

**FAIRFAX COUNTY  
BOARD OF SUPERVISORS  
SEPTEMBER 14, 2010**

**AGENDA**

9:00	<b>Done</b>	Presentations
10:00	<b>Held/Carryover Approved</b>	Public Hearing on the County and Schools' <i>FY 2010 Carryover Review</i> to Amend the Appropriation Level in the FY 2011 Revised Budget Plan
11:00	<b>Done</b>	Items Presented by the County Executive

**ADMINISTRATIVE  
ITEMS**

1	<b>Approved</b>	Authorization to Advertise a Public Hearing on Spot Blight Abatement Ordinance for 12115 Eddyspark Drive (Dranesville District)
2	<b>Approved</b>	Authorization to Advertise a Public Hearing on Spot Blight Abatement Ordinance for 6450 8 <sup>th</sup> Street (Mason District)
3	<b>Approved</b>	Authorization to Advertise a Public Hearing on Spot Blight Abatement Ordinance for 2211 Farougi Court (Dranesville District)
4	<b>Deferred</b>	Authorization to Advertise a Public Hearing for the Creation of Small Sanitary Districts for Refuse Collection Service (Springfield District)
5	<b>Approved</b>	Authorization to Advertise a Public Hearing on the Acquisition of Certain Land Rights Necessary for the Construction of Poplar Tree Road Improvements (Sully District)
6	<b>Approved</b>	Streets into the Secondary System (Braddock, Dranesville, Hunter Mill, Lee, Providence, and Sully Districts)
7	<b>Approved</b>	Approval of Supplemental Appropriation Resolution AS 11034 for the Health Department to Accept a Department of Homeland Security Urban Areas Security Initiative Subgrant Award from the Government of the District of Columbia Homeland Security and Emergency Management Agency

**FAIRFAX COUNTY  
BOARD OF SUPERVISORS  
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**ADMINISTRATIVE  
ITEMS**

(continued)

- |    |                 |                                                                                                                                                                                                                                                                      |
|----|-----------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 8  | <b>Approved</b> | Approval of "Watch for Children" Signs as Part of the Residential Traffic Administration Program (Mount Vernon and Sully Districts)                                                                                                                                  |
| 9  | <b>Approved</b> | Authorization to Advertise a Public Hearing to Consider Amending Fairfax County Code Chapter 44, Smoking, to Prohibit Smoking in County-Owned Bus Shelters                                                                                                           |
| 10 | <b>Approved</b> | Extension of Review Periods for 2232 Review Applications (Dranesville and Providence Districts)                                                                                                                                                                      |
| 11 | <b>Approved</b> | Authorization to Advertise a Public Hearing to Continue to Lease County-Owned Property to The Royal Embassy of Saudi Arabia d/b/a the Islamic Saudi Academy (Mount Vernon District)                                                                                  |
| 12 | <b>Approved</b> | Authorization to Advertise a Public Hearing on Proposed Amendments to Chapter 122 (Tree Conservation Ordinance) of <i>The Code of the County of Fairfax, Virginia</i> and the Public Facilities Manual Re: Conservation of Trees During the Land Development Process |
| 13 | <b>Approved</b> | Authorization for the Department of Transportation to Apply for FY 2012 Regional Surface Transportation Program and Congestion Mitigation and Air Quality Program Funds                                                                                              |

**ACTION ITEMS**

- |   |                 |                                                                                                                                                                                                                                                                       |
|---|-----------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1 | <b>Approved</b> | Presentation of the Delinquent Tax List for Tax Year 2009 (FY 2010), Authorization to Retain Private Attorneys and/or Collection Agencies to Collect Delinquent Taxes and Other Charges and Authorization to Impose Administrative Costs and Fees on Such Collections |
| 2 | <b>Approved</b> | Approval and Authorization of the Distribution of Plain English Explanatory Statement for the 2010 Transportation Bond Referendum                                                                                                                                     |
| 3 | <b>Deferred</b> | Adoption of an Amendment to the County's Statement of Policy Regarding Sewage Disposal for Funding of Sewer Extension and Improvement (E&I) Projects                                                                                                                  |

**FAIRFAX COUNTY  
BOARD OF SUPERVISORS  
SEPTEMBER 14, 2010**

**ACTION ITEMS**

(continued)

- |   |                 |                                                                                                                                                                                                               |
|---|-----------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 4 | <b>Approved</b> | Approval of County Comments on Transportation-Related Administrative Initiatives That May Be Considered by the Commission on Government Reform and Restructuring                                              |
| 5 | <b>Approved</b> | Approval of Conditions Necessary for Fairfax County to Apply for and Accept a Federal Transit Administration Grant for the Richmond Highway Public Transportation Initiative (Lee and Mount Vernon Districts) |
| 6 | <b>Approved</b> | Approval of a Draft Board of Supervisors' Meeting Schedule for Calendar Year 2011                                                                                                                             |

