FAIRFAX COUNTY
BOARD OF SUPERVISORS
FEBRUARY 9, 2010

AGENDA

8:30	**Postponed** **To be rescheduled**	Reception for Virginia Task Force 1 (VATF-1) Government Center Forum
9:15	**Postponed** **To be rescheduled**	Resolution to Commend Virginia Task Force 1 (VATF-1) Government Center Board of Supervisors Auditorium
9:30	**Postponed** **To be rescheduled**	Presentations
12:00	**Report Approved**	Report on General Assembly Activities
12:00	**Done**	Items Presented by the County Executive
	ADMINISTRATIVE ITEMS	
1	**Approved**	Designation of Plans Examiner Status Under the Expedited Land Development Review Program
2	**Approved**	Authorization to Advertise a Public Hearing on a Proposed Zoning Ordinance Amendment Re: Riding and Boarding Stable Setbacks
3	**Approved**	Authorization to Advertise a Public Hearing on a Proposed Zoning Ordinance Amendment Re: State Code Changes; Editorial and Other Minor Revisions
4	**Approved**	Extension of Review Periods for 2232 Review Applications (Mason and Providence Districts)
5	**Approved**	Authorization for the Fairfax County Department of Systems Management for Human Services to Apply for and Accept Grant Funding from U.S. Department of Justice's Office on Violence Against Women Through the FY 2010 Community-Defined Solutions to Violence Against Women Program
6	**Withdrawn**	Authorization to Advertise a Public Hearing to Sublease County Leased Property to New Cingular Wireless PCS, LLC (AT&T Mobility) (Lee District)
7	**Withdrawn**	Authorization to Advertise a Public Hearing to Sublease County Leased Property to Clear Wireless LLC a Nevada Limited Liability Company (Lee District)

FAIRFAX COUNTY
BOARD OF SUPERVISORS
FEBRUARY 9, 2010

	ADMINISTRATIVE ITEMS (continued)	
8	**Approved**	Approval of Installation of "$200 Additional Fine for Speeding" Signs and Multi-Way Stop Signs as Part of the Residential Traffic Administration Program (Sully and Dranesville Districts)
9	**Approved**	Authorization to Advertise a Public Hearing to Establish the Prosperity Heights Community Parking District (Providence District)
10	**Approved**	Authorization to Advertise a Public Hearing to Establish the Heritage Forest Community Parking District (Sully District)
	ACTION ITEMS	
1	**Approved**	Issuance by the Industrial Development Authority of its Health Care Revenue Bonds (Inova Health System Project) Series 2010 Refunding Bond Issue
2	**Approved**	Issuance by the Economic Development Authority of its Revenue Bonds (Six Public Facilities Projects), Series 2010 for Purposes of Refinancing Certain Fairfax County Redevelopment and Housing Authority (FCRHA) and County Obligations
3	**Approved**	Approval to Purchase the West Ox Road Group Residences from the Fairfax County Redevelopment and Housing Authority (Sully District)
4	**Approved**	Comments on the Interchange Justification Report (IJR) for the Dulles International Airport Access Highway Ramps (DIAAH) at I-495 (Capital Beltway)
5	**Approved**	Approval of Wolf Trap Foundation for the Performing Arts First Amendment to License Agreement, and Associated Operating Agreement (Dranesville District)
	INFORMATION ITEMS	
1	**Noted**	Contract Award – Municipal Separate Storm Sewer System and Stormwater Monitoring Program Support Services Basic Ordering Agreement
2	**Noted**	Contract Award – Providence RECenter Mechanical Systems Renovation (Providence District)

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	INFORMATION ITEMS (continued)	
3	**Noted**	Contract Award – Spring Hill RECenter Mechanical Systems Renovation (Dranesville District)
4	**Noted**	Deferred Compensation Vendor Consolidation Proposal
12:30	**Done**	Matters Presented by Board Members
1:00	**Done**	Closed Session
	PUBLIC HEARINGS	
3:30	**Public Hearing deferred 2/23/10 at 3:00 p.m.**	Public Hearing on PCA 79-P-038-02 (Nevzat Kansu and Hacer K. Kansu) (Providence District)
3:30	**Public Hearing deferred 2/23/10 at 3:00 p.m.**	Public Hearing on PCA 1998-LE-048-03 (CSHV Metro Park LLC) (Lee District)
4:00	**Public Hearing deferred 2/23/10 at 4:30 p.m.**	Public Hearing to Establish the Springfield Community Parking District (Springfield District)
4:00	**Public Hearing deferred 2/23/10 at 4:30 p.m.**	Public Hearing on Proposed Amendment to *The Code of the County of Fairfax, Virginia*, to Add a New Chapter, Chapter 123 (Coastal Primary Sand Dune Zoning Ordinance) RE: Protection of Coastal Sand Dunes and Beaches
4:00	**Public Hearing deferred 2/23/10 at 4:30 p.m.**	Public Hearing to Lease County-Owned Property to Cellco Partnership d/b/a Verizon Wireless (Providence District)

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Fairfax County, Virginia

BOARD OF SUPERVISORS AGENDA

Tuesday
February 9, 2010

9:15 a.m.

RESOLUTION to recognize Virginia Task Force 1 deployed to Haiti on behalf of the federal government to assist with the rescue of victims after the recent earthquake. Requested by Chairman Bulova.

PRESENTATIONS:

1. CERTIFICATE – To recognize the Chantilly Youth Association Cheer Select Squad for winning the U.S. National Competition, as well as the Cheer Select Under Team for being named the Overall Level Winner. Requested by Supervisor Frey.

2. PROCLAMATION – To designate February 7-14, 2010, as Congenital Heart Defect Awareness Week in Fairfax County. Requested by Chairman Bulova.

3. CERTIFICATE – To recognize Lee Rau for his service to the Redevelopment and Housing Authority. Requested by Supervisor Hudgins.

4. CERTIFICATE – To recognize Marvin Cantor for his service on the Board of Building and Fire Prevention Code Appeals. Requested by Chairman Bulova.

5. CERTIFICATE – To recognize Ellen Gallagher for her service to Fairfax County. Requested by Supervisor McKay.

— more —

Board Agenda Item
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6. CERTIFICATE – To recognize the Tysons Land Use Task Force for its work to develop a community vision for the redevelopment of Tysons Corner. Requested by Chairman Bulova and Supervisors Foust, Hudgins and Smyth.

7. PROCLAMATION – To designate February 14-20, 2010, as Engineers Week in Fairfax County. Requested by Chairman Bulova.

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

Board Agenda Item
February 9, 2010

10:15 a.m.

Report on General Assembly Activities

ENCLOSED DOCUMENTS:
None. Materials to be distributed to the Board of Supervisors on February 9, 2010

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

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Board Agenda Item
February 9, 2010

10:30 a.m.

Items Presented by the County Executive

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Board Agenda Item
February 9, 2010

ADMINISTRATIVE – 1

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

ISSUE:
Board action to designate an individual as a Plans Examiner to participate in the Expedited Land Development Review Program.

RECOMMENDATION:
The County Executive recommends that the Board of Supervisors (the Board) take the following actions:

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

Andrew Thomas Yeagle 290

TIMING:
Routine.

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

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

Plans Examiner Status: Candidates for status as Plans Examiners must meet the education and experience requirements contained in Chapter 117. After review of his application and credentials, the APEB has found that the candidate listed above satisfies these requirements. This finding was documented in a letter dated December 11, 2009, from the Chairman of the APEB, James H. Scanlon, P.E., L.S., to Chairman Bulova.

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FISCAL IMPACT:
None.

ENCLOSED DOCUMENTS:
Attachment I – Letter dated December 11, 2009, from the Chairman of the APEB to the Chairman of the Board of Supervisors.

STAFF:
Robert A. Stalzer, Deputy County Executive
James W. Patteson, Director, Department of Public Works and Environmental Services (DPWES)
Howard J. Guba, Deputy Director, DPWES
Michelle Brickner, Acting Director, Land Development Services (LDS), DPWES

Board Agenda Item
February 9, 2010

Regulatory Review

ADMINISTRATIVE - 2

Authorization to Advertise a Public Hearing on a Proposed Zoning Ordinance Amendment Re: Riding and Boarding Stable Setbacks

ISSUE:
In conjunction with special permit approval for a riding and boarding stable (stable) in the R-A, R-P, R-C, R-E and R-1 Districts and in the PDH and PRC Districts when not shown on an approved development plan, the proposed Zoning Ordinance amendment would allow the Board of Zoning Appeals (BZA) in certain situations to reduce the 100 foot minimum distance between stable structures/riding rings and any lot line and the 50 foot minimum distance between stable parking and loading spaces and adjoining residential properties.

RECOMMENDATION:
The County Executive recommends authorization of the advertisement of the proposed amendment by adopting the resolution set forth in Attachment 1.

TIMING:
Board of Supervisors (Board) action is requested on February 9, 2010, to provide sufficient time to provide notice and advertisements for the proposed Planning Commission public hearing on March 31, 2010, at 8:15 p.m., and for the proposed Board public hearing on April 27, 2010, at 4:00 p.m.

BACKGROUND:
The proposed amendment is on the 2009 Priority 1 Zoning Ordinance Amendment Work Program and is in response to a request from the Board to allow the BZA to modify the 100 foot minimum setback requirement for structures associated with stables from any lot line.

The Zoning Ordinance currently allows stables by special permit in the R-A, R-P, R-C, R-E and R-1 Districts and in the PDH and PRC Districts when not shown on an approved development plan subject to additional standards. One of the standards requires that all structures/riding rings associated with the stable must be located at least 100 feet from all property lines and another standard requires that all parking and loading spaces be a minimum of 50 feet from any adjoining residentially zoned property. The BZA does not currently have the authority to modify or waive any of the special permit standards. However, there may be certain situations where the 100 foot separation for the structures/riding rings and the 50 foot separation for the parking and loading spaces may not be required to adequately protect adjacent properties from adverse noise, traffic and dust impacts of the stable structures/riding rings and associated parking and loading. Staff believes that the BZA should be given the flexibility to reduce the 100 foot setback to not less than 40 feet and to

reduce or waive the minimum required 50 foot distance between parking and loading spaces and any adjoining residentially zoned property when the applicant has demonstrated to the satisfaction of the BZA that such setback(s) is not necessary to minimize any adverse impacts on adjacent properties due to one or more of the following:

A. Specific operational characteristics of the stable such as the limits on the: number of horses, students and employees; use of outdoor lighting and public address systems; hours of operation; number and frequency of special events; and amount and type of outdoor activity.

