

**FAIRFAX COUNTY
BOARD OF SUPERVISORS
MAY 25, 2010**

AGENDA

8:15	Held	The Community Health Care Network Anniversary Reception Conference Rooms 4/5
9:30	Done	Presentations
10:30	Done	Presentation of the Volunteer Fire Commission Annual Report
10:45	Done	Appointments to Citizen Boards, Authorities, Commissions, and Advisory Groups
10:45	Done	Items Presented by the County Executive

**ADMINISTRATIVE
ITEMS**

1	Approved	Authorization to Advertise a Public Hearing on the Acquisition of Certain Land Rights Necessary for the Construction of Project W00400 (W4130) - Florence Lane Walkway (Lee District)
2	Approved	Streets into the Secondary System (Dranesville, Hunter Mill, Lee, Mount Vernon, Providence and Sully Districts)
3	Approved	Authorization to Advertise a Public Hearing on a Proposal to Prohibit Through Truck Traffic on Florence Lane, Shaffer Drive and School Street as Part of the Residential Traffic Administration Program (Lee District)
4	Approved	Authorization to Advertise a Public Hearing to Expand the Signal Hill Community Parking District (Braddock District)
5	Approved	Approval of Installation of Multi-Way Stop Signs as Part of the Residential Traffic Administration Program (Mason District)
6	Approved	Extension of Review Periods for 2232 Review Applications (Sully District)
7	Approved	Authorization to Advertise a Public Hearing on Amendments to the Code of the County of Fairfax, Chapter 82, Motor Vehicles and Traffic, Section 82-1-6, Adoption of State Law
8	Approved	Authorization for the Department of Community and Recreation Services to Apply for and Accept Grant Funding from the U.S. Department of Health and Human Services for a Teenage Pregnancy Prevention Grant

**FAIRFAX COUNTY
BOARD OF SUPERVISORS
MAY 25, 2010**

**ADMINISTRATIVE
ITEMS**

(continued)

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| 9 | Approved | Authorization for the Department of Community and Recreation Services to Apply for and Accept Grant Funding from the Substance Abuse and Mental Health Services Administration for a Project Linking Actions for Unmet Needs in Children's Health (LAUNCH) Grant |
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ACTION ITEMS

- | | | |
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| 1 | Approved | Approval of Revisions to Personnel Regulations Adding Language Prohibiting Discrimination Based on Genetic Information (Chapters 1, 7, 16 and 17) |
| 2 | Approved | Authorization to File a Request for a Waiver from Federal Spectrum Allocation Rules to Permit Fairfax County to Proceed with Planning for a County-Wide Public Safety Wireless Broadband Network |
| 3 | Approved | Authorization of a Fall 2010 Transportation Bond Referendum |
| 4 | Approved | Consumer Protection Commission Report on Rates Charged by Water Systems Serving Fairfax County Residents |

INFORMATION ITEMS

- | | | |
|-------|--------------|--|
| 1 | Noted | Planning Commission Action on Application 2232-V09-39, Department of Public Works and Environmental Services (Mount Vernon District) |
| 2 | Noted | Planning Commission Action on Application 2232-Y09-29, T-Mobile Northeast LLC (Sully District) |
| 3 | Noted | Contract Award – Fair Oaks Police and Fire/Rescue Station (Sully District) |
| 11:15 | Done | Matters Presented by Board Members |
| 12:05 | Done | Closed Session |

**FAIRFAX COUNTY
BOARD OF SUPERVISORS
MAY 25, 2010**

PUBLIC HEARINGS

3:30	Approved	Public Hearing on SE 2010-MA-001 (Radley Management, LLC and Radley Automobiles, Incorporated) (Mason District)
3:30	Public hearing deferred to 6/8/2010 at 3:30 p.m.	Public Hearing on SE 2009-MV-025 (CEC Entertainment, Inc.) (Mount Vernon District)
3:30	Approved	Public Hearing on RZ 2008-MV-007(JK Investments, Inc.) (Mount Vernon District)
3:30	Approved	Public Hearing on SEA 85-L-137 (JK Investments, Inc.) (Mount Vernon District)
3:30	Approved	Public Hearing on RZ 2009-PR-021 (Elm Street Communities, Inc.) (Providence District)
3:30	Approved	Joint Public Hearing on the Proposed Virginia Department of Transportation Six-Year Secondary System Construction Program for Fiscal Years 2011 Through 2016
4:00	Approved	Public Hearing to Establish the Armfield Farm Community Parking District (Sully District)
4:00	Decision deferred to 7/13/2010 at 3:30 p.m. Record remain open	Public Hearing on Proposed Area Plans Review Items 08-III-7UP, 08-III-11UP, and 08-III-12UP Located North of the Dulles Toll Road and East of the Fairfax County and Loudoun County Boundary (Dranesville District)
4:30	Approved	Public Hearing on RZ 2009-HM-019 (Comstock Reston Station Holdings, LC) (Hunter Mill District)



Fairfax County, Virginia
BOARD OF SUPERVISORS
AGENDA

Tuesday
May 25, 2010

9:30 a.m.

PRESENTATIONS:

1. CERTIFICATE – To recognize Ken Vu, Stephanie Smith and Boris Arevalo of the Cub Run ReCenter for saving the life of a 5-year-old child. Requested by Supervisor Frey.
2. CERTIFICATE – To recognize Margaret and Paul Andino for their years of service as the Braddock District Water Authority appointees. Requested by Chairman Bulova.
3. CERTIFICATE – To recognize Maria Hayden for winning the Virginia all-around gymnastics title. Requested by Supervisor Foust.
4. CERTIFICATE – To recognize the Robinson Secondary School Lady Rams Swim Team, Sophie Chase and Jacob Crawford for their athletic achievements. Requested by Supervisor Cook.
5. PROCLAMATION – To designate June 3-6, 2010, as Springfield Days in Fairfax County. Requested by Chairman Bulova and Supervisors McKay, Cook and Herry.
6. CERTIFICATE – To recognize the Thomas Jefferson High School for Science and Technology Academic Boosters Club for its achievements. Requested by Chairman Bulova.
7. RESOLUTION – To congratulate the Community Health Care Network for its 20th anniversary. Requested by Supervisor Smyth.

STAFF:

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

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Board Agenda Item
May 25, 2010

10:30 a.m.

Presentation of the Volunteer Fire Commission Annual Report

ENCLOSED DOCUMENTS:

None. Report delivered under separate cover.

PRESENTED BY:

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

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Board Agenda Item
May 25, 2010

10:45 a.m.

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

ENCLOSED DOCUMENTS:
Appointments to be heard May 25, 2010

STAFF:
Nancy Vehrs, Clerk to the Board of Supervisors

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Board Agenda Item
May 25, 2010

10:45 a.m.

Items Presented by the County Executive

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Board Agenda Item
May 25, 2010

ADMINISTRATIVE - 1

Authorization to Advertise a Public Hearing on the Acquisition of Certain Land Rights Necessary for the Construction of Project W00400 (W4130) - Florence Lane Walkway (Lee District)

ISSUE:

Board authorization to advertise notice of a public hearing on the acquisition of certain land rights necessary for the construction of Project W00400 (W4130) - Florence Lane Walkway, Fund 307, Pedestrian Walkway Improvements.

RECOMMENDATION:

The County Executive recommends that the Board authorize advertisement of a public hearing for June 22, 2010, commencing at 4:00 p.m.

TIMING:

Board action is requested on May 25, 2010, to provide sufficient time to advertise the proposed public hearing on the acquisition of certain land rights necessary to keep this project on schedule.

BACKGROUND:

The County is planning to construct approximately 550 linear feet of 5-foot concrete sidewalk, curb and gutter, roadway widening with new full depth pavement, and to provide adequate storm drainage along the east side of Florence Lane between Candlelight Court and Beech Tree Drive.

Land rights for these improvements are required on three properties. Dedications for public street purposes, a Fairfax Water easement, and grading and temporary construction easements are needed to facilitate this construction.

Negotiations are in progress with the owners of these properties; however, one of the affected properties is an outlot parcel (Tax Map 082-4-33-0000-B) owned by Robert Kato and Gale Davis. Mr. Kato is deceased and Ms. Davis does not have a known address. Therefore, Ms. Davis is considered an "unknown owner" of this property and condemnation is required to obtain title to the affected property.

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Negotiations are proceeding with the property owned by Karl and Gretchen Duff and Stony Hill Properties (Tax Map 082-4-01-0025); and the property owned by Fatima M. Ast and Jay Howard Heltzer (Tax Map 082-4-35-0005-A). However, since resolution of these acquisitions is not imminent, it may become necessary for the Board to utilize quick-take eminent domain powers to commence construction of this project on schedule. These powers are conferred upon the Board by statute, namely, VA. Code Ann. §15.2-1904 and 15.2-1905 (2008). Pursuant to these provisions, a public hearing is required before property interests can be acquired in such an accelerated manner.

FISCAL IMPACT:

Funding is available in Project W00400 (W4130) - Florence Lane Walkway, Fund 307, Pedestrian Walkway Improvements. This project is included in the Adopted FY 2011 – FY 2015 Capital Improvement Program. No funds are required at this time for land acquisition, however, funds may be required in the future to complete the project.

ENCLOSED DOCUMENTS:

Attachment A - Project Location Map
Attachment B - Listing of Affected Properties

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
May 25, 2010

ADMINISTRATIVE – 2

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

ISSUE:

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

RECOMMENDATION:

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

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
Stoddard Woods	Dranesville	Colby Crossing Way
Falls Park (Jenkins Property)	Hunter Mill	Markell Court
Highgrove Estates Section 7	Lee	Willowfield Way – Route 8446
Rebecca II Estates	Lee	Old Rolling Road – Route 803 (Additional Right-of-Way (ROW) Only)
Crandall Run Phase One & Two	Mt. Vernon	Adam Chase Circle - Route 8335 Swans Creek Way Osprey Ridge Lane Hooes Road - Route 636 (Additional ROW Only) Hooes Road - Route 636 (Additional ROW Only)
Crandall Run Phase Three	Mt. Vernon	Swans Creek Way - Route 10228 Hooes Road - Route 636 (Additional ROW Only)

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<u>Subdivision</u>	<u>District</u>	<u>Street</u>
Federal Realty Investment Trust (Safeway Pan Am Center)	Providence	Nutley Street – Route 10272 (Additional ROW Only)
CoxCom, Inc. (Gallows Road)	Providence	Gallows Road – Route 650 (Additional ROW Only)
Ewell Property	Sully	Folkers Landing – Route 10151 John Ewell Court
Oak Hill Estates Section 5	Sully	Fawn Wood Lane – Route 10650 Thompson Road – Route 669 (Additional ROW Only)

TIMING:
Routine.

