ordinance.

TIMING:

The Board authorized advertisement of this public hearing on December 8, 2008. Board action on January 12, 2009, is necessary to provide sufficient time to complete the federal preclearance process in advance of the 2009 special elections.

BACKGROUND:

Virginia Code permits the governing body of each county and city to establish by ordinance as many precincts as it deems necessary with one polling place for each precinct. The Board of Supervisors is authorized to increase or decrease the number of precincts and alter precinct boundaries and polling place locations subject to the requirements of Virginia Code §§ 24.2-307, 24.2-310 and 24.2-310.1. Virginia Code § 24.2-307 further requires the General Registrar to notify the governing body whenever the number of voters who voted in a precinct in a presidential election exceeds 4,000. Additionally, Virginia Code § 24.2-307 requires the local governing body to adjust any such precinct boundaries within six months so that the redrawn or new precinct(s) will have no more than 5,000 voters.

However, the 2008 General Assembly passed additional legislation that prohibits changes to precinct boundaries beginning February 1, 2009, and extending through May 15, 2011. The purpose of this legislation is to freeze precinct boundaries to facilitate conduct of the 2010 United States Census and any election reapportionment that may follow. This legislation is comparable to the restrictions that were passed in 1998 in order to prepare for the 2000 census and the 2001 redistricting.

Accordingly, after the November 4, 2008, Presidential Election, the General Registrar notified the Board that the number of voters voting in the McNair, Laurel Hill, and Newgate precincts, exceeded 4,000 and that these precincts would need to be divided. Because of

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January 12, 2009

the potential for one or more special elections in early 2009, the Registrar recommended that the polling places for any newly established precincts temporarily remain in the same buildings as the original precincts. He also noted that the precinct boundary freeze would not prohibit future polling places moves when the new "Coppermine" and "Laurel Hill" Elementary Schools are opened in September 2009.

In order to meet the February 1, 2009, statutory deadline and to prepare for the upcoming special elections, the following precinct divisions are presented for immediate consideration:

(1) In Hunter Mill District, the General Registrar recommends dividing the McNair precinct which currently has 6,668 registered voters and had a presidential election turnout of 4,482 voters. This proposal will divide the McNair precinct to create a new precinct named "Coppermine." Both the redrawn McNair precinct and the new Coppermine precinct will continue to vote at the McNair Elementary School located at 2499 Thomas Jefferson Drive, Herndon.

(2) In Mount Vernon District, the General Registrar recommends dividing the Laurel Hill precinct which currently has 5,622 registered voters and had a presidential election turnout of 4,490 voters. This proposal will divide the Laurel Hill precinct to create a new precinct named "Lindsay." Both the redrawn Laurel Hill precinct and the new "Lindsay" precinct will continue to vote at the South County Secondary School located at 8501 Silverbrook Road, Lorton.

(3) In Springfield District, the General Registrar recommends dividing the Newgate precinct which currently has 5,134 registered voters and had a presidential election turnout of 4,173 voters. This proposal will create new precincts named "Newgate North" and "Newgate South." Both Newgate North and Newgate South will continue to vote at the Centreville High School located at 6001 Union Mill Road, Clifton.

FISCAL IMPACT:

Insignificant.

ENCLOSED DOCUMENTS:

Attachment 1 - Virginia Code Pertaining to Election Precincts and Polling Places
Attachment 2 - Summary of Proposed Precinct and Polling Place Changes
Attachment 3 – Maps and Descriptions of Proposed Precinct Boundary Changes
Attachment 4 - Proposed Ordinance

STAFF:

Rokey Suleman, General Registrar
Michael Long, Senior Assistant County Attorney

Board Agenda Item
January 12, 2009

4:00 p.m.

Public Hearing for the Conveyance of County-Owned Property to the Virginia Department of Transportation for the Woodrow Wilson Bridge Project (Lee District)

ISSUE:

Public hearing to convey County-owned property at 5631 and 5635 Telegraph Road to the Virginia Department of Transportation (VDOT) for the Woodrow Wilson Bridge Project.

RECOMMENDATION:

The County Executive recommends that the Board adopt the attached Resolution to convey County-owned property to VDOT, which is required for the Woodrow Wilson Bridge Project.

TIMING:

On December 8, 2008, the Board of Supervisors authorized the advertisement of a public hearing to be held on January 12, 2009, at 4:00 pm.

BACKGROUND:

The Board of Supervisors is the owner of two vacant parcels of real property identified as Tax Map Numbers 083-1-((1)) parcel 43 and parcel 44. The subject properties are located at 5631 and 5635 Telegraph Road and are required for the Telegraph Road Interchange of the Woodrow Wilson Bridge Project. The properties contain 16,803 square feet of land zoned C-8. VDOT is requesting to acquire 4,944 square feet of land, a permanent Utility Easement encumbering the entire remainder and a temporary construction easement of 11,853 square feet.