**INFORMATION  
ITEMS**

- |       |              |                                                                                                            |
|-------|--------------|------------------------------------------------------------------------------------------------------------|
| 1     | <b>Noted</b> | Planning Commission Action on Application 2232-H10-1, Fairfax County Park Authority (Hunter Mill District) |
| 2     | <b>Noted</b> | County Holiday Schedule – Calendar Year 2011                                                               |
| 3     | <b>Noted</b> | Fairfax-Falls Church Community Services Board FY 2011 Fee Schedule                                         |
| 11:30 | <b>Done</b>  | Matters Presented by Board Members                                                                         |
| 12:20 | <b>Done</b>  | Closed Session                                                                                             |

**PUBLIC HEARINGS**

- |      |                 |                                                                                                         |
|------|-----------------|---------------------------------------------------------------------------------------------------------|
| 3:30 | <b>Approved</b> | Public Hearing on RZ 2009-MV-023 (INOVA Health Care Services) (Mount Vernon District)                   |
| 3:30 | <b>Approved</b> | Public Hearing on SE 2010-HM-008 (Trustees of the Mount Pleasant Baptist Church) (Hunter Mill District) |
| 3:30 | <b>Approved</b> | Public Hearing on SEA 98-P-030 (Appletree of Fairfax, Inc.) (Providence District)                       |
| 4:00 | <b>Approved</b> | Public Hearing on Spot Blight Abatement Ordinance for 12224 Braddock Road (Springfield District)        |
| 4:00 | <b>Approved</b> | Public Hearing on Spot Blight Abatement Ordinance for 3236 Peace Valley Lane (Mason District)           |

**FAIRFAX COUNTY  
BOARD OF SUPERVISORS  
SEPTEMBER 14, 2010**

**PUBLIC HEARINGS**

(continued)

- |      |                 |                                                                                                                                                  |
|------|-----------------|--------------------------------------------------------------------------------------------------------------------------------------------------|
| 4:30 | <b>Approved</b> | Public Hearing on Spot Blight Abatement Ordinance for 7717 Beulah Street (Lee District)                                                          |
| 4:30 | <b>Approved</b> | Public Hearing on Spot Blight Abatement Ordinance for 6206 Colchester Road (Springfield District)                                                |
| 4:30 | <b>Approved</b> | Public Hearing on Spot Blight Abatement Ordinance for 6133 Marshall Drive (Mason District)                                                       |
| 4:30 | <b>Approved</b> | Public Hearing on Amendments to the Code of the County of Fairfax, Chapter 82, Motor Vehicles and Traffic, Section 82-4-10, Maximum Speed Limits |



*Fairfax County, Virginia*  
**BOARD OF SUPERVISORS**  
**AGENDA**

**Tuesday**  
**September 14, 2010**

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9:00 a.m.

A. RESOLUTION AND REMEMBRANCE of September 11, 2001. Requested by Chairman Bulova.

B. INTRODUCTION AND PRESENTATION by the National Wildlife Federation of the certification of the Greater Mason District as a Community Backyard Habitat. Requested by Supervisor Gross.

PRESENTATIONS:

1. CERTIFICATE – To recognize residents and businesses that have made properties for training available to Fairfax County public safety workers. Requested by Chairman Bulova.
2. CERTIFICATE - To recognize the West Springfield High School 2010 high achievers. Requested by Supervisor Herrity.
3. PROCLAMATION – To designate September 15 - October 15, 2010, as Hispanic Heritage Month in Fairfax County. Requested by Chairman Bulova.
4. RESOLUTION – To recognize Michael Horwatt for his years of service to Fairfax County. Requested by Chairman Bulova.
5. RESOLUTION – To congratulate the Wolf Trap Foundation for the Performing Arts for receiving an inaugural Venue of Excellence award from the International Association of Venue Managers. Requested by Supervisors Foust and Hudgins.

— more —

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6. CERTIFICATE – To recognize county staff who made significant contributions to the Tysons Corner Urban Center Plan Amendments. Requested by Chairman Bulova.

STAFF:

Merni Fitzgerald, Director, Office of Public Affairs

Bill Miller, Office of Public Affairs

Board Agenda Item  
September 14, 2010

10:00 a.m.

Public Hearing on the County and Schools' FY 2010 Carryover Review to Amend the Appropriation Level in the FY 2011 Revised Budget Plan

ISSUE:

Public Hearing and Board action on the County and Schools' *FY 2010 Carryover Review*.

RECOMMENDATION:

The County Executive recommends that, after holding a public hearing, the Board approve staff recommendations including the County and Schools' *FY 2010 Carryover Review*.