B. Conditions which adequately buffer adjacent properties from the stable, which may include but are not limited to: topography, vegetation, location and/or orientation of on-site structures, proximity of adjacent dwelling units, development of adjacent properties with non-residential uses, and/or existence of roads and/or major utilities.

In order to provide the Board the flexibility to adopt other minimum setbacks, the proposed amendment provides a minimum required setback range between 0 and 100 feet for the stable structures and riding ring and a range between 0 and 50 feet for the parking and loading spaces. The Board may select any setback within the advertised range and still be within the scope of advertising. A more detailed discussion of the proposed amendment is set forth in the attached Staff Report.

REGULATORY IMPACT:
The proposed amendment provides flexibility in the design and operation of stables while ensuring that the adverse impacts of the stable on adjoining properties is minimized.

FISCAL IMPACT:
There will be minimal fiscal impact with this amendment as there are no new submission requirements or additional expenses for the applicant, and minimal additional staff time or resources are required for the review of an application.

ENCLOSED DOCUMENTS:
Attachment 1 – Resolution
Attachment 2 – Staff Report

STAFF:
Robert A. Stalzer, Deputy County Executive
James P. Zook, Director, Department of Planning and Zoning (DPZ)
Eileen M. McLane, Zoning Administrator, DPZ
Brian Parsons, Senior Assistant to the Zoning Administrator

Board Agenda Item
February 9, 2010

Regulatory Review

ADMINISTRATIVE - 3

Authorization to Advertise a Public Hearing on a Proposed Zoning Ordinance Amendment Re: State Code Changes; Editorial and Other Minor Revisions

ISSUE:
Proposed Zoning Ordinance amendment to address revisions required as a result of legislative action by the 2009 General Assembly, to correct inconsistencies due to adoption of previous Zoning Ordinance and County Code amendments, and to clarify other provisions.

RECOMMENDATION:
The County Executive recommends the authorization of the advertisement of the proposed amendment by adopting the resolution set forth in Attachment 1.

TIMING:
Board action is requested on February 9, 2010, to provide sufficient time to advertise the proposed Planning Commission public hearing on March 31, 2010, at 8:15 p.m., and proposed Board of Supervisors' (Board) public hearing on April 27, 2010, at 4:00 p.m.

BACKGROUND:
The proposed amendment is on the 2009 Priority 1 Zoning Ordinance Amendment Work Program and incorporates changes from the 2009 Virginia General Assembly. The amendment also corrects a number of inconsistencies and errors that have resulted from the adoption of previous Zoning Ordinance and County Code amendments. In addition, the amendment makes other minor revisions that clarify existing provisions. Specifically the amendment:

(1) Revises Sect. 15-103 concerning nonconforming structures damaged or destroyed by a natural disaster or other act of God, by defining "act of God," and granting property owners whose properties are damaged by an accidental fire to have the same rights to rebuild their property as if damaged by an act of God.

(2) Replaces the reference to the Virginia Department of Mental Health, Mental Retardation and Substance Abuse Services in the group residential facility definition with a reference to the Virginia Department of Behavioral Health and Developmental Services.

(3) Replaces the reference to Sect. 2-409 regarding condominiums in Sect. 2-501 with a reference to Sect. 2-518.

(4) Replaces the references to Chapter 67 (Sanitary Sewers and Sewage Disposal) and Chapter 68 (Individual Sewage Disposal Facilities) of the Fairfax County Code in Sections 2-503 and 7-808 with references to Chapters 67.1 and 68.1, respectively.

(5) Replaces the reference to Part 6 of Article 8 for kennels and animal shelters in Sect. 2-512 with a reference to Part 5 of Article 9.

(6) Revises the R-P and R-C District regulations to include a place of worship with a child care center as either a special permit or special exception consistent with existing provisions in Articles 8 and 9.

(7) Replaces the reference to Par. 5 of Sect. 9-401 in Sect. 2-104 with a reference to Par. 6 of Sect. 9-401.

(8) Replaces the reference to the Washington Metropolitan Area Transit Authority in Sect. 5-602 with a reference to electrically-powered regional rail transit facilities or regional non-rail transit facilities.

(9) Clarifies Sect. 16-203 to state that amendments to a previously approved PRC plan shall be subject to Board approval in accordance with Sect. 16-203 governing PRC plan approval.

(10) Replaces reference to the Fairfax-Falls Church Community Mental Health and Mental Retardation Services Board in Sect. 19-407 with a reference to the Fairfax-Falls Church Community Services Board.

A more detailed discussion of the proposed amendment is set forth in the Staff Report enclosed as Attachment 2.

REGULATORY IMPACT:
The proposed amendment enhances existing regulations, by providing clarification, resolving inconsistencies, and updating the Zoning Ordinance for conformity with the Code of Virginia. The editorial and clarifying revisions do not alter any provisions from that intended by the Board in adoption of the original amendment.

FISCAL IMPACT:
The proposed amendment will not require any additional review by staff or cost to the public and, as such, there will be no fiscal impact to applicants or staff.

Board Agenda Item
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ENCLOSED DOCUMENTS:
Attachment 1 – Resolution
Attachment 2 – Staff Report

STAFF:
Robert A. Stalzer, Deputy County Executive
James P. Zook, Director, Department of Planning and Zoning (DPZ)
Eileen M. McLane, Zoning Administrator, DPZ
Douglas W. Hansen, Senior Assistant to the Zoning Administrator, DPZ

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Board Agenda Item
February 9, 2010

ADMINISTRATIVE – 4

Extension of Review Periods for 2232 Review Applications (Mason and Providence 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: application FSA-M96-19-3 to April 15, 2010; applications FS-P09-171 and FS-P09-176 to April 19, 2010.

TIMING:
Board action is required on February 9, 2010, 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-P09-171, FS-P09-176, and FSA-M96-19-3, which were accepted for review by the Department of Planning and Zoning between November 16, 2009, and November 20, 2009. These applications are for telecommunications facilities, and thus are subject to the State Code provision that the Board may extend the time required for the Planning Commission to act on these applications by no more than sixty additional days.

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FS-P09-171	T-Mobile Northeast LLC Antenna colocation on existing monopole (treepole) 3457 Gallows Road Providence District
FS-P09-176	Clearwire US LLC Antenna colocation on existing monopole (treepole) 3457 Gallows Road Providence District
FSA-M96-19-3	Verizon Wireless Replacement antennas 7409 Eastmoreland Road Mason District

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

FISCAL IMPACT:
None

ENCLOSED DOCUMENTS:
None

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

Board Agenda Item
February 9, 2010

ADMINISTRATIVE – 5

Authorization for the Fairfax County Department of Systems Management for Human Services to Apply for and Accept Grant Funding from U.S. Department of Justice's Office on Violence Against Women Through the FY 2010 Community-Defined Solutions to Violence Against Women Program

ISSUE:
Board approval for the Department of Systems Management for Human Services to apply for and accept funding, if received, from the Office on Violence Against Women of the U.S. Department of Justice (OVW/DOJ) through the FY 2010 Community-Defined Solutions to Violence Against Women Program in the amount of $1,000,000 over a 24 month period to establish a Fairfax County Domestic Violence Justice Center. This is a collaborative effort among the Juvenile and Domestic Relations District Court, Fairfax County Police Department, Office of the Commonwealth's Attorney, Office for Women and Domestic and Sexual Violence Services and two nonprofit agencies, the Foundation for Appropriate and Immediate Temporary Help (FAITH) and Ayuda, Inc. There is no Local Cash Match required.

Board authorization is also requested for the County Executive to sign the certifications and assurances required for the grant application on behalf of the County.

RECOMMENDATION:
The County Executive recommends Board of Supervisors authorize:

1. The Department of Systems Management for Human Services to apply for and accept funding, if received, from the U.S. Department of Justice's Office on Violence Against Women through the FY 2010 Community-Defined Solutions to Violence Against Women Program in the amount of $1,000,000 to support up to 4/4.0 SYE grant positions in the aforementioned County agencies to staff and operate a Fairfax County Domestic Violence Justice Center for 24 months and to provide mandated training and technical assistance. There is no Local Cash Match required.

2. The County Executive to sign the certifications and assurances required for the grant application on behalf of the County.

Board Agenda Item
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TIMING:
Board approval is requested on February 9, 2010 in order to meet the February 17, 2010 application deadline.

BACKGROUND:
In 2004, the Fairfax County Board of Supervisors authorized the creation of the Fairfax County Domestic Violence Prevention, Policy, and Coordinating Council (DVPPCC), an advisory group of high-level County officials and community leaders that provides oversight on a range of domestic violence policy, legislative, and programmatic issues and guides the development of a comprehensive and collaborative coordinated response to domestic violence in Fairfax County. During that same year, the Board established the Countywide Domestic Violence Coordinator position in the Department of Systems Management for Human Services.

The DVPPCC established an Interagency Domestic Violence (DV) Work Group to formulate recommendations and undertake specific tasks for the DVPPCC to support the development of an effective community-wide system of intervention and prevention in Fairfax County that is responsive to the complex needs of families impacted by domestic violence. The DV Work Group is chaired by the Countywide Domestic Violence Coordinator and focuses on the following objectives:

- Identify and prioritize gaps that need to be addressed in Fairfax County to enhance system and community-wide responses to domestic violence;
- Develop recommendations and/or proposed work plans for the DVPPCC that outline the action steps and specific tasks needed to close identified gaps;
- Provide ongoing input to the DVPPCC in connection with the need for new programs, enhancement of existing services and/or linkages to improve Fairfax County's system and community-wide responses to domestic violence;
- Provide consultation, training, problem-solving assistance, and coordination to the DVPPCC on programs, services, policies, and emerging issues related to domestic violence;
- Establish ad hoc and/or standing committees as necessary to carry out and implement DVPPCC action plans and specific tasks needed to strengthen Fairfax County's response to domestic violence; and
- Report regularly at DVPPCC bimonthly meetings concerning new and existing programs, policies, emerging issues and recommendations for future action steps and progress on implementation of work plans and specific tasks.