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

FISCAL IMPACT:
None.

ENCLOSED DOCUMENTS:
Attachment 1 – Street Acceptance Forms

STAFF:
Robert A. Stalzer, Deputy County Executive
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, DPWES

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ADMINISTRATIVE - 3

Authorization to Advertise a Public Hearing on a Proposal to Prohibit Through Truck Traffic on Florence Lane, Shaffer Drive and School Street as Part of the Residential Traffic Administration Program (Lee District)

ISSUE:

Board authorization to advertise a public hearing to be held at 4:00 p.m. on Tuesday, June 22, 2010, for the purpose of endorsing the inclusion of the following roads in the Residential Traffic Administration Program (RTAP) for a through truck traffic restriction:

- Florence Lane
- Shaffer Drive
- School Street between Telegraph Road and North Kings Highway

RECOMMENDATION:

The County Executive recommends the Board authorize advertisement of a public hearing for the purpose of endorsing the inclusion of Florence Lane, Shaffer Drive, and School Street between Telegraph Road and North Kings Highway in the Residential Traffic Administration Program (RTAP) for a through truck traffic restriction.

TIMING:

The Board should take action on May 25, 2010, to provide sufficient time for advertisement (Attachment I) of the proposed public hearing scheduled for June 22, 2010, 4:00 p.m.

BACKGROUND:

In a memorandum dated November 18, 2009, Supervisor McKay requested staff to work with the Virginia Department of Transportation (VDOT) to implement through truck traffic restrictions on Florence Lane, Shaffer Drive and School Street due to continuing safety concerns of residents regarding through trucks utilizing Florence Lane, Shaffer Drive and School Street as a shortcut between Telegraph Road and North Kings Highway. The increased truck traffic has exacerbated safety concerns for the neighborhood. A possible alternate route is via Telegraph Road to North Kings Highway, from the intersection of Telegraph Road and Florence Lane to the intersection of North Kings Highway and School Street (Attachment II).

Section 46.2-809, of the *Code of Virginia* requires a local jurisdiction to hold a duly

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advertised public hearing on any proposal to restrict through truck traffic on a primary or secondary road. Further, a resolution pertaining to prohibiting through truck traffic on a portion of this road (Attachment II) has been prepared for adoption and transmittal to VDOT, which will conduct the formal engineering study of the through truck restriction request.

FISCAL IMPACT:
None.

ENCLOSED DOCUMENTS:

Attachment I: Proposed Resolution to Restrict Through Truck Traffic on Florence Lane, Shaffer Drive and School Street

Attachment II: Area Map of Proposed Through Truck Traffic Restriction

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

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ADMINISTRATIVE - 4

Authorization to Advertise a Public Hearing to Expand the Signal Hill Community
Parking District (Braddock District)

ISSUE:

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

RECOMMENDATION:

The County Executive recommends that the Board authorize advertisement of a public hearing for June 22, 2010, at 4:00 p.m. to consider adoption of a Fairfax County Code amendment (Attachment I) to expand the Signal Hill CPD in accordance with current CPD restrictions.

TIMING:

The Board of Supervisors should take action on May 25, 2010, to provide sufficient time for advertisement of the public hearing on June 22, 2010, at 4:00 p.m.

BACKGROUND:

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

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

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

Pursuant to Fairfax County Code Section 82-5B-3, the Board may expand a CPD if: (1) the Board receives a petition requesting such an expansion and such petition contains the names and signatures of petitioners who represent at least 60 percent of the addresses within the proposed CPD, and represent more than 50 percent of the eligible addresses on each block of the proposed CPD, (2) the proposed CPD includes an area in which 75 percent of each block within the proposed CPD is zoned, planned or developed as a residential area, and (3) the Board receives an application fee of \$10 for each petitioning property address in the proposed CPD.

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

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

FISCAL IMPACT:

The cost of sign installation is estimated at \$600 to be paid out of Fairfax County Department of Transportation (FCDOT) funds.

ENCLOSED DOCUMENTS:

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

STAFF:

Robert A. Stalzer, Deputy County Executive
Katharine D. Ichter, Director, Fairfax County Department of Transportation (FCDOT)
Eric Teitelman, Division Chief, Capital Projects and Operations Division, FCDOT
Selby Thannikary, Section Chief, Traffic Operations Section, FCDOT
Maria Turner, Sr. Transportation Planner, FCDOT
Janet Nguyen, Transportation Planner, FCDOT

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ADMINISTRATIVE - 5

Approval of Installation of Multi-Way Stop Signs as Part of the Residential Traffic Administration Program (Mason District)

ISSUE:

Board endorsement of Multi-Way Stop signs, as part of the Residential Traffic Administration Program (RTAP).

RECOMMENDATION:

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

- Colfax Avenue and Reservoir Heights Avenue (Mason District).

TIMING:

Board action is requested on May 25, 2010.

BACKGROUND:

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 April 1, 2010, the Department of Transportation received written verification from the appropriate local supervisor confirming community support.

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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 \$1,000 is to be paid out of the secondary road construction budget.

ENCLOSED DOCUMENTS:

None.

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
Guy M. Mullinax, Transportation Planner, FCDOT

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ADMINISTRATIVE – 6

Extension of Review Periods for 2232 Review Applications (Sully District)

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 application FS-Y10-4 to July 29, 2010, and for application FSA-57-1 to July 30, 2010.

TIMING:

Board action is required on May 25, 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-Y10-4 and FSA-57-1, which were accepted for review by the Department of Planning and Zoning on March 1, 2010, and March 2, 2010, respectively. 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.

The review periods for the following applications should be extended:

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FS-Y10-4 T-Mobile Northeast LLC
Antenna colocation on existing transmission tower
6296 Hunt Chase Court
Sully District

FSA-57-1 T-Mobile Northeast LLC
Additional equipment cabinets
12777 Fair Lakes Circle
Sully 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
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ADMINISTRATIVE - 7

Authorization to Advertise a Public Hearing on Amendments to the Code of the County of Fairfax, Chapter 82, Motor Vehicles and Traffic, Section 82-1-6, Adoption of State Law

ISSUE:

Board authorization to advertise amendments to Chapter 82, Motor Vehicles and Traffic. These amendments adopt actions of the 2010 General Assembly into Chapter 82 of the *Code of the County of Fairfax, Virginia*.

RECOMMENDATION:

The County Executive recommends that the Board authorize the advertisement of a public hearing on the proposed amendments to Chapter 82.

TIMING:

Authorization to advertise the proposed amendments on May 25, 2010; Board of Supervisors' public hearing scheduled for June 22, 2010, at 4:30 p.m. The provisions of these amendments will become effective July 1, 2010.

BACKGROUND:

As a housekeeping measure to update Chapter 82, portions of Section 82-1-6 (Adoption of State Law) have been amended to reflect changes made to the *Code of Virginia* by the 2010 General Assembly. A summary of all changes, which become effective July 1, 2010, is provided in Attachment 2.

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

Attachment 1 - Proposed Amendments to Chapter 82, Motor Vehicles and Traffic
Attachment 2 - Summary of 2010 General Assembly Amendments Affecting Chapter 82, Motor Vehicles and Traffic

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STAFF:

Robert A. Stalzer, Deputy County Executive
Colonel David M. Rohrer, Chief of Police
Karen L. Gibbons, Senior Assistant County Attorney

Board Agenda Item
May 25, 2010

ADMINISTRATIVE – 8

Authorization for the Department of Community and Recreation Services to Apply for and Accept Grant Funding from the U.S. Department of Health and Human Services for a Teenage Pregnancy Prevention Grant

ISSUE:

Board approval for the Department of Community and Recreation Services (CRS) to apply for and accept funding, if received, from the United States Department of Health and Human Services for a Teenage Pregnancy Prevention grant in the amount of \$2,500,000. This grant would fund the implementation of evidence-based programming designed to prevent teen pregnancy. No Local Cash Match is required. The grant period is September 30, 2010 through September 29, 2015. If the actual award received is significantly different from the application amount, another item will be submitted to the Board requesting appropriation of the grant funds. Otherwise, staff will process the award administratively in accordance with Board policy.

RECOMMENDATION:

The County Executive recommends that the Board authorize CRS to apply for and accept funding, if received, from the U.S. Department of Health and Human Services in the amount of \$2,500,000 for a Teenage Pregnancy Prevention grant to implement evidence-based programming designed to prevent teen pregnancy

TIMING:

Board approval is requested on May 25, 2010, as the application is due on June 1, 2010.

BACKGROUND:

The U.S. Department of Health and Human Services, Office of Adolescent Health, has made available \$75 million in grant funding to replicate evidence-based programs that have been proven through rigorous evaluation to reduce teenage pregnancy, behavioral risks underlying teenage pregnancy, or other associated risk factors. If awarded, funding from this grant would establish a position responsible for engaging the community, raising awareness, and ensuring the involvement of community organizations that can best serve populations disproportionately affected by teen pregnancy.

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The majority of the funding would be used to train program providers and support the implementation of selected evidence-based programs that meet the specific needs of Fairfax County communities. Specifically, the Teen Outreach Program (TOP) will be implemented. TOP is a national youth development program designed to prevent a wide range of adolescent problem behaviors by helping adolescents develop a positive self-image, effective life management skills, and achievable goals. These objectives are achieved by engaging youth in a high level of community service learning that is closely linked to discussions of future life options. The program can be implemented in a wide range of settings, including schools, community centers, clinics, and other community-based programs. Rigorous evaluations have shown TOP to be effective at preventing teen pregnancy among diverse populations. Community-based and faith-based organizations throughout the County will have the opportunity to be trained and deliver TOP within their programs. TOP will also be implemented in a range of County-run programs.