TIMING:

The public hearing has been advertised for 10:00 a.m. on September 14, 2010. State law allows the Board to act on proposed amendments to the budget on the same day as the public hearing.

BACKGROUND:

On July 27, 2010, the Board of Supervisors authorized staff to advertise a public hearing scheduled to be held on September 14, 2009, regarding the County and Schools' Carryover Review. Section 15.2 - 2057 of the Code of Virginia requires that a public hearing be held prior to Board action. Board approval of an amendment to increase the FY 2011 appropriation level can occur immediately following the public hearing.

ENCLOSED DOCUMENTS:

Attachment A: Advertisement for public hearing

Attachment B: July 27, 2010 memorandum to the Board of Supervisors from Anthony H. Griffin, County Executive, with attachments, transmitting the *FY 2010 Carryover Review* with appropriation resolutions

Attachment C: Fairfax County School Board's FY 2010 Final Budget Review and Appropriation Resolutions

(Attachments available online at <http://www.fairfaxcounty.gov/dmb/carryover/fy2010/carryover.htm>)

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STAFF:

Anthony H. Griffin, County Executive

Edward L. Long, Jr., Deputy County Executive

Susan W. Datta, Director, Department of Management and Budget

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September 14, 2010

11:00 a.m.

Items Presented by the County Executive

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Board Agenda Item  
September 14, 2010

ADMINISTRATIVE - 1

Authorization to Advertise a Public Hearing on Spot Blight Abatement Ordinance for 12115 Eddyspark Drive (Dranesville District)

ISSUE:

Board authorization to advertise a public hearing to consider adoption of a Spot Blight Abatement Ordinance for 12115 Eddyspark Drive, Herndon, VA 20170 (Tax Map No. 011-1-((04))-0249).

RECOMMENDATION:

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

TIMING:

Authorization to advertise the public hearing to be held Tuesday, October 19, 2010, at 4:30 p.m.

BACKGROUND:

Va. Code Ann. § 36-49.1:1 (Supp. 2010) (Spot Blight Abatement Statute) allows the Board, by ordinance, to declare a blighted property a nuisance, thereby enabling abatement in accordance with Va. Code Ann. § 15.2-900 (2008) or Va. Code Ann. § 15.2-1115 (2008) (Abatement of Nuisance Statutes). The Abatement of Nuisance Statutes permit the County to compel the abatement or removal of nuisances. If, after reasonable notice, the owner(s) fails to abate or obviate the nuisance the County may abate the nuisance in which event the property owner(s) may then be charged for the costs of abatement, which may be collected from the property owner(s) in any manner provided by law for the collection of state or local taxes.

Properties are considered "blighted" under the Spot Blight Abatement Statute as defined in Va. Code Ann. 36-3 (Supp. 2010) as any individual commercial, industrial, or residential structure or improvement that endangers the public's health, safety, or welfare because the structure or improvement upon the property is dilapidated, deteriorated, or violates minimum health and safety standards, or any structure or improvement previously designated as blighted pursuant to § 36-49.1:1, under the process for determination of "spot blight."

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In November 1996, the Board authorized the implementation of a Blight Abatement Program using the Spot Blight Abatement Statute to address citizen concerns about specific properties in their communities which were abandoned, dilapidated, or otherwise kept in an unsafe state.

A property can be considered blighted if it meets the standards set forth in Va. Code Ann. § 36-3 (Supp. 2010) and if it meets all of the following conditions:

1. It has been vacant and/or boarded up for at least one year.
2. It has been the subject of complaints.
3. It is no longer being maintained for useful occupancy.
4. It is in a dilapidated condition or lacks normal maintenance or upkeep.

The property located at 12115 Eddyspark Drive was referred to the Blight Abatement Program (BAP) on May 3, 2010. Located on the subject property is an extensively fire damaged, two story dwelling. Since the structure is so badly burned this property has been fenced by order of the Property Maintenance Code Official. The residential structure was constructed in 1987 according to Fairfax County Tax Records. The dwelling has been vacant since April 2, 2009. The fire report estimated the damage at approximately \$370,000 dollars. Due to the extensive fire damage the dwelling cannot be repaired and needs to be demolished.

On July 21, 2010, the Neighborhood Enhancement Task Force (NETF) found that the subject property met the blighted property guidelines, and the property received a preliminary blight determination. Certified notice was sent to the heirs advising them of this determination. The letter was received and signed for and the heirs advised that they were not going to pursue demolition as their attorney advised them to walk away from the property.

Although the County will continue to seek cooperation from the heirs to eliminate blighted conditions, it is requested that a public hearing, in accordance with the Spot Blight Abatement Statute, be held to adopt an Ordinance declaring the property to be blighted, which constitutes a nuisance. State code requires that the Board provide notice concerning proposed adoption of such an Ordinance.