To enhance local coordination of criminal and civil justice system practitioners and allied professionals, the DV Work Group has recommended the establishment of a multi-agency Domestic Violence Justice Center, the concept of which has been presented to

and endorsed by the DVPPCC. The DVJC will be a multi-agency, collaborative project of County and private nonprofit agencies, co-located at a single location at Juvenile and Domestic Relations District Court, to provide coordinated services to families impacted by domestic violence. Initial participating agencies will include:

- Fairfax County Juvenile and Domestic Relations District Court (JDRDC)
- Fairfax County Police Department
- Fairfax County Office of the Commonwealth's Attorney
- Fairfax County Office for Women and Domestic and Sexual Violence Services
- The Foundation for Appropriate and Immediate Temporary Help
- Ayuda, Inc.

Future participating agencies may include:

- Fairfax County Department of Family Services
- Inova Hospital's Domestic Violence Forensic Nurse Program
- Legal Services of Northern Virginia
- Multicultural Human Services Program of Northern Virginia Family Service
- Tahirih Justice Center
- Korean Community Services Center
- Boat People SOS
- Fairfax County Department of Health
- Fairfax County Department of Housing and Community Development
- Fairfax County Office for Children
- Fairfax County Public Schools

The DVJC will be open Monday through Friday from 8 a.m. – 4 p.m. and will offer diverse services to domestic violence survivors and their children at the JDRDC single point-of-entry. Services may include:

- Victim advocacy
- Legal assistance/representation
- Safety planning assistance
- Emotional support/psychological counseling services
- Law enforcement assistance
- Prosecution assistance
- Housing assistance
- Transportation assistance
- Social services
- Child care assistance

- Medical assistance
- Employment assistance
- Education assistance

Once the Center is fully operational, participating agencies will also explore the feasibility of establishing satellite offices in other locations throughout the County.

On January 7, 2010, the Office on Violence Against Women of the U.S. Department of Justice announced the availability of federal funding under the Community-Defined Solutions to Violence Against Women Grants Program (hereinafter referred to as the Community-Defined Solutions Program). This discretionary grant program is designed to encourage governments to treat sexual assault, domestic violence, dating violence, and stalking as serious violations of criminal law requiring the coordinated involvement of the entire criminal and civil justice system. This grant program is designed to promote community collaboration in ways that will result in new responses to ensure victim safety and offender accountability.

This grant program also requires all applicants to enter into formal collaborative relationships with non-governmental organizations that serve victims of domestic violence, sexual assault, dating violence, and/or stalking. This may include faith-based or nonprofit community-based organizations.

In addition, applicants must include a certification letter signed by the chief executive officer of the state, Indian tribal government, or local government entity that the project will meet certain statutory requirements and special conditions of the grant program.

Of the total award of $1,000,000, $985,000 will be allocated to support a total of 6 grant positions. It is anticipated that up to four of the grant positions will be established in the Juvenile and Domestic Relations District Court, Office of the Commonwealth's Attorney, Fairfax County Police Department, and/or Office for Women and Domestic and Sexual Violence Services. The remaining up to two grant positions will be filled from the community-based organizations of FAITH and Ayuda. The remaining $15,000 will be used for OVW/DOJ mandated training and technical assistance.

If awarded, the OVW/DOJ Community-Defined Solutions Grant will support the following activities in Fairfax County:

Planning/Development Phase:

- Assembly and coordination of planning meetings to lay the groundwork for developing the Domestic Violence Justice Center to serve families impacted by domestic violence;
- Establishment and maintenance of an advisory/consulting committee to provide oversight of the center throughout its development and implementation.
- Coordination of trainings on domestic violence-related issues for the planning and advisory committees;
- Coordination of a community needs assessment to determine the unmet needs of domestic violence survivors from traditionally underserved populations in Fairfax County, in order to ensure the Domestic Violence Justice Center is fully accessible and culturally responsive to the needs of these individuals and families; and
- Development of policies and procedures, such as intake/screening forms, risk and lethality assessment tools, confidentiality agreements, and enhanced security procedures/protocols to reduce or prevent any act of violence and/or stalking at the center.

Implementation Phase

- Hire grant staff from the participating partner County and community-based agencies to operate the center and to provide direct services to victims/families impacted by domestic violence;
- Provide ongoing training to staff, subcontractors, volunteers, interns, security personnel, and other allied professionals on domestic violence-related issues and the center's policies and procedures; and
- Evaluate the project's outcomes.

FISCAL IMPACT:
The total amount of OVW/DOJ funding to be requested is $1,000,000, of which $985,000 will be allocated for the planning and implementation phases and the remaining $15,000 for OVW/DOJ mandated training and technical assistance. No Local Cash Match is required for this grant program; however, the grant application partners will make supplemental in-kind contributions. There is no OVW/DOJ requirement that the County continue this project after the grant ends. This action does not increase the expenditure level of Fund 102, Federal/State Grant Fund, as funds are held in reserve for unanticipated grant awards in FY 2010. Indirect cost recovery is allowed but the agency is not requesting the recovery of indirect costs in order to maximize the funds available for service delivery.

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CREATION OF POSITIONS:
Up to four grant positions will be created by this grant. The County has no obligation to fund these positions when the grant period ends.

ENCLOSED DOCUMENTS:
None.

STAFF:
Patricia Harrison, Deputy County Executive
Kenneth P. Disselkoen, Director, Department of Systems Management for Human Services
Robert Bermingham, Director of Court Services, JDRDC
Seema Zeya, Countywide Domestic Violence Coordinator, Department of Systems Management for Human Services

Board Agenda Item
February 9, 2010

ADMINISTRATIVE - 6

Authorization to Advertise a Public Hearing to Sublease County Leased Property to New Cingular Wireless PCS, LLC (AT&T Mobility) (Lee District)

ISSUE:
Authorization to advertise a public hearing to sublease County Leased property to New Cingular Wireless PCS, LLC for the installation of telecommunications equipment for public use at the South County Government Center.

RECOMMENDATION:
The County Executive recommends that the Board authorize the advertisement of a public hearing to be held on March 9, 2010, at 4:30 p.m.

TIMING:
Board action is requested on February 9, 2010, to provide sufficient time to advertise a proposed public hearing to be held on March 9, 2010 at 4:30 p.m.

BACKGROUND:
Pursuant to a capital lease agreement, the Board of Supervisors is the tenant of a facility located at 8350 Richmond Highway and identified as Tax Map Number 101-3 ((1)) 16A, which facility the County will own at the termination of the lease. The County sought proposals from telecommunication companies interested in leasing the rooftop space for telecommunications antenna and related transmission equipment, licensed by the Federal Communications Commission. All proposals were required to receive approval from the Fairfax County Planning Commission for conformance with the Fairfax County Comprehensive Plan before a sublease agreement was finalized. New Cingular Wireless PCS was one of three firms selected for this site.

New Cingular Wireless plans to install a 12’ by 27’ raised steel equipment platform on the roof and 12 panel antennas on the façade of the South County Government Center. New Cingular Wireless will install flush-mounted antennas that match the façade of the building to obscure their visibility from surrounding properties. Both the antenna and its mounting will be of a color and finish that matches the color of the facade and the related equipment shelter will be located behind the existing screen wall adjacent to the penthouse to blend with existing rooftop penthouse features.

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On October 29, 2009, the Planning Commission voted unanimously that the telecommunications facility located at the South County Government Center, 8350 Richmond Highway, is in conformance with the recommendations of the Comprehensive Plan and should be considered a “feature shown,” pursuant to Section 15.2-2232 of the *Code of Virginia*, as amended.

FISCAL IMPACT:
The proposed roof top lease will generate approximately $40,000 in revenue the first year with a three percent (3%) increase each subsequent year. All revenue will be deposited in the general fund.

ENCLOSED DOCUMENTS:
Attachment A: TM 101-3

STAFF:
Edward L. Long, Jr., Deputy County Executive
Jose A. Comayagua, Jr., Director, Facilities Management Department

Board Agenda Item
February 9, 2010

ADMINISTRATIVE - 7

Authorization to Advertise a Public Hearing to Sublease County Leased Property to Clear Wireless LLC a Nevada Limited Liability Company (Lee District)

ISSUE:
Authorization to advertise a public hearing to sublease County Leased property to Clear Wireless LLC for the installation of telecommunications equipment for public use at the South County Government Center.

RECOMMENDATION:
The County Executive recommends that the Board authorize the advertisement of a public hearing to be held on March 9, 2010, at 4:30 p.m.

TIMING:
Board action is requested on February 9, 2010, to provide sufficient time to advertise the proposed public hearing to be held on March 9, 2010 at 4:30 p.m.

BACKGROUND:
Pursuant to a capital lease agreement, the Board of Supervisors is the tenant of a facility located at 8350 Richmond Highway and identified as Tax Map Number 101-3 ((1)) 16A, which the County will own at the termination of the lease. The County sought proposals from telecommunication companies interested in leasing the rooftop space for telecommunications antenna and related transmission equipment, licensed by the Federal Communications Commission. All proposals were required to receive approval from the Fairfax County Planning Commission for conformance with the Fairfax County Comprehensive Plan before a sublease agreement was finalized. Clear Wireless LLC was one of three firms selected for this site.

Clear Wireless plans to install one equipment cabinet measuring 3’9” by 2’3” on the roof, and three panel antennas and five dish antennas on the façade of the South County Government Center. Clear Wireless will install flush-mounted antennas that match the façade of the building to obscure their visibility from surrounding properties. Both the antenna and its mounting will be of a color and finish that matches the color of the facade and the related equipment shelter will blend with existing rooftop penthouse features.

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On December 9, 2009, the Planning Commission voted unanimously that the telecommunications facility located at the South County Government Center, 8350 Richmond Highway, is in conformance with the recommendations of the Comprehensive Plan and should be considered a “feature shown,” pursuant to Section 15.2-2232 of the *Code of Virginia*, as amended.