The grant application is being submitted by CRS. However, it is anticipated that, if the grant is received, the newly-formed Department of Neighborhood and Community Services (DNCS) will be the lead agency.

Funding will support 2/2.0 SYE grant positions: a Management Analyst III to oversee the project and be housed in DNCS, and; a Management Analyst II, also housed in DNCS, to develop and manage partnerships with community-based partners and oversee the County's involvement in the federal evaluation of the program.

FISCAL IMPACT:

If the application is successful, a Teenage Pregnancy Prevention grant in the amount of \$2,500,000 will be available from the U.S. Department of Health and Human Services. If the award is received, the appropriation will be requested as part of a quarterly review. The U.S. Department of Health and Human Services allows indirect cost recovery. CRS is requesting the current County indirect cost rate of 11.80 percent of direct salaries and wages, or \$95,514 over the five year grant period.

CREATION OF NEW POSITIONS:

These funds will be used to support 2/2.0 SYE new grant positions. The County has no obligation to fund these positions when the grant period ends.

ENCLOSED DOCUMENTS:

None

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STAFF:

Patricia D. Harrison, Deputy County Executive

Christopher A. Leonard, Acting Director, Department of Community and Recreation Services

Kenneth Disselkoen, Director, Department of Systems Management for Human Services

Jesse M. Ellis, Resource Development Manager, Department of Community and Recreation Services

Denise Raybon, Countywide Prevention Coordinator, Department of Systems Management for Human Services

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ADMINISTRATIVE – 9

Authorization for the Department of Community and Recreation Services to Apply for and Accept Grant Funding from the Substance Abuse and Mental Health Services Administration for a Project Linking Actions for Unmet Needs in Children's Health (LAUNCH) Grant

ISSUE:

Board approval for the Department of Community and Recreation Services (CRS) to apply for and accept funding, if received, from the Substance Abuse and Mental Health Services Administration for a Project Linking Actions for Unmet Needs in Children's Health (LAUNCH) grant in the amount of \$3,250,000. This grant would fund the implementation of a systemic community planning process and related services to promote the health and wellness of young children from birth to eight years of age. No Local Cash Match is required. The grant period is September 1, 2010 through August 31, 2015. If the actual award received is significantly different from the application amount, another item will be submitted to the Board requesting appropriation of the grant funds. Otherwise, staff will process the award administratively in accordance with Board policy.

RECOMMENDATION:

The County Executive recommends that the Board authorize CRS to apply for and accept funding, if received, from the Substance Abuse and Mental Health Services Administration in the amount of \$3,250,000 for a Project LAUNCH grant to implement a systemic community planning process and related services to promote the health and wellness of young children from birth to eight years of age.

TIMING:

Because of a May 17, 2010, submission deadline, the application was submitted pending Board approval. If the Board of Supervisors does not approve this request, the application will be immediately withdrawn.

BACKGROUND:

The Substance Abuse and Mental Health Services Administration (SAMHSA), a part of the U.S. Department of Health and Human Services, first provided Project LAUNCH grants in 2008. In the first two years, the program was available only to state governments (Virginia is not a grantee). This year's funding opportunity is targeted toward local governments and community-based implementations.

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The purpose of Project LAUNCH is to promote the wellness of young children, birth to eight years of age, through the implementation of a systematic community planning process. Project LAUNCH defines wellness as optimal functioning across all developmental domains, including physical, social, emotional, cognitive and behavioral health. The goal of Project LAUNCH is to create a shared vision for the wellness of young children that drives the development of federal, state, and locally-based networks for the coordination of key child-serving systems and the integration of behavioral and physical health services. The expected result is for children to be thriving in safe, supportive environments and entering school ready to learn and able to succeed.

The grant would fund the implementation of a Young Child Wellness Council made up of representatives from relevant County agencies, schools, and nonprofit and private service providers and stakeholders. The council will lead a strategic planning process designed to promote linkages and coordination across the system, enhance workforce capacity and skills, and ensure that practices are family-centered and culturally competent.

Furthermore, the grant would fund the implementation of evidence-based practices in five service areas:

- Use of developmental assessments in a range of child-serving settings to facilitate appropriate referrals throughout the system
- Integration of behavioral health programs and practices into primary care settings
- Home visiting programs
- Mental health consultation
- Family strengthening and parent skills training, including substance abuse prevention

These programs would be implemented across the system by County agencies, schools, and community-based organizations.

The implementation of this grant seeks to build on work begun by the County's prevention system. As such, the Departments of Family Services, Health, Community and Recreation Services, Systems Management for Human Services; the Fairfax-Falls Church Community Services Board; and Fairfax County Public Schools have been involved in the development of the grant proposal. Additional partners, including County agencies and community organizations, will be involved in implementation.

The project period is five years, with a maximum of \$650,000 per year. Much of the first year is devoted to planning and infrastructure work, with service implementation beginning after approximately nine months. The grant application is being submitted by CRS.

However, it is anticipated that, if the grant is received, the newly-formed Department of Neighborhood and Community Services (DNCS) will be the lead agency.

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Funding will support 3/3.0 SYE grant positions: a Young Child Wellness Coordinator, required by SAMHSA, to oversee the project and be housed in DNCS; a Management Analyst II in DNCS to oversee data collection and analysis and management of any contracts associated with the grant, and; a Human Services Worker IV in DNCS to manage the Triple P parenting program that will be implemented using a variety of methods by multiple agencies and nonprofit partners.

FISCAL IMPACT:

If the application is successful, a Project LAUNCH grant in the amount of \$3,250,000 will be available from SAMHSA. If the award is received, the appropriation will be requested as part of a quarterly review. No Local Cash Match is required. SAMHSA allows indirect cost recovery. CRS is requesting the current County indirect cost rate of 11.80 percent of direct salaries and wages, or \$152,652 over the five year grant period.

CREATION OF NEW POSITIONS:

These funds will be used to support 3/3.0 SYE new grant positions. The County has no obligation to fund these positions when the grant period ends.

ENCLOSED DOCUMENTS:

None

STAFF:

Patricia D. Harrison, Deputy County Executive

Christopher A. Leonard, Acting Director, Department of Community and Recreation Services

Kenneth Disselkoen, Director, Department of Systems Management for Human Services

Jesse M. Ellis, Resource Development Manager, Department of Community and Recreation Services

Denise Raybon, Countywide Prevention Coordinator, Department of Systems Management for Human Services

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Board Agenda Item
May 25, 2010

ACTION - 1

Approval of Revisions to Personnel Regulations Adding Language Prohibiting
Discrimination Based on Genetic Information (Chapters 1, 7, 16 and 17)

ISSUE:

Board approval of revisions to Chapters 1, 7, 16 and 17 of the Personnel Regulations adding language that prohibits discrimination based on genetic information when it comes to health insurance and employment.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors approve the proposed revisions to Chapters 1, 7, 16 and 17 of the Personnel Regulations.

TIMING:

Routine.

BACKGROUND:

Revisions are proposed to the Personnel Regulations to implement the Genetic Information Nondiscrimination Act (GINA) of 2008 that was effective November 21, 2009. GINA protects against discrimination based on genetic information when it comes to health insurance and employment.

Language is being added to Chapter 1 to preclude discrimination against employees or applicants for employment on the basis of genetic information (Chapter 1.9). Changes to Chapter 7 will provide an applicant with the right of appeal if he/she believes that discrimination has occurred based on genetic information (Chapter 7.8).

In accordance with GINA, Chapter 16 is being updated to add harassing fellow employees on the basis genetic information to the list of prohibited conduct noted in the Standards of Conduct. (Addendum # 1 to Chapter 16, Standard of Conduct).

Chapter 17 is being revised to add specify that complaints of discrimination on the basis of genetic information are grievable and eligible to receive a binding decision from a three-member panel of the Civil Service Commission (Chapter 17.3-2).

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In accordance with the Merit System Ordinance, the proposed revisions were forwarded to the Civil Service Commission for public hearing. The public hearing was held on April 21, 2010. The Commission's comments are included as attachment 2.

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

Attachment 1: Proposed revisions to Chapters 1, 7, 16 and 17 of the Personnel Regulations

Attachment 2: Memorandum from the Civil Service Commission

STAFF:

Edward L. Long, Jr., Deputy County Executive

Susan Woodruff, Director, Department of Human Resources

Kenneth Saunders, Director, Office of Human Rights and Equity Programs

Edward E. Rose, III, Senior Assistant County Attorney

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ACTION - 2

Authorization to File a Request for a Waiver from Federal Spectrum Allocation Rules to Permit Fairfax County to Proceed with Planning for a County-Wide Public Safety Wireless Broadband Network

ISSUE:

Authorization to file a request to the Federal Communications Commission (FCC) for a waiver from current radio frequency spectrum rules. The requested waiver will enable Fairfax County to proceed with planning, deployment and operation of a wireless broadband network operating in the Public Safety broadband 700 MHz frequency spectrum in support of public safety and emergency support agencies' operations.

RECOMMENDATION:

The County Executive recommends that the Board authorize staff to file the attached waiver request with the FCC.

TIMING:

Board action is requested on May 25, 2010, to ensure that the County has the best opportunity for consideration of the waiver request and gain the benefit of the FCC's current approach to waivers of this kind.