The land and improvements were acquired by the Fairfax County in May 1991 for the Telegraph Road Project and VDOT recently requested transfer of the portion of land and easements. The Telegraph Road Interchange is scheduled to be completed in 2013. VDOT offered \$230,700 for the land and improvements and \$218,300 for the damages to the remaining land and improvements for a total offer of \$449,000.

Staff recommends the conveyance of the properties to VDOT for the Woodrow Wilson Bridge Project. The offer was reviewed and deemed fair by staff in the Facilities

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Management Department, Department of Public Works and Environmental Services
and the Department of Transportation.

FISCAL IMPACT:

Compensation from VDOT in the amount of \$449,000 will be allocated to Fund 304
Transportation Improvement - Project 006490 Construction Reserve.

ENCLOSED DOCUMENTS:

Attachment 1 – Resolution

Attachment 2 – Tax Map No. 83-1

STAFF:

Jose A. Comayagua, Director, Facilities Management Department

Katharine D. Ichter, Director, Fairfax County Department of Transportation

Howard J. Guba, Department of Public Works and Environment Services

Board Agenda Item
January 12, 2009

4:00 pm.

Public Hearing to Obtain Citizen Input for the Department of Community and Recreation Services' Grant Application to the Commonwealth of Virginia for Funding Under the Federal Transit Administration (FTA) Section 5310 Program for Three Replacement Vehicles

ISSUE:

To obtain citizen input regarding the Board's approval for the Department of Community and Recreation Services (CRS) to apply to and accept funding, if received, from the Virginia Department of Rail and Public Transportation (VDRPT) in the amount of \$156,000. If the application is approved, funds will be used to purchase three wheelchair lift-equipped replacement vehicles. The total cost of the vehicles including needed options is estimated at \$156,000. Of this total, the grant will provide 80 percent funding, or \$124,800. The balance of 20 percent, or \$31,200, in required Local Cash Match will be absorbed within the budget for CRS. No additional county funding is required.

RECOMMENDATION:

The County Executive recommends that the Board authorize CRS to apply for FTA section 5310 grant funds in the amount of \$156,000. Notification of the grant award does not occur until April 2009. Given this timeline, and in consideration of proposed reductions to the FASTRAN system, a decision regarding the acceptance of successful award of funds will be determined by the County Executive upon completion of the FY 2010 Adopted Budget. CRS staff has discussed this scenario with VDRPT, and this approach has been deemed appropriate to afford the county the opportunity to review all possible options that might require different service options and vehicle types.

TIMING:

Board action is requested on January 12, 2009, as the public hearing was authorized for advertisement on December 8, 2008.

BACKGROUND:

The county has the opportunity to apply for FTA Section 5310 funds, through the Commonwealth of Virginia, to purchase three wheelchair lift-equipped vehicles to replace high-mileage FASTRAN vehicles at a total estimated cost of \$156,000. Of this total, the grant will provide \$124,800 in funding to cover 80 percent of the cost of the vehicles. The remaining 20 percent, or \$31,200, in required Local Cash Match will be

Board Agenda Item
January 12, 2009

absorbed within the budget for CRS. No additional county funding is necessary. These vehicles will be used to provide an estimated 19,291 annual rides for senior citizens and people with disabilities. Since 1994, the county has purchased 30 replacement vehicles through this grant program.

The current FASTRAN authorized fleet inventory totals 115 buses. The expected operating life of these vehicles is 8 to 10 years. Factoring this life cycle into replacement planning efforts, the FASTRAN Division anticipates the need to replace 11 to 15 buses each year. The factors utilized to determine the need to replace buses include age, mileage, and historical maintenance records.

Funding for replacement of FASTRAN buses is contained within Fund 503, the Department of Vehicle Services. FASTRAN (through the General Fund) contributes to Fund 503 on an annual basis to maintain the ability to purchase replacement buses as needed. The Federal Transportation Administration (FTA) Section 5310 grant from the Virginia Department of Rail and Public Transportation provides FASTRAN the opportunity to purchase three replacement buses (of the eight needed each year) at a significantly reduced net cost to the county. The award of this grant will allow the FASTRAN replacement fund to save \$124,800. Previous year grant awards have resulted in similar savings to the county and have allowed FASTRAN to keep its annual contributions to the replacement fund at a manageable level.

FISCAL IMPACT:

If the application is approved, the FTA grant will provide 80 percent funding, or \$124,800, of the total purchase of \$156,000. The funding will be paid directly to the vendor by the state. The balance of 20 percent, or \$31,200, in required Local Cash Match will be forwarded to the state by CRS and will be absorbed within the budget for CRS. No additional county funding is required.

ENCLOSED DOCUMENTS:

Attachment 1: Excerpt of FTA Section 5310 - General Program Information
Attachment 2: Advertisement of a Public Hearing and Review and Comment on the Proposed Use of Funds Received under the Federal Transit Administration Section 5310 Grant Program.

STAFF:

Patricia D. Franckewitz, Director, Department of Community and Recreation Services (CRS)
Matthew A. Spruill, Supervisor, FASTRAN, CRS
Al-Hassan Koroma, Transportation Planner, FASTRAN, CRS