FISCAL IMPACT:
The proposed roof top lease will generate approximately $20,000 in revenue the first year with a three percent (3%) increase each subsequent year. All revenue will be deposited in the general fund.

ENCLOSED DOCUMENTS:
Attachment A: TM 101-3

STAFF:
Edward L. Long, Jr., Deputy County Executive
Jose A. Comayagua, Jr., Director, Facilities Management Department

Board Agenda Item
February 9, 2010

ADMINISTRATIVE - 8

Approval of Installation of "$200 Additional Fine for Speeding" Signs and Multi-Way Stop Signs as Part of the Residential Traffic Administration Program (Sully and Dranesville Districts)

ISSUE:
Board endorsement of "$200 Additional Fine for Speeding" signs and Multi-Way Stop signs, as part of the Residential Traffic Administration Program (RTAP).

RECOMMENDATION:
The County Executive recommends that the Board approve a resolution (Attachments I and II) for the installation of "$200 Additional Fine for Speeding" signs on the following road:

- Green Trails Boulevard between Centreville Road and Wood Rock Way/Creek Run Drive (Sully District).

The County Executive further recommends approval for Multi-Way Stop signs at the following intersections:

- Pimmit Drive and Lisle Avenue (Dranesville District).
- Anderson Road and Sportsman Drive (Dranesville District).

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

TIMING:
Board action is requested on February 9, 2010.

BACKGROUND:
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. Green Trails Boulevard between Centreville Road and Wood Rock Way/Creek Run Drive meets the RTAP requirements for posting of the "$200 Additional Fine for Speeding" signs. On December 23, 2009, the Department of Transportation received written verification from the local supervisor confirming community support.

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

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

Staff and VDOT have authorized the multi-way stop requested. On December 23, 2009, the Department of Transportation received written verification from the appropriate local supervisor confirming community support.

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

FISCAL IMPACT:
The estimated cost of $1000 is to be paid out of previous VDOT secondary road construction allocations remaining for this purpose.

ENCLOSED DOCUMENTS:
Attachment I: $200 Fine for Speeding Signs Resolution – Green Trails Boulevard
Attachment II: Area Map of Proposed $200 Fine for Speeding Signs - Green Trails Boulevard

STAFF:
Robert A. Stalzer, Deputy County Executive
Katharine D. Ichter, Director, Fairfax County Department of Transportation (FCDOT)
Eric M. Teitelman, Chief, Capital Projects and Operations Division, FCDOT
Selby J. Thannikary, Chief, Traffic Operations Section, FCDOT
William P. Harrell, Transportation Planner, FCDOT
Steven K. Knudsen, Transportation Planner, FCDOT

Board Agenda Item
February 9, 2010

ADMINISTRATIVE - 9

Authorization to Advertise a Public Hearing to Establish the Prosperity Heights 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 Prosperity Heights Community Parking District (CPD).

RECOMMENDATION:
The County Executive recommends that the Board authorize advertisement of a public hearing for March 9, 2010, at 4:00 p.m. to consider adoption of a Fairfax County Code amendment (Attachment I) to establish the Prosperity Heights CPD in accordance with current CPD restrictions.

TIMING:
The Board of Supervisors should take action on February 9, 2010 to provide sufficient time for advertisement of the public hearing on March 9, 2010, 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

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 Prosperity Heights 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 $450 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 Prosperity Heights CPD

STAFF:
Robert A. Stalzer, Deputy County Executive
Katharine D. Ichter, Director, Fairfax County Department of Transportation (FCDOT)
Selby Thannikary, Chief, Traffic Operations Section, FCDOT
Maria Turner, Sr. Transportation Planner, FCDOT
Janet Nguyen, Transportation Planner, FCDOT

Board Agenda Item
February 9, 2010

ADMINISTRATIVE - 10

Authorization to Advertise a Public Hearing to Establish the Heritage Forest Community Parking District (Sully District)

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

RECOMMENDATION:
The County Executive recommends that the Board authorize advertisement of a public hearing for March 9, 2010, at 4:00 p.m. to consider adoption of a Fairfax County Code amendment (Attachment I) to establish the Heritage Forest CPD in accordance with current CPD restrictions.

TIMING:
The Board of Supervisors should take action on February 9, 2010 to provide sufficient time for advertisement of the public hearing on March 9, 2010, 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

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 Heritage Forest 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 $550 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 Heritage Forest CPD

STAFF:
Robert A. Stalzer, Deputy County Executive
Katharine D. Ichter, Director, Fairfax County Department of Transportation (FCDOT)
Selby Thannikary, Chief, Traffic Operations Section, FCDOT
Maria Turner, Sr. Transportation Planner, FCDOT
Janet Nguyen, Transportation Planner, FCDOT

Board Agenda item
February 9, 2010

ACTION - 1

Issuance by the Industrial Development Authority of its Health Care Revenue Bonds (Inova Health System Project) Series 2010 Refunding Bond Issue

ISSUE:
Board adoption of a resolution approving the issuance by the Industrial Development Authority (IDA) of Fairfax County of its Health Care Revenue Bonds (Inova Health System Project) Series 2010, to be issued in one or more series (the "Bonds"), in an aggregate principal amount not to exceed $200,000,000.

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

TIMING:
Board action is requested on February 9, 2010, so that Inova may proceed to sell and close the bonds in a manner which will permit it to take advantage of favorable market conditions.

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

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

A copy of the resolution (the "IDA Resolution") adopted by the Authority on February 4, 2010, constituting the recommendation of the Authority that the Board of Supervisors approve the issuance of the Bonds is submitted to the County.

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

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

ENCLOSED DOCUMENTS:
The following documents are attached in substantially final form:

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

STAFF:
Edward L. Long, Deputy County Executive
Leonard P. Wales, County Debt Manager
James McGettrick, Assistant County Attorney

Board Agenda Item
February 9, 2010

ACTION – 2

Issuance by the Economic Development Authority of its Revenue Bonds (Six Public Facilities Projects), Series 2010 for Purposes of Refinancing Certain Fairfax County Redevelopment and Housing Authority (FCRHA) and County Obligations

ISSUE:
Board approval of a resolution (Attachment I) to request and approve the issuance of Fairfax County Economic Development Authority Revenue Bonds (Six Public Facilities Projects) Series 2010 on or about February 23, 2010.

RECOMMENDATION:
The County Executive recommends approval of the issuance of Fairfax County Economic Development Authority (EDA) Revenue Bonds (Six Public Facilities Projects) Series 2010 to provide financing to the County to allow the County to exercise purchase options (the "Purchase Options") under capital leases relating to the following bond or certificate of participation issues (collectively, the "Outstanding Obligations") : the FCRHA Series 2004, James Lee; FCRHA Series 1999, Herndon Harbor House; FCRHA Series 1998, Bailey's Community Center; FCRHA Series 1996, Mott & Gum Springs (two separate public facilities projects); Series 2000 Certificates of Participation, South County Government Center. The lessees under the capital leases will use the money provided by the County from the exercising of the Purchase Options to defease the Outstanding Obligations. While the actual amount of the bond sale will be dependent on the bond market conditions, at this time, the estimated amount of the Outstanding Obligations to be defeased total approximately $39.98 million.

The Board should take the following action:

> Approve the resolution requesting and approving the issuance of the EDA Bonds, which also authorizes the execution and delivery of an Installment Purchase Contract, Continuing Disclosure Agreement and other documents necessary for sale. This resolution also approves the form of the Trust Agreement, First Supplemental Trust Agreement, Notice of Sale and the Preliminary Official Statement.

TIMING:
Board action is requested on February 9, 2010.

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BACKGROUND:
The Board is requested to take this action in order to take to take advantage of favorable bond market conditions in order to achieve interest rate savings. The County is attempting to conduct the bond sale to achieve interest rate savings and to consolidate several smaller bond issues to reduce administrative expenses before interest rates trend upward. Time is of the essence as a move upward in interest rates of approximately 50 basis points will severely reduce the refunding opportunity. If this market becomes unfavorable for a successful bond offering at this time, the document approvals provided by the Board will permit staff to enter the market between now and the end of FY 2010, if another market opportunity occurs.

The refinancing of both an EDA issue and FCRHA issues into a single EDA transaction is unusual, but recommended in order to promote efficiencies of administration, reduce costs as compared to two different issues, and maximize savings through a single structure. Either issuing entity could be employed for this purpose, however, the EDA is recommended as staff and the financial advisor believe that there would be a slight advantage in receptivity in the market place for a County backed EDA issue given the large amount of EDA bonds previously issued under similar structures. The bond market is more familiar with the use of the EDA lease revenue bonds to support governmental facilities than the use of housing bonds for similar purposes. As savings margins are very tight in this refunding, utilizing all advantages is necessary to maximize savings. A difference of as little as ten basis points in market reception could cost as much as approximately $180,000 in reduced savings.

The bond sale will be conducted as quickly as possible. The Proposed Bond Sale Schedule (Attachment 2) indicates a sale on or about February 23, 2010 for the EDA bonds subject to market conditions. The closing date for the EDA bonds is scheduled for the week of March 8, 2010.

The County's Financial Advisor has conducted a refunding analysis of existing bonds. Assuming market conditions as of January 4, 2010, a refunding of certain outstanding maturities totaling $39.98 million would produce savings exceeding the County's minimum savings threshold. The bonds being refunded include: Fairfax County Redevelopment Housing Authority (FCRHA) Series 2004, James Lee; FCRHA Series 1999, Herndon Harbor House; FCRHA Series 1998, Bailey's Community Center; FCRHA Series 1996, Mott & Gum Springs (two separate public facilities projects) ; Series 2000 Certificates of Participation, Government Center. The refunding would generate net present value savings of approximately $2.98 million or 7.46% of the refunded par amount. Actual savings will be dependent upon bond market conditions at the time of the sale. The Fairfax County Economic Development Authority Revenue Bonds (Six Public Facilities Projects), Series 2010 bond sale, is expected to occur on or about February 23, 2010, in accordance with the schedule of events (Attachment 2).