BACKGROUND:

In December 2003, the County joined a coalition of jurisdictions across the country in a Memorandum of Support to the FCC advocating for additional 700 MHz spectrum for public safety wireless broadband capability. In 2005, Fairfax County, along with the nineteen other jurisdictions in the National Capital Region developed the NCR Interoperability Program (NCRIP) which was funded by the Department of Homeland Security's Urban Area Security Initiative (UASI). The goals of the NCRIP were to develop a regional, interoperable institutional fiber and wireless broadband network and data exchange hub that public safety, law enforcement and emergency response organizations across the Washington metropolitan region can use to communicate critical information during emergency response operations and in daily interactions between these jurisdictions. This program was deemed critical to provide secure communications availability for supporting wide-scale emergency support functions and mutual aid operations, and designed for implementation over a five-year period contingent on funding investments through UASI (Urban Area Security Initiatives).

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In December 2005, the NCRIP conducted a study and completed a report that called for the deployment of a regional public safety wireless broadband network-of-networks using wireless video and images to improve the quality of information at incident scenes in response of public safety agencies. For example, such a capability could be used to transmit real-time video images of emergencies so that responses to emergencies could be coordinated more quickly and efficiently. On June 26, 2006, the Board endorsed efforts by representatives of the jurisdictions in the National Capital Region to obtain a waiver from regulations that precluded the planning and deployment of a regional wireless broadband system. Subsequently, Fairfax County joined the other jurisdictions in a regional waiver request to allow deployment of a 700 MHz wireless broadband network for public safety. The FCC granted that waiver but it has since expired. Since that time, several localities across the country have applied for independent waivers.

In August of 2007, the FCC changed the rules for 700MHz wireless broadband use. Those rules only allow a license for a single nation-wide wireless broadband network for public safety in that spectrum, except that regional or individual public safety wireless broadband networks are allowed in the 700 MHz spectrum in two limited circumstances. The FCC's plan later failed because it was unable to attract an appropriate bid to construct the single nationwide network contemplated by the rules.

Today the Commission is instead promoting a system-of-systems plan which is consistent with the original plan of NCRIP and Fairfax County's strategic goal for broadband technology plans and infrastructure assets. The FCC's current Public Safety plan can be found in chapter 16 of the recently released National Broadband Plan. However, the 2007 rules remain in effect. The FCC has an aggressive schedule for rulemaking to change the existing rules, but this rulemaking proceeding will not be concluded soon, and many jurisdictions want to move forward with the deployment of such networks. Thirteen jurisdictions from around the United States, including Washington, D.C., New York City, Los Angeles, CA. the State of New York, the State of New Jersey, and the State of Hawaii have all previously applied for a waiver to deploy 700MHz broadband wireless networks.

If the FCC grants Fairfax County a waiver, and if the project is funded by Federal grants (also recommended in the FCC's Broadband Plan), Fairfax will be able to build its network and have interoperability with other jurisdictions, with each jurisdiction maintaining control over its own network. Accordingly, Fairfax County will determine who has access to its private broadband network, and through agreed upon concept of operations; each network will be compatible with each jurisdiction's plan for communicating with its public safety personnel.

FISCAL IMPACT:

The staff recommendation is limited to Board support for the request to the FCC for a waiver. Any appropriation of funds for such a system will be brought to the Board for separate consideration. However, it is important to note that County staff has been planning

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the construction and implementation of a broadband system that is to be funded entirely by Federal grants. Consistent with the FCC's National Broadband Plan's recommendation for \$6.5 Billion in federal grants specifically for public safety broadband networks proposed herein, County staff believes it is in the County's best interest to promote network deployments as soon as possible in order to apply for grant opportunities.

ENCLOSED DOCUMENTS:

Attachment 1: Request for a waiver from Federal Spectrum Allocation Rules

STAFF:

Dave Molchany, Deputy County Executive

Wanda Gibson, Chief Technology Officer, Department of Information Technology

Stephen Brundage, Director, Communications Technologies Division, DIT

Michael Liberman, Director, Department of Cable Communications and Consumer Protection

Erin Ward, Assistant County Attorney

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ACTION - 3

Authorization of a Fall 2010 Transportation Bond Referendum

ISSUE:

Board authorization for a transportation bond referendum in the amount of \$120.0 million on November 2, 2010. These bond funds, if approved, would be used to pay for the County's share of the Washington Metropolitan Transit Authority capital program or other transportation improvements.

RECOMMENDATION:

The County Executive recommends that the Board:

1. Adopt the proposed resolution, Attachment 1, requesting the County Attorney to petition the Circuit Court to schedule a transportation bond referendum on November 2, 2010
2. Authorize the preparation and distribution of a brief plain language explanation of the bond question.

TIMING:

Board action is requested now in order to provide sufficient time to petition the Circuit Court to order the special election and to complete the federal preclearance process and prepare absentee ballots. Absentee ballots must be available no later than 45 days prior to the election and cannot be printed until receipt of pre-clearance from the U.S. Department of Justice. The federal preclearance procedure usually requires 61 days to complete. Attachment 2 is the proposed Fall 2010 Bond Referendum Schedule.

BACKGROUND:

Board approval is sought to put a \$120.0 million transportation bond referendum on the general election ballot on November 2, 2010. This dollar figure was previously approved by the Board on April 20, 2010, as part of the County's *FY 2011 – FY 2015 Capital Improvement Program (with Future Fiscal Years to 2020)*.

If approved by voters in November, Fairfax County will use the bond funds, as well as state funds, to pay for its share of Metro's new Capital Improvement Program (CIP) or to pay for other transportation improvements. The County's share of Metro capital costs is estimated to average between \$21.0 and \$24.0 million per year during the next six years. Bond funds will be used to maintain existing Metro facilities, such as replacing old buses and railcars, building new bus garages and transit police facilities, and modernizing escalators

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and elevators. The money will not be used to purchase railcars for the Silver Line. Metro's CIP is important to maintaining the current system. The previous six year program (Metro Matters) included replacing 120 railcars and 180 buses. The Metro Matters agreement expires on June 30, 2010 but it provides that the Metro Matters Funding Agreement "will be amended, or superseded by a new agreement prior to FY 2011...." The next Metro capital funding agreement is currently being negotiated, and is scheduled to be approved this summer. It provides a schedule of capital projects and expenditures for the next six years on a pay-as-you-go basis.

To inform the public about this referendum, the Clerk to the Board will publish notice in the newspaper and the Office of Public Affairs will post information on the county's Web site and social networking sites. Virginia law permits the Board to provide for the preparation and distribution of a brief explanation of each bond question, otherwise known as the plain English statement. These explanations, to be written by the County Attorney, will be posted on the county's Web site, distributed at county facilities such as library branches and Board of Supervisors' offices, given to interested community groups and made available at voter registration sites and posted at the polling places on the day of the election. The Office of Public Affairs will coordinate production and distribution of these plain English statements, possibly translating them into Korean, Spanish, and Vietnamese, which are the most widely spoken non-English languages in the county. By law, only the English language versions may be distributed at polling places.

FISCAL IMPACT:

The bonds are expected to be sold according to actual cash requirements over the next several years. Total estimated interest costs are projected to be approximately \$63.0 million based on an average interest rate of 5 percent. These costs have been included in the FY 2011- FY 2015 debt capacity calculations adopted by the Board in connection with the Capital Improvement Program.

The Office of Public Affairs will fund the plain English statement printing, translation and distribution out of its existing budget.

ENCLOSED DOCUMENTS:

Attachment 1: Bond Resolution for Transportation Facilities
Attachment 2: Proposed Fall 2010 Bond Referendum Schedule

STAFF:

Robert A. Stalzer, Deputy County Executive
Edward L. Long, Jr., Deputy County Executive
Katharine D. Ichter, Director, Fairfax County Department of Transportation
Leonard P. Wales, County Debt Manager

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ACTION - 4

Consumer Protection Commission Report on Rates Charged by Water Systems Serving Fairfax County Residents

ISSUE:

The Board of Supervisors directed the Consumer Protection Commission (Commission) to conduct an investigation, with the assistance of appropriate County staff, into the rates paid by County residents to the various systems that furnish water service within the County.

RECOMMENDATION:

The Board of Supervisors adopt the principles recommended by the Consumer Protection Commission.

TIMING:

Routine

BACKGROUND:

Pursuant to a July 21, 2008 Board Matter, the Commission investigated the following issues relating to the provision of water utility services within Fairfax County:

- The differences in rates paid by customers of the five municipal water utilities providing service in Fairfax County.
- Rate differentials charged by the Town of Vienna, specifically the lower rates charged to customers located inside town limits and the higher rates charged to customers located outside town limits.
- Water utility revenue transfers made by municipal water utility systems in Fairfax County to the municipalities' general funds.
-

As a result of this request, the Consumer Protection Commission directed a comprehensive study of these issues spanning numerous months and meetings of the Commission. On April 20, 2010, the Commission unanimously approved the attached report.

Findings in the Report

Background

1. Residents of Fairfax County receive water from five water systems: Fairfax Water, the City of Falls Church, the City of Fairfax, the Town of Vienna, and the Town of Herndon.

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2. The service territories of the five water systems operating in Fairfax County reflect the legal rights enjoyed by cities and towns and developments since Fairfax Water's 1957 creation.
3. Municipally-owned water systems have an exclusive right to provide service to customers located inside their geographical boundaries. In Fairfax County, certain territory located outside a municipality's boundaries has been considered an "interface area," defined as an area of overlapping authority where water service might legitimately be provided by either Fairfax Water or the municipal water system. Such interface areas are ultimately subject to the Board of Supervisors' decision to create exclusive service areas under authority vested in the Board under Va. Code Ann. §§ 15.2-2111 and 15.2-2112.
4. In 2007 and 2008, federal courts ruled that Fairfax Water is legally authorized to provide water service anywhere it can in Fairfax County, and that the City of Falls Church did not have an exclusive service area in the eastern portion of the County. In early 2010, Fairfax Water and the City of Falls Church agreed that each shall have a full, free, and fair opportunity to provide water service within the interface area that is the City's traditional service area in Fairfax County.
5. Fairfax Water is the largest provider of water service to Fairfax County customers, with about 235,000 accounts. It operates two water treatment plants and a distribution system consisting of about 3,100 miles of water mains. Fairfax Water returns all water system revenues to the water system to support infrastructure reinvestment and system improvements. Fairfax Water tends to propose and adopt modest annual increases in its water rates effective in April of each year.
6. The City of Falls Church is the second-largest provider of water service to Fairfax County customers, with about 35,000 accounts. About 92 percent of its water customers are located outside City limits. Falls Church purchases its water supply on a wholesale basis and operates distribution system of about 497 miles of water mains. Until FY2010, the City's water system transferred surplus water revenues to the City's General Fund. Although this practice was enjoined in 2010, the City has no plans to reduce water rates.
7. The City of Fairfax provides water service to about 11,765 customers located in the City and portions of Fairfax County contiguous to the City. The City operates its own treatment plant in Loudoun County and approximately 200 miles of water mains. The City's water system transfers water revenues to the City's General Fund through payment of a management fee and other administrative expenditures. Due to escalating capital costs, the City anticipates annual rate increases for the foreseeable future.
8. The Town of Vienna provides water service to about 9,480 customers located in the Town and portions of Fairfax County contiguous to the Town. About 9,034 of the system's customers are residential and about 39 percent of these customers reside outside the Town limits. The Town is currently a wholesale customer of the Falls Church water system and operates a distribution system of about 131 miles. The Town transfers water and sewer revenues to the Town's General Fund. The Town appears to have no capital improvement program for its water and sewer systems and has no

record of recent studies to support either the water rates it charges or the water rate increases it adopted in 2006 and 2007.