It should be noted that Attachments 2 through 8 may be subject to minor changes to satisfy final legal review and to provide the most current information possible for bidders. Any material changes will be noted and forwarded to the Board of Supervisors.

FISCAL IMPACT:
Based on market conditions as of January 4, 2010, the refunding totals $39.98 million and is estimated to generate a net present value savings of $2.98 million, or 7.46 percent of the refunded par amount. If interest rates rise 10 basis points (0.10 percent), then the refunding totals $34.99 million and the net present value savings would be approximately $2.8 million, or 8.02 percent of the refunded par amount. If interest rates rise 50 basis points (0.50 percent) then the refunding totals $28.85 million and the net present value savings would be approximately $1.7 million, or 5.82 percent.

The County has held a Aaa rating from Moody's since 1975, a AAA rating from Standard and Poor's since 1978 and a AAA rating from Fitch Ratings since 1997. As of December 23, 2009, seven states, 24 counties, and 25 cities have a triple-A bond rating from all three major rating agencies. As a result of the County's excellent triple-A bond rating, the County has saved over $430.31 million from County bond and refunding sales.

ENCLOSED DOCUMENTS:
Attachment 1: 2010 Economic Development Revenue Bond Resolution
Attachment 2: Refunding Bond Sale Schedule of Events
Attachment 3: Trust Agreement (Distributed to the Board Members under separate cover)
Attachment 4: First Supplemental Trust Agreement (Distributed to the Board Members under separate cover)
Attachment 5: Installment Purchase Contract (Distributed to the Board Members under separate cover)
Attachment 6: Notice of Sale, Series 2010 (Distributed to the Board Members under separate cover)
Attachment 7: Continuing Disclosure Agreement (Distributed to the Board Members under separate cover)
Attachment 8: Draft of the Preliminary Official Statement, Series 2010 (Copy available in the Office of the Clerk to the Board.)

STAFF:
Edward L. Long, Jr., Deputy County Executive
Victor L. Garcia, Director, Department of Finance
Leonard P. Wales, County Debt Manager
Paula C. Sampson, Director, Department of Housing and Community Development (HCD)
Aseem K. Nigam, Director, Real Estate Finance and Grants Management Division, HCD

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ACTION – 3

Approval to Purchase the West Ox Road Group Residences from the Fairfax County Redevelopment and Housing Authority (Sully District)

ISSUE:
Approval is requested to purchase two residential properties acquired by the Fairfax County Redevelopment and Housing Authority (FCRHA) for the Fairfax-Falls Church Community Services Board (CSB).

RECOMMENDATION:
The County Executive recommends approval of the purchase of the West Ox Road Group Residences (the "Properties") from the FCRHA for the outstanding mortgage debt, which is approximately $593,500, with additional revenue the County will realize by an initiative to generate debt service savings on certain County facilities by refinancing the debt. The transfer of ownership and the elimination of mortgage service that will result, will allow greater flexibility on a future use for the Properties.

TIMING:
Board action is requested on February 9, 2010.

BACKGROUND:
Twenty years ago, the CSB requested the FCRHA acquire the Properties, two adjacent houses located on West Ox Road, Sully District, to be used as group residences for CSB programs. The Properties were acquired in December 1989 and November 1990 with permanent financing provided through a mortgage loan obtained from the Virginia Housing Development Authority (VHDA). The VHDA mortgage has a term of 30 years with an interest rate of 8%. The FCRHA makes all mortgage payments to VHDA and provides maintenance services. Under a lease agreement, the CSB is responsible for the reimbursement of debt service, insurance, staff, maintenance, and maintenance materials. In FY 2008 the CSB ended its programs and closed the group homes and the Department of Housing and Community Development staff has been working with the CSB and the County on reimbursement of on-going costs incurred by the FCRHA. Initially, the Properties were to be sold; however, it was determined by the County Executive that the Properties should be retained for affordable housing. The Properties are in need of rehabilitation and $200,000 in CDBG-R stimulus funds have been approved. Due to the identified urgent need for Housing First for families, the units are proposed to be used for large families. While the reuse of the Properties is strongly reflective of the FCRHA mission, the mortgage on the Properties has always been paid by CSB and it would be beneficial to reduce or eliminate the mortgage debt on the Properties as part of any plans on reuse.

The opportunity to eliminate the mortgage debt, and simultaneously transfer ownership of the Properties to the County has come about as a consequence of additional revenue the County will realize by virtue of an initiative to generate debt service savings on certain County facilities by refinancing the debt. Under the proposed refinancing, the Fairfax County Economic Development Authority will issue a single bond issue for the County-operated facilities that have been selected for refinancing, which consist of the Mott/Gum Springs, Bailey's and James Lee Community Centers and the Adult Day Health Care Center located at Herndon Harbor House, all of which were financed with FCRHA tax-exempt bonds. The refinancing also includes the South County Government Center. Although the Properties will not be included in the bond issue, the savings resulting from the refinancing will be more than sufficient to enable the County to apply them toward the purchase of the Properties for the outstanding debt, which is approximately $593,500. Based on market conditions as of January 4, 2010, the refunding totals $39.98 million and is estimated to generate a net present value savings of $2.98 million to the County. Also based on market conditions as of January 4, 2010, the true interest cost on the refunding bonds is 3.68%. The refunding bonds have an estimated average life of 10.6 years. The County anticipates closing on the refinancing on March 8, 2010.

This approach will allow the Properties to be used by a non-profit organization or County agencies to provide affordable housing. The elimination of debt service from the Properties will allow very low income households to be served.

FISCAL IMPACT:
An estimated $2.98 million in net present value savings is expected to be available as a result of refinancing FCRHA tax-exempt bonds and the South County Government Center. A portion of these savings, or approximately $593,500, could be made available to purchase the two properties.

ENCLOSED DOCUMENTS:
None

STAFF:
Patricia D. Harrison, Deputy County Executive
Paula C. Sampson, Director, Department of Housing and Community Development (HCD)
Leonard P. Wales, County Debt Manager
John Payne, Deputy Director, Real Estate, HCD
Aseem Nigam, Director, Real Estate Finance & Grants Management (REF&GM), HCD
Michael Pearman, Portfolio Manager, REF&GM, HCD

Board Agenda Item
February 9, 2010

ACTION - 4

Comments on the Interchange Justification Report (IJR) for the Dulles International Airport Access Highway Ramps (DIAAH) at I-495 (Capital Beltway)

ISSUE:
Board issuance of comments on the Interchange Justification Report (IJR) for the Dulles International Airport Access Highway Ramps (DIAAH) at I-495 (Capital Beltway).

RECOMMENDATION:
The County Executive recommends that the Board endorse the following comments on the IJR for the DIAAH ramps at I-495, generally as presented at the Board briefing on November 23, 2009, and the Board Transportation Committee meeting on December 8, 2009, to ensure that the project remains fully in conformance with the Fairfax County Comprehensive Plan:

- Noise impacts from the proposed DIAAH/I-495 interchange modifications and other planned improvements in the area need to be fully evaluated and mitigation measures considered for funding by the Virginia Department of Transportation (VDOT) and Metropolitan Washington Airports Authority (MWAA) regardless of who owns, operates, and/or maintains the various impacted segments of the DIAAH, Dulles Connector Road (DCR) between the Beltway and Interstate 66, and the Beltway. The lack of noise mitigation along the DCR, as well as along segments of the DIAAH and the Beltway, has been a serious long-term community concern. Where feasible, noise mitigation measures should be installed as an early phase of construction of projects on these facilities to minimize adverse noise, visual, and safety impacts on surrounding neighborhoods during and after construction.

- The erosion of the Dulles Toll Road revenues for transit projects is a major concern of the Board. MWAA's December 8, 2009, presentation focused on revenues allocated for roadway construction projects and maintenance, with no continued supplemental funding for the existing bus service in the Dulles corridor during the next several years until the completion of the Dulles Rail project. This service is critical to the residents of western Fairfax County, helps to lessen traffic congestion throughout the Dulles and Tysons Corner areas, and is critical to building the ridership that will ultimately be needed to sustain rail service in the Dulles corridor when it becomes operational.

- The impacts of the proposed ramps on the aesthetics of the areas surrounding the interchange need to be considered. In particular, the Board is concerned whether the new flyover ramps will be visible from adjacent residential neighborhoods. As previously

requested, it would be helpful to have a graphic prepared which would depict the visual impacts of the flyover ramps from the adjacent residential neighborhoods.

- Access for emergency vehicles should be provided to the proposed ramps. In particular, emergency access points for the first responders from the Tysons area should be provided to respond quickly to incidents on the ramps.

- Because of the complexity of this interchange, VDOT should consider a ramp marker system for incident management purposes, similar to the system that was installed at the Springfield Interchange.

- Plans to manage stormwater runoff, including sediment and erosion control, outfall treatments, and necessary easements, should be coordinated with the Fairfax County Department of Public Works and Environmental Services Stormwater Planning Division and, wherever parkland is affected, the Fairfax County Park Authority Planning and Development Division. Fairfax County wants to ensure in particular that areas of known existing storm water management concern and stream degradation adjacent to the project are given careful treatment and adequate stabilization during and at the completion of construction so as not to exacerbate existing stream degradation. It is desirable that planned stormwater management facilities and areas identified on preliminary road plans be maximized and optimized where possible to help alleviate existing and future stormwater impacts due to the roadways. The County requests the opportunity to review the portions of the construction plans dealing with stormwater and erosion and sedimentation control and will provide comments on these elements on a priority basis within VDOT's established review timeframes and provide collaborative opportunities for implementation of watershed capital improvement projects.

- The general objective of the project to replace the existing multi-lane weave areas with safer, high-volume, grade-separated interchange ramps between the DIAAH and the Beltway supports the Board's vision for the safe, efficient, and effective movement of people and goods within Fairfax County.

TIMING:
The Board should take action on this matter as soon as possible to ensure that VDOT and MWAA are fully aware of the Board's concerns prior to proceeding with final design and initial construction operations under the design-build contract delivery concept.