9. The Town of Herndon provides water service to about 5,872 customers. It is a wholesale customer of Fairfax Water and operates a distribution system consisting of approximately 88 miles of water mains. The Town's water and sewer systems transfer revenues to the Town's General Fund through payment of non-departmental expenditures. Beginning in 2006, the Town has incrementally increased its water and sewer commodity rates by three percent each year based, in part, on a comprehensive utility rate study conducted in 2005. A utility rate study will be performed each year to determine potential rate adjustments.

Fees and Rates

10. Title 15.2 of the Virginia Code authorizes localities, municipalities, counties, and authorities to operate water systems. The specific Code provisions that govern a system's operations depend on the type of entity involved. Each type of system, however, is subject to the statutory obligation to charge fair and reasonable rates for the services it provides.
11. In the absence of a statutory standard for determining charges, the fees and charges set by a locality for its water service are subject only to the implicit requirement of reasonableness.
12. The Virginia courts give localities considerable latitude in rate-setting. The law does require, however, that a locality demonstrate a plausible basis supporting the fees and charges it establishes. In determining the reasonableness of the fee, the courts will generally examine whether the evidence establishes a "reasonable correlation . . . between the benefit conferred and the cost exacted."
13. Water systems operating in Fairfax County charge their residential customers on a quarterly basis. For most systems, the residential recurring water rates consist of a service fee, a charge for water consumed (the commodity charge), and, for some customers, an excess use charge. Commodity charges vary among the systems, ranging from a low of \$1.93 (Fairfax Water) to \$4.37 (Town of Vienna – outside customers).
14. All five water systems charge new customers both service connection and availability charges.

Rate Differentials among Water Utilities

15. The existence and expectation of legitimate rate differentials among water utility systems is well documented and accepted within the industry.
16. There are significant rate disparities among public water utilities in Fairfax County. These differences in rates can be explained, in large part, due to significant diversities among the systems. Differences in economies of scale and size, sources of supply, age, growth rates of systems, technology, technical expertise, access to capital, among others, contribute to a significant range in costs and rates.
17. A statewide compilation of water rates indicates that the bill to a residential customer consuming 5,000 gallons of water could range, statewide, from a low of \$8.55 per month to a high of \$77.57 per month.

18. The statewide average rate for water service is \$25.61 per month (including inside rates) and the average outside rate is \$37.86. Each of the five water utilities in Fairfax County charge rates below the statewide averages.
19. As of July 2009, the regional average quarterly cost to a residential customer of 24,000 gallons of water (8,000 gallons per month) was \$85.65. Fairfax Water charged the lowest rates in the region, at \$50.97. Fairfax Water, the Town of Herndon, and the City of Falls Church fell below the region's average water rate. The Town of Vienna's water rates were among the highest in the region.

Rate Differentials: Inside versus Outside Corporate Limits

20. The practice of charging different water rates to "inside" and "outside" customers is permissible under Virginia law, as long as there is a "reasonable correlation" between the benefit conferred and the cost exacted.
21. Localities can offer different types of situations to demonstrate that the facts support a decision to charge outside customers more than inside customers. To demonstrate that the facts support the specific rate(s) charged, the locality must identify a cost-based rationale or evidence underlying those rates.
22. Of the four municipal water systems in Fairfax County, only the Town of Vienna has established a rate structure that includes a higher rate for customers located outside municipal boundaries. The Town currently charges customers located inside Town limits \$3.99 per 1,000 gallons of water but charges its "outside" customers \$4.37 per 1,000 gallons of water.
23. At least 81 public water systems in Virginia charge higher rates to customers located outside municipal borders, as compared to the rates charged to residents. The average differential between reported inside and outside rates for 2009 is 54 percent.
24. Although Vienna's inside/outside rate differential is significantly lower than the statewide average, the Town appears to have no cost basis for its higher outside rate. The Town's Finance Department has no record of any formal studies conducted to set the rate differential.

Transfer of Revenues from Water Fund to General Fund

25. In *Fairfax Water v. Falls Church* (2010) (*Fairfax Water*), the City of Falls Church's practice of transferring surplus revenues from the sale of water and related service into its General Fund was found to be an unconstitutionally void tax on non-residents of the City. The decision has been appealed to the Virginia Supreme Court.
26. The water system operated by the City of Falls Church routinely transferred surplus revenues from its water system to its General Fund for use on projects and activities unrelated to water. In FY2008, Falls Church transferred about 15 percent of its water-system operating revenues to its General Fund.
27. As a result of an injunction issued in early 2010, the City of Falls Church appears to have ended its practice of transferring surplus water revenues. The City has not proposed water rate reductions, however, and apparently plans to keep those revenues within the water system. It is also contemplating future rate increases in its commodity charges in FY2012 and thereafter.

28. The City of Fairfax and the Towns of Vienna and Herndon transfer water revenues to their respective General Funds. Rate-setting studies and analyses are required to determine whether these transfers are permissible.

System Maintenance and Integrity

29. A key indicator for water system integrity is the number of leaks and breaks a system experiences on an annual basis. The American Water Works Association (AWWA) Research Foundation recommends 25 to 30 breaks per 100 miles. Over the last three years, Fairfax Water and the Town of Herndon experienced fewer distribution line breaks per 100 miles than the recommended range. The Cities of Falls Church and Fairfax fell within or below the range in two of the three years. Distribution line breaks in the Town of Vienna's system exceeded the recommended range in all three years.

PRINCIPLES RECOMMENDED BY THE CONSUMER PROTECTION COMMISSION

Water systems serving Fairfax County customers should abide by the following principles:

1. Water systems should periodically undertake a condition, integrity, and valuation study to fully assess the system, evaluate critical factors and to update cost estimates.
2. Water systems should fund and maintain adequate system reserves in a segregated fund. The fund should be adequate for future renewals/replacements and capital improvements, including those related to water system infrastructure.
3. Water rates should be reasonably based and set on a well-substantiated cost basis that reflects the direct and indirect costs of the water system, as well as necessary contributions to Water Fund reserves.
4. A water system should charge all similarly-situated customers the same rates. A municipal water system that provides water service to customers located outside its boundaries ("outside customers") should charge its outside customers a higher rate only if that rate reflects a reasonable correlation between the benefit conferred upon its outside customers and the higher cost exacted from them.
5. Neither water revenues nor water system reserves should be subject to transfer by a municipally-owned water system to the municipality's General Fund to be applied towards expenditures unrelated to water utility services.
6. Water system study findings and cost estimates should be routinely updated and discretely reflected in the provider's budget documents, with details described on a segregated basis in supporting budget documents, including:
 - a. annual operating and maintenance budget;
 - b. annual budget for repair and replacement;
 - c. annual budget component for long-term capital improvements;
 - d. annual allocation for long-term reserves; and
 - e. rate-setting to meet current and long-term needs.
7. Water system providers should attain, at a minimum, water utility distribution system integrity rates that are at or near nationwide median standards, as published by the American Water Works Association.

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FISCAL IMPACT:

No cost to adopt the principles. Individual water systems may incur costs implementing or adhering to the principles.

ENCLOSED DOCUMENTS:

Attachment 1 – Fairfax County Water Utilities, presentation before the Consumer Protection Commission, April 20, 2010.

Attachment 2 – Fairfax County Consumer Protection Commission, “Report on Rates Charged by Water Systems Serving Fairfax County Residents”, April 20, 2010.

STAFF:

David Molchany, Deputy County Executive

Michael S. Liberman, Director, DCCCP

Ellen Posner, Assistant County Attorney

Steve Sinclair, Chief, Public Utilities Branch, DCCCP

Susan Hafeli, Utility Analyst, Public Utility Branch, DCCCP

Board Agenda Item
May 25, 2010

INFORMATION - 1

Planning Commission Action on Application 2232-V09-39, Department of Public Works and Environmental Services (Mount Vernon District)

On Wednesday, May 5, 2010, the Planning Commission voted 8-0-2 (Commissioners Murphy and Sargeant abstaining; Commissioners Hall and Harsel absent from the meeting) to approve 2232-V09-39.

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

Application 2232-V09-39 sought approval for a replacement vehicle maintenance facility at the site of the existing facility, 6900 Newington Road in Lorton. (Tax Map 99-2 ((15)) 1; 99-4 ((1)) 17; portions of VDOT right-of-way on Tax Maps 99-2 and 99-4).

ENCLOSED DOCUMENTS:

Attachment 1: Verbatim excerpts from 5/5/10 Commission meeting

Attachment 2: Vicinity map

STAFF:

Robert A. Stalzer, Deputy County Executive

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

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

Barbara J. Lippa, Executive Director, Planning Commission Office

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INFORMATION - 2

Planning Commission Action on Application 2232-Y09-29, T-Mobile Northeast LLC
(Sully District)

On Wednesday, May 5, 2010, the Planning Commission voted unanimously (Commissioners Hall and Harsel absent from the meeting) to approve 2232-Y09-29.