BACKGROUND:
This proposed project entails the construction of three new ramps on the west side of the interchange. These new ramps do not constitute new access entirely, as each movement they will serve can be made today via indirect means using slip ramps between the Dulles Toll Road and the DIAAH. Rather, the three proposed ramps will be constructed to provide

safer, grade-separated movements in place of the existing multi-lane weaves that are required between the DIAAH and the Beltway.

The project is funded by the Virginia Department of Transportation and the Metropolitan Washington Airports Authority. The total construction cost is estimated at $100 million.

FISCAL IMPACT:
No County funds are provided for this project.

ENCLOSED DOCUMENTS:
None

STAFF:
Robert A. Stalzer, Deputy County Executive
Katharine D. Ichter, Director, Department of Transportation (FCDOT)
Eric M. Teitelman, Chief, Capital Projects and Operations Division, FCDOT
Karyn L. Moreland, Chief, Capital Projects Section, FCDOT
William P. Harrell, Senior Transportation Planner, Traffic Operations Division, FCDOT

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Board Agenda Item
February 9, 2010

ACTION - 5

Approval of Wolf Trap Foundation for the Performing Arts First Amendment to License Agreement, and Associated Operating Agreement (Dranesville District)

ISSUE:
Board approval of a First Amendment to our existing License Agreement with Wolf Trap Foundation for the Performing Arts that permits Fairfax Connector buses to board and discharge passengers at a designated bus stop within Wolf Trap premises and approval of the Annual Operating Agreement between Wolf Trap Foundation for the Performing Arts and Fairfax County for the 2010 Season.

RECOMMENDATION:
The County Executive recommends that the Board approve, in substantiated form, the attached First Amendment to our existing License Agreement with Wolf Trap Foundation for the Performing Arts; the attached Operating Agreement; and, authorize the Director of Transportation to execute the finalized agreement on behalf of Fairfax County.

TIMING:
Board action is requested on February 9, 2010, to continue to allow Fairfax Connector buses access and egress until February 9, 2015, to serve Wolf Trap employees and patrons.

BACKGROUND:
The County and Wolf Trap Foundation for the Performing Arts entered into a License Agreement for the period commencing April 20, 2009, and ending on April 20, 2010. Both parties desire to continue this relationship.

In order to permit Fairfax Connector buses to continue to serve Wolf Trap Foundation for the Performing Arts, the Wolf Trap Foundation for the Performing Arts requires an agreement to specify what bus routes are to be operated and how these buses will traverse the Foundation's property.

The County has negotiated with the Foundation to develop a First Amendment to the existing License Agreement. This amended agreement would continue to permit Fairfax Connector buses both access and egress to and from this major entertainment center

and provide bus service to a significant number of the Wolf Trap Foundation for the Performing Arts employees and patrons.

In 2009, negotiations between the two parties resulted in a one (1) year agreement which identified a bus stop location and routing for the Fairfax Connector Bus Route # 480 (West Falls Church Metro / Wolf Trap Filene Center). As part of the amendment, the County has proposed revising the existing agreement with The Wolf Trap Foundation for the Performing Arts by extending the term of the license agreement for a period of five (5) years.

The amendment provides provisions for liability insurance as addressed by the County's Risk Management Division and shall be provided to the Wolf Trap Foundation for the Performing Arts.

FISCAL IMPACT:
The Wolf Trap Foundation for the Performing Arts, by mutual agreement, will fully subsidize this service during this agreement term with the understanding that all revenue collected via the farebox shall be credited against the monthly invoice at a rate of $5.00 per/ride (Connector Bus Express Fare) less rail to bus transfer credit adjustments as required.

ENCLOSED DOCUMENTS:
Attachment I: Proposed First Amendment to existing License Agreement with the Wolf Trap Foundation for the Performing Arts
Attachment II: 2010 Annual Operating Agreement

STAFF:
Robert A. Stalzer, Deputy County Executive
Katharine D. Ichter, Director, Fairfax County Department of Transportation (FCDOT)
Rollo C. Axton, Division Chief, Transit Services Division; FCDOT
Thomas N. Black, Section Chief, Transportation, FCDOT

Board Agenda Item
February 9, 2010

INFORMATION – 1

Contract Award – Municipal Separate Storm Sewer System and Stormwater Monitoring Program Support Services Basic Ordering Agreement

Consulting engineering services are needed to provide support on a basic ordering agreement (BOA) basis for Fairfax County's Stormwater Program in furtherance of the Board of Supervisors' Environmental Initiatives and the County's Municipal Separate Storm Sewer System (MS4) permit. These services will be provided on a task order basis. The initial contract will be established for one 12-month term with the option for two additional 12-month terms. Pursuant to Virginia State Code, BOAs have a maximum value of $5 million per year, with no individual task order exceeding $1 million. However, this contract is not anticipated to exceed a total value of $1.5 million in the first year and $3 million per year in subsequent years.

The Department of Public Works and Environmental Services (DPWES) issued a Request for Qualifications indicating that a single contract would be awarded. A total of five engineering firms were interviewed by the Selection Advisory Committee (SAC). The engineering firm of AMEC Earth & Environmental was recommended by the SAC and approved by DPWES in accordance with the guidelines contained in the Fairfax County Purchasing Resolution. The Department of Tax Administration has verified that AMEC Earth & Environmental has a current Business, Professional and Occupational License.

Unless otherwise directed by the Board of Supervisors, DPWES will proceed to award this contract to AMEC Earth & Environmental with an upset limit of $1.5 million. The contract may be renewed at the option of the County for up to two additional years.

FISCAL IMPACT:
Funding for this contract will be available from the applicable projects for which the engineering service is required. The amount of funding and the funding source will be determined prior to authorizing each task. DPWES will authorize individual task orders as they are identified.

ENCLOSED DOCUMENTS:
Attachment 1 – List of Awardee and Other Firms Interviewed
(Copy of contract available in Office of the Clerk to the Board)

Board Agenda Item
February 9, 2010

STAFF:
Robert A. Stalzer, Deputy County Executive
James W. Patteson, Director, Department of Public Works and Environmental Services (DPWES)
Howard J. Guba, Deputy Director, DPWES

Board Agenda Item
February 9, 2010

INFORMATION - 2

Contract Award – Providence RECenter Mechanical Systems Renovation (Providence District)

Six (6) sealed bids for construction of major renovations to the mechanical systems at Providence RECenter, in Project 474408, Park and Building Renovation, in Fund 370, Park Authority Bond Construction, were received and opened on November 5, 2009, as detailed in Attachment 1.

This project is included in the FY 2010 – 2014 Adopted Capital Improvement Program.

The lowest responsive and responsible bidder is Adrian L. Merton, Inc. of Capitol Heights, Maryland. Their bid of $414,566 is $314,434, or 43% below the Park Authority's estimate of $729,000, and $14,434 below the next lowest bidder.

Based on their financial capability and construction experience, Adrian L. Merton, Inc. 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 Adrian L. Merton, Inc. has the appropriate Fairfax County Business, Professional, and Occupational License (BPOL).

On January 27, 2010, 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 Adrian L. Merton, Inc. in the amount of $414,566.

FISCAL IMPACT:
Based on the post-bid update, funding in the amount of $512,125 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 $512,125, in Project 474408, Park and Building Renovation, Fund 370, Park Authority Bond Construction to award this contract and to fund the associated contingency, administrative costs and other project-related costs.

Board Agenda Item
February 9, 2010

ENCLOSED DOCUMENTS:
Attachment 1: Bid Results
Attachment 2: Scope of Work
Attachment 3: Cost Estimate

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

Board Agenda Item
February 9, 2010

INFORMATION - 3

Contract Award – Spring Hill RECenter Mechanical Systems Renovation (Dranesville District)

Eight (8) sealed bids for construction of major renovations to the mechanical systems at Spring Hill RECenter, in Project 474408, Park and Building Renovation, in Fund 370, Park Authority Bond Construction, were received and opened on November 12, 2009, as detailed in Attachment 1.

This project is included in the FY 2010 - FY 2014 Adopted Capital Improvement Program.

The apparent lowest bidder was Creative Finishes Inc. providing a bid of $827,000. However, following the bid opening, Creative Finishes Inc. notified the Park Authority that they were withdrawing their bid in accordance with "*Information to Bidders, Article 22, Modification or Withdrawal of Bid*" due to an unintentional arithmetic error in their bid. Therefore, the lowest responsive and responsible bidder is Sigal Construction Corporation of Arlington, Virginia. Their bid of $858,000 is $425,227, or 33% below the Park Authority's estimate of $1,283,227 (Attachment 3) and $55,000 below the next lowest bidder.

Based on their financial capability and construction experience, Sigal Construction Corporation 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 Sigal Construction Corporation has the appropriate Fairfax County Business, Professional, and Occupational License (BPOL).

On January 27, 2010, 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 Sigal Construction Corporation in the amount of $858,000.

FISCAL IMPACT:
Based on the post-bid update, funding in the amount of $1,072,500 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 $1,072,500 in Project 474408, Park and Building Renovation; in 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

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

Board Agenda Item
February 9, 2010

INFORMATION - 4

Deferred Compensation Vendor Consolidation Proposal

The Fairfax County Deferred Compensation Plan is a plan established under Section 457(b) of the Internal Revenue Code (IRC) to permit eligible employees to contribute a portion of their salaries to the Plan in order to save for retirement on a tax-deferred basis. The Department of Human Resources (DHR) has investigated a potential consolidation of the vendor relationships for the county's deferred compensation program. The county currently has four (4) vendors who handle the roughly 10,000 accounts with nearly 7,000 active contributors. Staff has concluded that a consolidation of these vendor relationships to a single provider will be of significant benefit to employees, allowing full leverage of the $500 million portfolio to:

- Negotiate more competitive fees for participants;
- Take advantage of new technologies and services in the vendor marketplace;
- Provide more effective participant education and communication programs;
- Use today's open architecture investment platforms to create a portfolio of best-in-class funds from a variety of providers to allow for optimal diversification opportunities and investment security;
- Offer new plan features, such as loans, after-tax components, account management and brokerage windows;
- Enable the county to better satisfy its fiduciary obligations to plan participants and ensure compliance with applicable regulations.