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

Application 2232-Y09-29 sought approval to construct a telecommunications facility consisting of a 120-foot flagpole monopole at EZ Storage, 3700 Centreville Road, Chantilly. (Tax Map 34-4 ((12)) 1)

ENCLOSED DOCUMENTS:

Attachment 1: Verbatim excerpts from 5/5/10 Commission meeting

Attachment 2: Vicinity map

STAFF:

Robert A. Stalzer, Deputy County Executive

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

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

Barbara J. Lipa, Executive Director, Planning Commission Office

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INFORMATION – 3

Contract Award – Fair Oaks Police and Fire/Rescue Station (Sully District)

A total of 21 contractors were prequalified to bid on the project for the renovation and expansion of the Fair Oaks Police and Fire/Rescue Station, Project 009225, in Fund 312, Public Safety Construction. Twelve sealed bids were received and opened on April 15, 2010. This contract award will provide for the construction of an 18,000 square-foot addition and renovation of 24,000 square feet of the existing facility located at 12300 Lee Jackson Memorial Highway, Fairfax, VA. This project is included in the FY 2010 - FY 2014 Adopted Capital Improvement Program.

The lowest responsive and responsible bidder is Milestone Construction Services, Inc. The firm's bid of \$7,614,000 is \$883,059 or 10.4% below the Engineer's Estimate of \$8,497,059. The second lowest bid of \$7,929,700 is \$315,700 or 4.1% above the low bid. The highest bid of \$9,900,750 is \$2,286,750 or 30.0% above the low bid. There were six bids below and six bids above the engineer's estimates. The contractor's experience in this type of work and an extremely competitive bidding environment are reflected in the lowest responsive and responsible bid.

The firm of Milestone Construction Services, Inc. has successfully performed similar work for other governmental jurisdictions and is considered a responsible contractor. Milestone Construction Services, Inc. is a small business. The Department of Tax Administration has verified that Milestone Construction Services, Inc. has the appropriate Fairfax County Business, Professional and Occupational License.

This bid may be withdrawn after May 30, 2010.

Unless otherwise directed by the Board of Supervisors, the Department of Public Works and Environmental Services will proceed to award this contract to Milestone Construction Services, Inc., in the amount of \$7,614,000.

FISCAL IMPACT:

Funding in the amount of \$11,700,000 is necessary to award this contract and associated costs including building construction, utilities relocations and upgrades, systems furniture, inspections, and construction management. Funds are currently available in Project 009225, Fund 312, Public Safety Construction. Based on extremely

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favorable bidding conditions, any excess balance of appropriated bond funds will be re-allocated at a future budget cycle to other Public safety projects.

ENCLOSED DOCUMENTS:

Attachment 1 – Order of Bidders

Attachment 2 – Vicinity Map

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

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May 25, 2010

11:15 a.m.

Matters Presented by Board Members

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12:05 p.m.

CLOSED SESSION:

- (a) Discussion or consideration of personnel matters pursuant to Virginia Code § 2.2-3711(A) (1).
- (b) Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Virginia Code § 2.2-3711(A) (3).
- (c) Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, and consultation with legal counsel regarding specific legal matters requiring the provision of legal advice by such counsel pursuant to Virginia Code § 2.2-3711(A) (7).
 - 1. *Adrienne Pavelko v. City of Fairfax and County of Fairfax*, CL-2010-00004464 (Fx. Co. Cir. Ct.)
 - 2. *Falls Church Construction Corporation v. Fairfax County Redevelopment and Housing Authority and FCRHA Olley Glen LP*, CL- 2010-0000873 (Fx. Co. Cir. Ct.) (Braddock District)
 - 3. *Gary Pisner v. Board of Supervisors of Fairfax County, Enhanced Code Enforcement Strike Team, and Blight Abatement Review Committee*, Case No. CL-2010-0004076 (Fx. Co. Cir. Ct.) (Springfield District)
 - 4. *Surety Trustees, LLC, Trustee v. The Fairfax County Redevelopment and Housing Authority and the Board of Supervisors of Fairfax County, Virginia*, Case No. CL-2010-0003934 (Fx. Co. Cir. Ct.) (Sully District)
 - 5. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Walid Aboroomi*, Case No. CL-2009-0015135 (Fx. Co. Cir. Ct.) (Mason District)
 - 6. *Eileen M. McLane, Fairfax County Zoning Administrator v. ARPA Enterprises, Inc.*, Case No. CL-2008-0015529 (Fx. Co. Cir. Ct.) (Providence District)

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7. *Eileen M. McLane, Fairfax County Zoning Administrator v. Gary C. Smith and Carolyn W. Smith, Trustees of the Smith Living Trust, Case No. CL-2009-0004848 (Fx. Co. Cir. Ct.) (Dranesville District)*
8. *Eileen M. McLane, Fairfax County Zoning Administrator v. Selso Rodriguez, Case No. CL-2009-0015532 (Fx. Co. Cir. Ct.) (Providence District)*
9. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Brenda M. Hunt, Case No. CL-2009-0017027 (Fx. Co. Cir. Ct.) (Mount Vernon District)*
10. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. John Y. C. Wang, a/k/a John V. Wang, Trustee of the John Y. C. and Wan-Shi Wang Living Trust, Wan-Shi Wang, a/k/a Wan S. Wang, Trustee of the John Y.C. and Wan-Shi Wang Living Trust, John Y. C. Wang, a/k/a John Y. Wang, Individually, and Wan-Shi Wang, a/k/a Wan S. Wang, Individually, Case No. CL-2009-0015056 (Fx. Co. Cir. Ct.) (Lee District)*
11. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Ruth S. Wong, Case No. CL-2010-0005963 (Fx. Co. Cir. Ct.) (Mason District) (Strike Team/BNV Case)*
12. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Grace Y. Hurr, Case No. CL-2010-0006141 (Fx. Co. Cir. Ct.) (Providence District) (Strike Team/BNV Case)*
13. *Eileen M. McLane, Fairfax County Zoning Administrator v. Stephen C. Stallings, Case No. CL-2010-0006143 (Fx. Co. Cir. Ct.) (Mount Vernon District)*
14. *Eileen M. McLane, Fairfax County Zoning Administrator v. Nelson Ramirez and Noemy Ramirez, Case No. CL-2010-0006225 (Fx. Co. Cir. Ct.) (Lee District)*
15. *Eileen M. McLane, Fairfax County Zoning Administrator v. EP Company, LC, a/k/a E.P. Mowing and Landscaping, Inc., Case No. CL-2010-0006228 (Fx. Co. Cir. Ct.) (Mount Vernon District)*
16. *Eileen M. McLane, Fairfax County Zoning Administrator v. Naheed Amir, Case No. CL-2010-0006224 (Fx. Co. Cir. Ct.) (Mason District)*

Board Agenda Item
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17. *Eileen M. McLane, Fairfax County Zoning Administrator v. Penn Daw Properties, L.L.L.P.*, Case No. CL- 2010-0006498 (Fx. Co. Cir. Ct.) (Mount Vernon District)
18. *Eileen M. McLane, Fairfax County Zoning Administrator v. Richard Rockenbach, a/k/a, Richard Rockenback*, Case Nos. 10-0007759 and 10-0007760 (Fx. Co. Gen. Dist. Ct.) (Lee District)
19. *Eileen M. McLane, Fairfax County Zoning Administrator v. Christopher Perreca*, Case No. CL-2010-0001427 (Fx. Co. Cir. Ct.) (Hunter Mill District)
20. *Michael R. Congleton, Property Maintenance Code Official For Fairfax County, Virginia v. Margaret L. Harrison*, Case No. 10-0008977 (Fx. Co. Gen. Dist. Ct.) (Lee District)
21. *Eileen M. McLane, Fairfax County Zoning Administrator v. Memorial Venture, LLC*, Case Nos. 10-0010997 and 10-0010997 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
22. *Eileen M. McLane, Fairfax County Zoning Administrator v. Robert Moreno and Angel R. Moreno*, Case Nos. 10-0011208 and 10-0011209 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)

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Board Agenda Item
May 25, 2010

3:30 p.m.

Public Hearing on SE 2010-MA-001 (Radley Management, LLC and Radley Automobiles, Incorporated) to Permit a Vehicle Major Service Establishment and Waivers and Modifications in a Commercial Revitalization District. Located on Approximately 35,625 Square Feet Zoned C-8, CRD, HC and SC, Mason District

The application property is located at 5908 Seminary Rd Tax Map 61-2 ((20)) 1.

PLANNING COMMISSION RECOMMENDATION:

On Wednesday, May 5, 2010, the Planning Commission voted unanimously (Commissioners Hall and Harsel absent from the meeting) to recommend that the Board of Supervisors approve SE 2010-MA-001, subject to the Development Conditions dated April 21, 2010.

ENCLOSED DOCUMENTS:

None. Staff Report previously furnished.

STAFF:

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

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Board Agenda Item
May 25, 2010

3:30 p.m.

Public Hearing on SE 2009-MV-025 (CEC Entertainment, Inc.) to Permit a Commercial Recreation Restaurant and Waivers, Modifications and Uses in a Commercial Revitalization District, Located on Approximately 40,759 Square Feet Zoned C-8, CRD and HC, Mount Vernon District

The application property is located on the east side of Richmond Highway and south of Shields Avenue, Tax Map 83-3 ((40)) 2pt.

PLANNING COMMISSION RECOMMENDATION:

On Wednesday, May 5, 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 SE 2009-MV-025, subject to the Development Conditions dated May 4, 2010;
- Waiver of the minimum lot width requirement to permit a lot width of 95 feet instead of the required 200 feet;
- Waiver of the minimum rear yard requirement;
- Waiver of the open space requirement; and
- Direct the Director of the Department of Public Works & Environmental Services to permit deviation from the tree canopy percentage requirements in favor of the conditions depicted on the Special Exception Plat.