The Personnel and Reorganization Committee reviewed this matter at the October 26, 2009 meeting and directed DHR to explore this proposal further with county employees to get feedback on the proposed consolidation as well as input on future plan design and features.

Efforts to date have included:

- Meetings with representatives of key employee groups;
- Focus groups made up of employees randomly selected to provide input from the full spectrum of savings behaviors and life stages;
- Briefings of the Benefits Strategic Advisory Council (which includes representatives from all major employee/retiree groups) and Benefits Operations Advisory Council (which includes representatives from various employee groups and county agencies);
- Presentations to employees through roll calls/teleconferences for Fire, Police and Sheriff's departments;

- A county-wide, interactive briefing in the Board Auditorium, open to all employees and retirees, and televised throughout the county (both rebroadcasts and recorded DVDs will continue to be made available); and
- Information on the consolidation proposal made available electronically through the DHR website and NewsLink, including a detailed question and answer document that is updated as new inquiries are submitted by employees.

Employee feedback on the proposed consolidation has been overwhelmingly positive. While employees have been asking questions, after hearing the business case for the consolidation, most agree that this in the best interest of county employees.

Unless otherwise directed by the Board, a request for proposal (RFP) to the vendor marketplace will be released in the near future with a targeted conversion date of December 2010.

DHR will continue to seek employee feedback throughout the process, including the use of employee representatives on both the Selection Advisory and Technical Advisory Committees.

ENCLOSED DOCUMENTS:
None.

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

Board Agenda Item
February 9, 2010

11:00 a.m.

Matters Presented by Board Members

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Board Agenda Item
February 9, 2010

11:50 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. *Martin F. Wiesner v. Fairfax County Police Department*, Record No. 091670 (Va. Sup. Ct.)

2. *Eugenia B. White v. Fairfax County Government*, Case No. 09-8700 (United States Supreme Court)

3. *Fairfax County Department of Family Services v. Gerardo Ortega*, Record No. 2455-09-4 (Va. Ct. App.)

4. Wrongful Death Claim of Brook H. Beshah and Tsehainesh K. Gebru

5. *Wright Patman Congressional Federal Credit Union. v. George V. Omilan and County of Fairfax*, CL-2009-0017719 (Fx. Co. Cir. Ct.) (Hunter Mill District)

6. *Eileen M. McLane, Fairfax County Zoning Administrator v. Victor H. Pajares*, Case No. CL-2009-0016099 (Fx. Co. Cir. Ct.) (Providence District)

7. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Washington Mutual Bank*, Case No. CL-2009-0011617 (Fx. Co. Cir. Ct.) (Mason District)

8. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Jacqueline Ball*, Case No. CL-2009-0012436 (Fx. Co. Cir. Ct.) (Lee District)

9. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Gerald M. Bowen*, Case No. CL-2009-0001835 (Fx. Co. Cir. Ct.) (Sully District)

10. *Eileen M. McLane, Fairfax County Zoning Administrator v. Armando Uriona*, Case No. CL-2008-0007966 (Fx. Co. Cir. Ct.) (Mason District)

11. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Norman Mesewicz*, Case No. CL-2007-0008884 (Fx. Co. Cir. Ct.) (Braddock District)

12. *Eileen M. McLane, Fairfax County Zoning Administrator v. Arturo Castellon*, Case No. CL-2008-0004426 (Fx. Co. Cir. Ct.) (Springfield District)

13. *Eileen M. McLane, Fairfax County Zoning Administrator v. Robert Pierre Johnson Housing Development Corporation of the National Capital Area*, Case No. CL-2009-0012063 (Fx. Co. Cir. Ct.) (Mount Vernon District) (Strike Team Case)

14. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Tom Hu*, Case No. CL-2009-0008218 (Fx. Co. Cir. Ct.) (Lee District)

15. *Eileen M. McLane, Fairfax County Zoning Administrator v. Leonel A. Romero and Nora E. Martinez*, Case No. CL-2009-0012157 (Fx. Co. Cir. Ct.) (Braddock District)

16. *Eileen M. McLane, Fairfax County Zoning Administrator v. Delfido Chavarria and Marina A. Aguirre*, Case No. CL-2009-0011230 (Fx. Co. Cir. Ct.) (Mason District)

17. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Scott W. Pruitt*, Case No. CL-2009-0013751 (Fx. Co. Cir. Ct.) (Springfield District)

18. *Eileen M. McLane, Fairfax County Zoning Administrator v. Young C. Kim and Ok Ja Kim*, Case No. CL-2009-0016977 (Fx. Co. Cir. Ct.) (Mason District)

19. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Melba B. Clarke*, Case No. CL-2009-0016978 (Fx. Co. Cir. Ct.) (Mason District)

20. *Eileen M. McLane, Fairfax County Zoning Administrator v. Mirna G. Rubio and Manuel R. Perez*, Case No. CL-2010-0000611 (Fx. Co. Cir. Ct.) (Lee District)

21. *Eileen M. McLane, Fairfax County Zoning Administrator v. Carmen A. Portillo and Corina J. Portillo*, Case No. CL-2010-0000612 (Fx. Co. Cir. Ct.) (Springfield District)

22. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Christopher Rademacher*, Case No. CL-2010-0000610 (Fx. Co. Cir. Ct.) (Mount Vernon District) (Strike Team/BNV Case)

23. *Eileen M. McLane, Fairfax County Zoning Administrator v. Sue Baek and Seong J. Kim*, Case No. CL-2010-0000726 (Fx. Co. Cir. Ct.) (Mason District)

24. *Eileen M. McLane, Fairfax County Zoning Administrator v. Nasir Ahmad and Wosai Ahmadi*, Case No. CL-2010-0000725 (Fx. Co. Cir. Ct.) (Mason District)

25. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Arthur B. Hough*, Case No. CL-2010-0000984 (Fx. Co. Cir. Ct.) (Mason District) (Strike Team/BNV Case)

26. *Eileen M. McLane, Fairfax County Zoning Administrator v. Kingsway Limited Partnership and Miguelito Chicken*, Inc., Case No. CL-2010-0001018 (Fx. Co. Cir. Ct.) (Lee District)

27. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Deutsche Bank National Trust Company*, Case No. CL-2010-0001310 (Fx. Co. Cir. Ct.) (Mount Vernon District)

28. *Eileen M. McLane, Fairfax County Zoning Administrator v. Jose Bracamonte Castillo*, Case Nos. 09-0026686 and 09-0026687 (Fx. Co. Gen. Dist. Ct.) (Lee District)

29. *Eileen M. McLane, Fairfax County Zoning Administrator v. Michael Collins*, Case No. 10-0001474 (Fx. Co. Gen. Dist. Ct.) (Mason District)

30. *Eileen M. McLane, Fairfax County Zoning Administrator v. Vicki L. Dodge*, Case No. 10-0001473 (Fx. Co. Gen. Dist. Ct.) (Springfield District)

31. *Eileen M. McLane, Fairfax County Zoning Administrator v. Ali Ahmed and Widad Hamadelnail*, Case No. 10-0001472 (Fx. Co. Gen. Dist. Ct.) (Sully District)

32. *Eileen M. McLane, Fairfax County Zoning Administrator v. Karen A. Hernandez and Keon De Roche*, Case No. 10-0001647 (Fx. Co. Gen. Dist. Ct.) (Lee District)

33. *Eileen M. McLane, Fairfax County Zoning Administrator v. Latitia D. Jarvis*, Case No. 10-0001646 (Fx. Co. Gen. Dist. Ct.) (Springfield District)

34. *Eileen M. McLane, Fairfax County Zoning Administrator v. Tram K. Le and Phong Q. Le*, Case No. 10-0001645 (Fx. Co. Gen. Dist. Ct.) (Providence District)

35. *Eileen M. McLane, Fairfax County Zoning Administrator v. Jacqueline Jones*, Case No. 10-0001648 (Fx. Co. Gen. Dist. Ct.) (Hunter Mill District)

36. *Eileen M. McLane, Fairfax County Zoning Administrator v. Crystal Lewis*, Case No. 10-0001807 (Fx. Co. Gen. Dist. Ct.) (Lee District)

37. *Eileen M. McLane, Fairfax County Zoning Administrator v. Mohammad A. Rad*, Case No. 10-0001808 (Fx. Co. Gen. Dist. Ct.) (Providence District)

38. *Eileen M. McLane, Fairfax County Zoning Administrator v. Theia D. Trusselle*, Case No. 10-0001811 (Fx. Co. Gen. Dist. Ct.) (Hunter Mill District)

39. *Eileen M. McLane, Fairfax County Zoning Administrator v. Jacqueline Tillery*, Case No. 10-0001810 (Fx. Co. Gen. Dist. Ct.) (Springfield District)

40. *Eileen M. McLane, Fairfax County Zoning Administrator v. Rose Myers*, Case No. 10-0001809 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)

Board Agenda Item
February 9, 2010

3:30 p.m.

Public Hearing on PCA 79-P-038-02 (Nevzat Kansu and Hacer K. Kansu) to Amend RZ 79-P-038 Previously Approved for Industrial Development to Permit Modifications to the Approved Proffers and Associated Modifications to Site Design with an Overall Floor Area Ratio of 0.45, Located on Approximately 20,066 Square Feet Zoned I-5, Providence District

The application property is located on the west side of Juniper Street approximately 700 feet north of Lee Highway, Tax Map 49-2 ((5)) 5.

PLANNING COMMISSION RECOMMENDATION:
The Planning Commission public hearing will be held on February 4, 2010. 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)
Suzianne Zottl, Staff Coordinator, Zoning Evaluation Division, DPZ

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Board Agenda Item
February 9, 2010

3:30 p.m.

Public Hearing on PCA 1998-LE-048-03 (CSHV Metro Park LLC) to Amend the Proffers for RZ 1998-LE-048 Previously Approved for Commercial Development to Permit an Increase in Proffered Building Height and Associated Modifications to Proffers and Site Design with an Overall Floor Area Ratio of 0.62, Located on Approximately 29.09 Acres Zoned PDC, Lee District

The application property is located in the southeast and southwest quadrants of the intersection of Walker Lane and Metro Drive and on the west side of Walker Lane. Tax Map 91-1 ((1)) 11B2 and 23E; 91-1 ((28)) 1 and 2A; 91-1 ((31)) 1, 1A, 2, 2A, 2B, 3, 3A, 3B, 4A, 4B and 4C.