ENCLOSED DOCUMENTS:

None. Staff Report previously furnished.

STAFF:

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

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Board Agenda Item
May 25, 2010

3:30 p.m.

Public Hearing on RZ 2008-MV-007 (JK Investments, Inc.) to Rezone from R-2, C-8, CRD, HC and HD to C-8, CRD, HC and HD to Permit the Addition of a Hotel(s) to the Existing Office Use with an Overall Floor Area Ratio of 0.48, Located on Approximately 8.82 Acres, Mount Vernon District

and

Public Hearing on SEA 85-L-137 (JK Investments, Inc.) to Amend SE 85-L-137 Previously Approved for Uses in a Floodplain to Permit an Increase in Floor Area Ratio and Associated Modifications to Site Design and Development Conditions, Located on Approximately 8.82 Acres Zoned C-8, CRD, HC and HD, Mount Vernon District

The application property is located in the northeast quadrant of the intersection of Richmond Highway and Old Mill Road at 8850 Richmond Highway, Tax Map 109-2 ((1)) 13A.

PLANNING COMMISSION RECOMMENDATIONS:

On Thursday, May 13, 2010, the Planning Commission voted unanimously (Commissioners Alcorn, Harsel, Litzenberger, and Sargeant absent from the meeting) to recommend the following actions to the Board of Supervisors pertinent to the subject applications:

- approval of RZ 2008-MV-007, subject to the execution of proffers consistent with those dated May 10, 2010 with the correction to the typo in proffer #4 to change "DNL" to Ldn";
- approval of SEA 85-L-137, subject to the development conditions dated May 5, 2010;
- modification of the transitional screening requirement along the Old Mill Road frontage of the subject property to that shown on the GDP/SEA plat;
- waiver of the barrier requirement along the Old Mill Road frontage of the subject property.

The Planning Commission also voted unanimously (Commissioners Alcorn, Harsel, Litzenberger, and Sargeant absent from the meeting) to request that any site plan for the property be returned to the Commission for review and comment prior to approval by DPWES staff.

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ENCLOSED DOCUMENTS:

None. Staff Report previously furnished.

STAFF:

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

Board Agenda Item
May 25, 2010

3:30 p.m.

Public Hearing on RZ 2009-PR-021 (Elm Street Communities, Inc.) to Rezone from R-1 to PDH-3 to Permit up to 16 Single-Family Detached Dwellings at an Overall Density of 2.60 Dwelling Units Per Acre and Approval of the Conceptual Development Plan, Located on Approximately 6.15 Acres, Providence District

The application property is located in the southeast quadrant of the intersection of Cedar Lane and Amanda Place, Tax Map 49-1 ((1)) 35A.

PLANNING COMMISSION RECOMMENDATION:

On Wednesday, April 14, 2010, the Planning Commission voted 7-0-2 (Commissioners Alcorn and Litzenberger abstaining; Commissioners Lusk, Murphy, and Sargeant absent from the meeting) to recommend that the Board of Supervisors approve RZ 2009-PR-021, subject to the execution of proffers consistent with those dated April 6, 2010.

In a related action, the Commission voted 7-0-2 (Commissioners Alcorn and Litzenberger abstaining; Commissioners Lusk, Murphy, and Sargeant absent from the meeting) to approve FDP 2009-PR-021, subject to Board approval of RZ 2009-PR-021 and the associated Conceptual Development Plan.

ENCLOSED DOCUMENTS:

None. Staff Report previously furnished.

STAFF:

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

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Board Agenda Item
May 25, 2010

3:30 p.m.

Joint Public Hearing on the Proposed Virginia Department of Transportation Six-Year Secondary System Construction Program for Fiscal Years 2011 Through 2016

ISSUE:

Public hearing and Board approval of the proposed Virginia Department of Transportation (VDOT) Six-Year Secondary System Construction Program for Fiscal Years (FY) 2011 through 2016.

RECOMMENDATION:

The County Executive recommends that the Board approve the attached Secondary System Construction Program for FY 2011 through 2016 (Attachment I).

TIMING:

The Board is requested to act on this item on May 25, 2010, following the public hearing.

BACKGROUND:

The proposed Secondary System Construction Program has been prepared by VDOT, in coordination with County staff, pursuant to Section 33.1-70.01 of the *Code of Virginia*. This is an update of the previous Program which was the subject of a public hearing before the Board on March 30, 2009. Project schedule information is also included in the proposed Program.

The total FY 2011 through FY 2016 Secondary Program is \$1,989. This is a \$1,441,772 decrease, or a decrease of 99 percent from the revised FY 2010 to 2015 Secondary Road Program approved on June 1, 2009. This reduction is primarily the result of significantly lower transportation revenue.

Table A shows the annual VDOT Secondary System Construction Program for Fairfax County from FY 2005 through FY 2016.

Table A

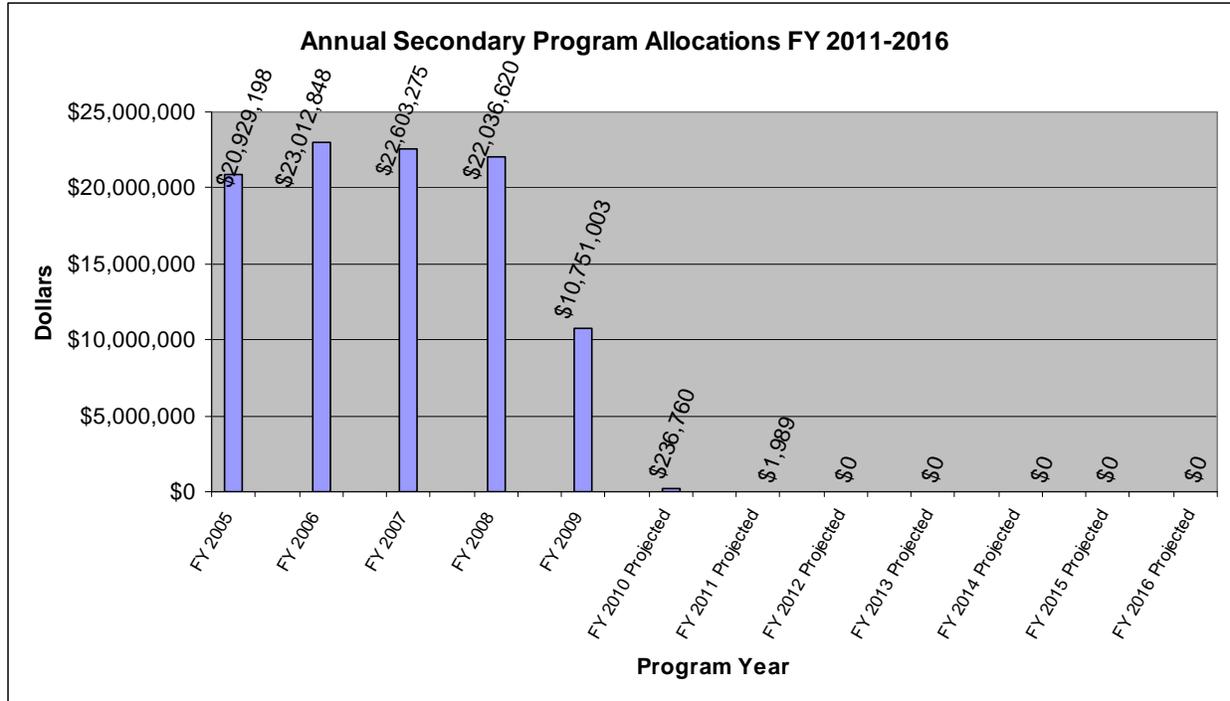


Table B shows the changes in the Six-Year Secondary Construction Program amounts from the FY 2003 to FY 2008 Program through the current Program.

Table B: Secondary Program Comparison

2003-2008	\$138,335,526
2004-2009	\$153,442,084
2005-2010	\$113,686,186
2006-2011	\$131,445,086
2007-2012	\$78,270,291
2008-2013	\$119,121,972
2009-2014 Initial	\$65,722,518
2009-2014 Revised	\$11,947,143
2010-2015	\$1,443,761
2011-2016	\$1,989

Board Agenda Item
May 25, 2010

The following changes to the Program are proposed due to the large decrease in available funding:

- Removal of the following partially funded projects, because funding levels are not sufficient to fully fund the current phase of the project:
 - Telegraph Road widening from South Kings Highway to Hayfield Road.
 - Rolling Road widening from Hunter Village Drive to Old Keene Mill Road.
- Removal of the Towlston Road bridge replacement project over Rocky Run. Low traffic volumes on Towlston Road do not justify the cost of this project.
- Addition of a project to replace the culvert under Guinea Road will be added, due to the extremely poor condition of this structure and high traffic volumes.
- Addition of the Lee Road culvert extension project to address drainage issues and also remove a significant bottleneck. This project is partially funded from other sources.
- The program contains no funding for traffic signals or traffic calming.

FISCAL IMPACT:

There is no impact to the Fairfax County budget at this time. The funds associated with this Program are VDOT Secondary System funds. At such time as individual projects are constructed, the County may send VDOT any related funds that have been collected for a particular project by the County through proffers or construction escrows.

ENCLOSED DOCUMENTS:

Attachment I: Secondary System Construction Program for FY 2011 through FY 2016

STAFF:

Katharine D. Ichter, Director, Fairfax County Department of Transportation (FCDOT)
Eric Teitelmen, Chief, Capital Projects and Operations Division, FCDOT
Karyn Moreland, Chief, Capital Projects Section, FCDOT
Tom Biesiadny, Chief, Coordination and Funding Division, FCDOT
Kenneth Kanownik, Coordination and Funding Division, FCDOT
Leonard Siegel, Arlington/Fairfax Preliminary Engineering Manager, VDOT
Jan Vaughan, Arlington/Fairfax Preliminary Engineering, VDOT

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Board Agenda Item
May 25, 2010

4:00 p.m.

Public Hearing to Establish the Armfield Farm Community Parking District (Sully 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 Armfield Farm 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 Armfield Farm CPD in accordance with existing CPD restrictions.

TIMING:

The public hearing was authorized on April 27, 2010, for May 25, 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.

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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 Armfield Farm 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 \$1040 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 Armfield Farm CPD

STAFF:

Katharine D. Ichter, Director, Fairfax County Department of Transportation (FCDOT)
Eric Teitelman, Division Chief, Capital Projects and Operations Division, FCDOT
Selby Thannikary, Chief, Traffic Operations Section, FCDOT
Maria Turner, Sr. Transportation Planner, FCDOT
Janet Nguyen, Transportation Planner, FCDOT

Board Agenda Item
May 25, 2010

4:00 p.m.

Public Hearing on Proposed Area Plans Review Items 08-III-7UP, 08-III-11UP, and 08-III-12UP Located North of the Dulles Toll Road and East of the Fairfax County and Loudoun County Boundary (Dranesville District)

ISSUE:

Area Plans Review (APR) 08-III-7UP, 08-III-11UP and 08-III-12UP address almost 50 acres of the portion of Route 28/ CIT Transit Station Area that is located north of the Dulles Toll Road. The 25.49 acre area addressed by APR 08-III-11UP that includes the Center for Innovative Technology (CIT) is planned for institutional use with an option for residential and non-residential mixed use at an intensity up to 1.0 FAR. The 21.99 acre area addressed by APR 08-III-7UP and 08-III-12UP is planned in part for office, research and development, hotel or conference center with community serving retail at an intensity up to .50 FAR and in part for office, research and development up to .25 FAR. As an option, mixed use at an unspecified higher intensity may be appropriate subject to transit implementation and coordinated development with land in Loudoun County. The nominations propose transit-related options for residential, office, hotel, institutional and retail uses with an overall intensity up to 2.0 FAR for APR# 08-III-7UP and 08-III-12UP and an overall intensity up to 2.17 FAR for APR# 08-III-11UP. Changes to the Transportation Plan are also being considered.

Consistent with the Dranesville APR Task Force recommendation, staff recommends the adoption of the nominations with a lesser level of planned intensity than what was originally nominated. Based on radial distance to the Metro platform, these intensities are up to 2.8 FAR within the ¼ mile, up to 1.6 FAR within the ½ mile and up to .50 FAR beyond the ½ mile. Further, the Metro station entrance is recommended to be relocated and incorporated into the CIT site to achieve an integration of the Metro entrance with transit-oriented development (TOD). The staff analysis and recommendation are found in the Staff Report, Attachment I. The Dranesville District APR Task Force recommendation is found in Attachment III.

PLANNING COMMISSION RECOMMENDATIONS:

On Thursday, May 13, 2010, the Planning Commission voted 7-0-1 (Commissioner de la Fe abstaining; Commissioners Alcorn, Harsel, Litzenberger, and Sargeant absent from the meeting) to recommend that the Board of Supervisors approve the Planning Commission alternative for APR items 08-III-7UP, 08-III-11UP, and 08-III-12UP, as found on pages 1-28 of the attached handout dated May 13, 2010 (Attachment I).

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The Commission also voted unanimously (Commissioners Alcorn, Harsel, Litzenberger, and Sargeant absent from the meeting) to recommend that the Board of Supervisors adopt the following motions:

1. The proposed Route 28/CIT Plan text recommends that the northern pedestrian landing connecting to the Metro station, and the bus and kiss and ride facilities be located in Land Unit A (CIT property). If this recommendation is supported by the Board of Supervisors, the Planning Commission recommends the immediate authorization of a Plan amendment to replan the County-owned 9.6 acre parcel in Land Unit D (former Land Unit C) for public parks or public facilities use. Currently, it is recommended as the site for commuter facilities to serve transit. The evaluation of the parcel for public parks should include analysis of whether the parcel is suitable for a recreation center or alternatively, a police station.
2. The Planning Commission recommends the continuation of the interjurisdictional collaboration among Fairfax County, the Town of Herndon and Loudoun County to consider:
 - coordination and prioritization of all transportation improvements (road expansion, extensions, new roadways, traffic signal coordination, traffic calming devices, etc.) in the intercounty area surrounding the Rt. 28 Metro station. These should include funding considerations on contributions allocated by the member jurisdictions and the developers in this area to phase the needed transportation improvements identified for this area.
 - a regional trails planning effort to provide better connections from the Rt. 28/CIT Metro station, including outreach to trail and bicycle groups with the objective of creating pedestrian and bicycle links to areas within Fairfax County, Loudoun County and the Town of Herndon;
 - realigning Innovation Avenue in Loudoun County to foster the creation of a grid street pattern;
 - a coordinated approach to preserving environmentally sensitive features especially those associated with the Horse Pen Creek Watershed, which spans Fairfax and Loudoun Counties; and
 - creation of a multi-jurisdictional TDM program and identify the best methods to monitor the achievement of regional and individual TDM measures.
3. The Planning Commission recommends that there be confirmation that adequate police, fire, rescue and parks and recreational services will be provided in the RT/28 CIT area, based on adopted standards in the Fairfax County Comprehensive Plan (such as location and response time). If needed, investigate the option of pursuing agreements with Loudoun County to provide these services, while also considering the possibility of providing as many of these services as possible on site.
4. The Planning Commission recommends a Fairfax County outreach effort to trail and bicycle groups with the objective of creating pedestrian and bicycle links to provide

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better connections to the Rt. 28/CIT Metro station from surrounding areas within Fairfax County, Loudoun County and the Town of Herndon.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors adopt the Planning Commission recommendation for APR Items 08-III-7UP, 08-III-11UP and 08-III-12UP as shown on Attachment I. This alternative is consistent with the Task Force and staff recommendations and supports a mix of uses and intensity that creates a compact pedestrian oriented environment that takes advantage of its close proximity to a future Metro station.

TIMING:

Planning Commission public hearing – March 18, 2010
Planning Commission decision – May 13, 2010
Board of Supervisors public hearing – May 25, 2010

BACKGROUND:

The Board of Supervisors designated 2008-2009 as the years to review and evaluate recommendations contained in the Comprehensive Plan for the northern part of the County.

FISCAL IMPACT:

None

ENCLOSED DOCUMENTS:

Attachment I: Planning Commission Verbatim

Attachment II: Staff Report for APR Items 08-III-7UP, 08-III-11UP and 08-III-12UP (Delivered separate from package and available online at

http://www.fairfaxcounty.gov/dpz/apr/2008northcounty/finalstaffreports/7up_11up_12up.pdf)

Attachment III: Staff Report for APR Items 08-III-7UP, 08-III-11UP and 08-III-12UP:

Transportation Addendum (Delivered separate from package and available online at

http://www.fairfaxcounty.gov/dpz/apr/2008northcounty/finalstaffreports/7up_11up_12up-addendum.pdf)

Attachment IV: Dranesville District APR Task Force Report for APR 08-III-7UP, 08- III-11UP and 08-III-12UP (Delivered separate from package and available online at

http://www.fairfaxcounty.gov/dpz/apr/2008northcounty/tfreports/7up_11up_12up2.pdf)

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May 25, 2010

STAFF:

James P. Zook, Director, Department of Planning and Zoning (DPZ)
Katherine D. Ichter, Director, Department of Transportation (FCDOT)
Fred R. Selden, Director, Planning Division (PD), DPZ

Board Agenda Item
May 25, 2010

4:30 p.m.

Public Hearing on RZ 2009-HM-019 (Comstock Reston Station Holdings, LC) to Rezone from I-4 to PDC to Permit Transit-Oriented Mixed Use Development with an Overall Floor Area Ratio (FAR) of 2.5 Excluding ADU, WFH and Bonus Density, Located on Approximately 12.47 Acres, Hunter Mill District

The application property Block 2 is located on the southwest quadrant of the intersection of Sunset Hills Road with Isaac Newton Square. W. and Block 1 is located in the northwest quadrant of the intersection of Wiehle Avenue and Dulles Airport Access Road, Tax Map 17-4 ((1)) 17A and 17-4 ((24)) 3

PLANNING COMMISSION RECOMMENDATION:

On Thursday, April 29, 2010, the Planning Commission voted unanimously (Commissioners Alcorn, Hall, and Litzenberger absent from the meeting) to recommend the following actions to the Board of Supervisors:

- Approval of RZ 2009-HM-019, subject to the execution of proffers consistent with those dated April 21, 2010;
- Approval of CDP 2009-HM-019, subject to the Development Conditions dated April 21, 2010 and subject also to Board approval of RZ 2009-HM-019;
- Waiver of the 75-foot setback requirement for nonresidential uses abutting principal arterial highways;
- Modification of the transitional screening requirements and waiver of the barrier requirements, in favor of that shown on the CDP/FDP;
- Modification of Sect. 17-201.4 of the Zoning Ordinance for the widening of Sunset Hills Road, in favor of that shown on the CDP/FDP and in the proffers; and
- Modification of Sect. 16-102.1 of the Zoning Ordinance for yard setbacks and building height regulations, in favor of that shown on the CDP/FDP.

The Commission voted 8-0-1 (Commissioner Harsel abstaining; Commissioners Alcorn, Hall, and Litzenberger absent from the meeting) to recommend that the Board modify the loading space requirement in favor of the loading spaces depicted on the CDP/FDP.

The Planning Commission voted 8-1 (Commissioner Harsel opposed; Commissioners Alcorn, Hall, and Litzenberger absent from the meeting) to recommend that the Board of Supervisors direct the Director of the Department of Public Works & Environmental

Board Agenda Item
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Services to waive Sect. 6-0303.8 of the Public Facilities Manual to locate underground stormwater management facilities in a residential area, subject to the Conditions, dated February 12, 2010, of Waiver Number 2615-WPFM 002-1.

In a related action, the Planning Commission voted unanimously (Commissioners Alcorn, Hall, and Litzenberger absent from the meeting) to approve FDP 2009-HM-019.

ENCLOSED DOCUMENTS:

None. Staff Report previously furnished.

STAFF:

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