PLANNING COMMISSION RECOMMENDATION:
On Thursday, January 28, 2010, the Planning Commission voted unanimously (Commissioners Hall and Harsel absent from the meeting) to recommend the following actions to the Board of Supervisors:

- Approval of PCA 1998-LE-048-3 and the associated Conceptual Development Plan, Amendment, subject to the execution of proffers consistent with those dated January 28, 2010;

- Modification of the transitional screening yard and barrier requirements along the southern and eastern boundaries and within Metro Park, in favor of that shown on the Conceptual Development Plan Amendment and referenced in the proffers; and

- Approval of a variance, pursuant to Sect. 16-401 of the Zoning Ordinance, to allow a seven-foot tall wall in a front yard with regard to the proffered fence along the southern boundary of the site.

The Planning Commission also voted unanimously (Commissioners Hall and Harsel absent from the meeting) to approve FDPA 1998-LE-048-1-3, subject to Board approval of PCA 1998-LE-048-3 and the Conceptual Development Plan Amendment.

ENCLOSED DOCUMENTS:
None. Staff Report previously furnished.

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

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Board Agenda Item
February 9, 2010

4:00 p.m.

Public Hearing to Establish the Springfield Community Parking District (Springfield District)

ISSUE:
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 large area Springfield Community Parking District (CPD).

RECOMMENDATION:
The County Executive recommends that the Board adopt the amendment to the Fairfax County Code shown in Attachment I to establish the Springfield CPD in accordance with existing large area CPD restrictions.

TIMING:
The public hearing was authorized on January 12, 2010, for February 9, 2010, 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

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 large area CPD if the proposed District contains all of a magisterial district, excluding certain areas that meet minimum size requirements. In this case, the proposed District will encompass the entire Springfield District. Staff has verified that the requirements for a large area CPD have been satisfied.

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

If approved, the proposed Springfield large area CPD would be the fourth non-petition based CPD established in the County. Existing CPD signs within the Burke Station Square, Caroline Oaks, Cedar Lakes, Cherry Run, Daventry, Greentree Village, Hillside, Keene Mill Village IV, North Lake Village, Old Mill, Orange Hunt, Somerset, South Run Crossing, Stone Creek Crossing, Timber Ridge, and White Oaks CPDs that are within the new district will not be removed.

FISCAL IMPACT:
The recommended changes should have minimal fiscal impact. Signs will not be installed.

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

STAFF:
Katharine D. Ichter, Director, Fairfax County Department of Transportation (FCDOT)
Selby Thannikary, Chief, Traffic Operations Section, FCDOT
Maria Turner, FCDOT
Janet Nguyen, FCDOT

Board Agenda Item
February 9, 2010

Regulatory Review

4:00 p.m.

Public Hearing on Proposed Amendment to *The Code of the County of Fairfax, Virginia*, to Add a New Chapter, Chapter 123 (Coastal Primary Sand Dune Zoning Ordinance) RE: Protection of Coastal Sand Dunes and Beaches

ISSUE:
Public Hearing on proposed amendment to *The Code of the County of Fairfax, Virginia*, to add a new chapter, Chapter 123 (Coastal Primary Sand Dune Zoning Ordinance) regarding protection of coastal sand dunes and beaches.

RECOMMENDATION:
The County Executive recommends that the Board adopt the proposed amendment to *The Code of the County of Fairfax, Virginia*, as set forth in the Staff Report dated December 14, 2009 included as Attachment 2.

TIMING:
Board action is requested on February 9, 2010. The Board authorized advertisement of the amendment on January 12, 2010.

BACKGROUND:
Chapter 14 of Title 28.2 of the *Code of Virginia,* the Coastal Primary Sand Dune Protection Act (the Act), was originally adopted in 1980 to provide authority to only eight coastal localities to adopt ordinances to protect their coastal primary sand dunes and beaches. (The name of the Act was later changed to the Coastal Primary Sand Dune and Beach Act.) During the 2008 legislative session, the General Assembly extended the Act to all Tidewater Virginia localities, including Fairfax County.

The rationale for expanding the Act in 2008 was based on the findings from a multi-year study performed by the Virginia Institute of Marine Science in the late 1990s. The study determined that:

- Beaches and dunes perform a broader spectrum of ecosystem services than was originally understood;
- Beaches and dunes provide critical habitat and act as a natural buffer to erosion from wind and wave energy; and
- Beaches and dunes are more prevalent within the Virginia coastal zone than was known when the Act was originally adopted.

Board Agenda Item
February 9, 2010

At its June 22, 2009 meeting, the Board of Supervisors directed staff to draft a Coastal Primary Sand Dune Zoning Ordinance for its consideration.

PROPOSED AMENDMENT:
The proposed amendment adds a new chapter, Chapter 123, Coastal Primary Sand Dune Zoning Ordinance, to *The Code of the County of Fairfax, Virginia* and would regulate beaches and dunes on the tidal shoreline. See Attachment 3 in the Staff Report for a depiction of the jurisdictional area that would be affected by the proposed new ordinance. The proposed amendment would be similar in structure to and complement the County's Wetlands Zoning Ordinance.

The new Chapter 123 proposes the following:

- Definitions of relevant terms;
- Authorized (allowed) uses and activities;
- Uses and activities subject to the ordinance;
- Public hearing process;
- Charge to the applicant for expense of the public notice; and
- Permit processing fee of $300 paid by the applicant. Any project involving both tidal wetlands and beach would be processed as one application under one public hearing with one fee.

The proposed amendment would enable the Fairfax County Wetlands Board to administer tidal shoreline permitting that encompasses both beach permits and wetlands permits.

REGULATORY IMPACT:
Dunes and beaches are currently regulated by the Virginia Marine Resources Commission, located in Newport News, Virginia, and wetlands permits are regulated by the Fairfax County Wetlands Board. Under the proposed amendment, a shoreline property owner in Fairfax County would seek review and approval from the Fairfax County Wetlands Board for a proposed project that affects beach and/or wetlands on the tidal shoreline. If the proposed new ordinance is not established for Fairfax County, under the Act, beaches on our tidal shoreline would continue to be regulated by the Virginia Marine Resources Commission.

FISCAL IMPACT:
Under the proposed Code amendment, an applicant would pay $300 to Fairfax County for processing of a beach permit or a combined beach/wetlands permit as well as the cost for advertising the public hearing by the county's Wetlands Board. (Currently, the fee for submittal of a wetlands permit to the county is $300.) The Department of Planning and Zoning staff liaison to the Fairfax County Wetlands Board would process the permit.

If the proposed new ordinance is not established for Fairfax County, an applicant would make an application to the Virginia Marine Resources Commission located in Newport News and pay the cost of advertising the Commission's public hearing. Currently, there is not a fee for processing of a beach permit by the Virginia Marine Resources Commission.

ENCLOSED DOCUMENT:
Attachment I: Staff Report on Proposed Chapter 123 (Coastal Primary Sand Dune Zoning Ordinance)

STAFF:
James P. Zook, Director, Department Planning and Zoning (DPZ)
Pamela G. Nee, Chief, Environment and Development Review Branch, DPZ
Mary Ann Welton, Environmental Planner, DPZ

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Board Agenda Item
February 9, 2010

4:00 p.m.

Public Hearing to Lease County-Owned Property to Cellco Partnership d/b/a Verizon Wireless (Providence District)

ISSUE:
Public hearing to lease County-Owned property to Cellco Partnership d/b/a Verizon Wireless for the purpose of installing a telecommunications base station.

RECOMMENDATION:
The County Executive recommends that the Board authorize the County to enter into a communications lease with Verizon Wireless that is substantially in accordance with the Lease Agreement attached hereto as Attachment B.

TIMING:
On December 7, 2009, the Board of Supervisors authorized the advertisement of a public hearing to be held on January 12, 2010, at 4:00 p.m. The item was deferred on January 12, 2010, to February 9, 2010, at 4:00 p.m.

BACKGROUND:
The Board of Supervisors is the owner of real property located at 3300 Gallows Road (Tax Map 59-2 ((1)) 1A). Verizon Wireless is currently expanding their network in the Baltimore/Washington/Northern Virginia area and identified a Fairfax County Water Authority water tower and the associated ground area as an excellent location for a base station for their telecommunications network. The County proposes to enter into a communications lease with Verizon Wireless that is substantially in accordance with the Lease Agreement attached hereto as Attachment B. The item was previously deferred because Verizon Wireless dissolved Washington, D.C. SMSA Limited Partnership (the entity that was to be the tenant under this lease) and conveyed all of its assets to its general partner, Cellco Partnership. The revised Lease that is attached is with Cellco Partnership.

Verizon Wireless plans to install a telecommunications facility on an existing 183.5 foot tall Fairfax County Water Authority water tank located within close proximity of Fairfax Hospital. The telecommunications facility will consist of up to eight (8) panel antennas mounted on the water tank and up to eight (8) outdoor equipment cabinets and one (1) generator on the ground. The total area for the ground base station will be

approximately 798 square feet. The Board owns the land and the Water Authority owns the water tower.

On September 9, 2009, the Planning Commission voted unanimously to concur with the determination that modifications proposed by Verizon Wireless to a previously approved telecommunications facility located at 3300 Gallows Road (TM 59-2 ((1)) 1A) is substantially in accordance with the recommendations of the adopted Comprehensive Plan, and should be considered a “feature shown” pursuant to Virginia Code Section 15.2-2232, as amended.

Staff recommends that the Board authorize the County to enter into a communications lease with Verizon Wireless, which will permit the installation of a new telecommunications base station at 3300 Gallows Road. The proposed lease will have an initial term of five years with 3 five year options.

Pursuant to section 15.2-1800 of the County of Virginia a public hearing is required prior to the disposition of County-owned property.

FISCAL IMPACT:
The proposed ground lease will generate $20,000 the first year with a 3% annual increase in revenue for the County of Fairfax.

ENCLOSED DOCUMENTS:
Attachment A – Location Map

STAFF:
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