At the public hearing, the County will also request authorization to contract for demolition of the blighted structure on the site pursuant to Va. Code Ann. §15.2-1115 (2008) as authorized under the Spot Blight Abatement Statute. If the heirs fail to abate the blighted conditions within thirty days after notification of the Board's action, the County will proceed with the demolition process for the structure.

The County will incur the cost, expending funds that are available in Fund 303, County

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Construction, Project 009801, Strike Force Blight Abatement. The County will then pursue reimbursement from the heirs who are ultimately liable for all abatement costs incurred. A lien will be placed on the property and recorded in the County land and judgment records.

FISCAL IMPACT:

In the event that the blighted conditions are not eliminated by the heirs, the County will fund the demolition from Fund 303, County Construction, Project 009801, Strike Force Blight Abatement. Funding is available in Project 009801 to proceed with the demolition estimated to cost approximately \$35,000.

It is anticipated that all of the costs (including direct County administrative costs) of the blight abatement will be recovered from the property heirs. Funds recovered will be allocated to the Blight Abatement Program in order to carry out future blight abatement plans.

ENCLOSED DOCUMENTS:

Attachment 1: Property Photographs

STAFF:

Robert A. Stalzer, Deputy County Executive

Jeff Blackford, Director, Department of Code Compliance

David Ellis, Acting Deputy Chief Operations/Logistics, Department of Code Compliance

Christina M. Sadar, Blight Abatement Program Coordinator, Department of Code Compliance



**12115 Eddyspark Drive, Herndon, VA 20170**  
**Tax Map # 011-1-((04))-0249**  
**Dranesville District**  
**Attachment 1**



**12115 Eddyspark Drive, Herndon, VA 20170**  
**Tax Map # 011-1-((04))-0249**  
**Dranesville District**  
**Attachment 1**

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Board Agenda Item  
September 14, 2010

ADMINISTRATIVE - 2

Authorization to Advertise a Public Hearing on Spot Blight Abatement Ordinance for 6450 8<sup>th</sup> Street (Mason District)

ISSUE:

Board authorization to advertise a public hearing to consider adoption of a Spot Blight Abatement Ordinance for 6450 8<sup>th</sup> Street, Alexandria, VA 22043 (Tax Map No. 072-3-((11))-0140).

RECOMMENDATION:

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

TIMING:

Authorization to advertise the public hearing to be held Tuesday, October 19, 2010, at 4:30 p.m.

BACKGROUND:

Va. Code Ann. § 36-49.1:1 (Supp. 2010) (Spot Blight Abatement Statute) allows the Board, by ordinance, to declare a blighted property a nuisance, thereby enabling abatement in accordance with Va. Code Ann. § 15.2-900 (2008) or Va. Code Ann. § 15.2-1115 (2008) (Abatement of Nuisance Statutes). The Abatement of Nuisance Statutes permit the County to compel the abatement or removal of nuisances. If, after reasonable notice, the owner(s) fails to abate or obviate the nuisance the County may abate the nuisance in which event the property owner(s) may then be charged for the costs of abatement, which may be collected from the property owner(s) in any manner provided by law for the collection of state or local taxes.

Properties are considered "blighted" under the Spot Blight Abatement Statute as defined in Va. Code Ann. 36-3 (Supp. 2010) as any individual commercial, industrial, or residential structure or improvement that endangers the public's health, safety, or welfare because the structure or improvement upon the property is dilapidated, deteriorated, or violates minimum health and safety standards, or any structure or improvement previously designated as blighted pursuant to § 36-49.1:1, under the process for determination of "spot blight."

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In November 1996, the Board authorized the implementation of a Blight Abatement Program using the Spot Blight Abatement Statute to address citizen concerns about specific properties in their communities which were abandoned, dilapidated, or otherwise kept in an unsafe state.

A property can be considered blighted if it meets the standards set forth in Va. Code Ann. § 36-3 (Supp. 2010) and if it meets all of the following conditions:

1. It has been vacant and/or boarded up for at least one year.
2. It has been the subject of complaints.
3. It is no longer being maintained for useful occupancy.
4. It is in a dilapidated condition or lacks normal maintenance or upkeep.

The property located at 6450 8<sup>th</sup> Street was referred to the Blight Abatement Program (BAP) on April 14, 2010. Located on the subject property is a vacant one-story dwelling with a full basement. The house has been vacant since at least November 19, 2007, when purchased by the current owner for redevelopment purposes. The structure is covered in heavy vegetation and overgrowth and is in poor condition. In the past it was vandalized by unknown parties and at present the points of entry are secured with plywood boards. Additionally, the property also contains an abandoned boat.

The above described residential structure was constructed in 1957 according to Fairfax County Tax Records. In its current condition BAP staff feel that the dwelling is not economically feasible to repair and recommends demolition.

On July 21, 2010, the Neighborhood Enhancement Task Force (NETF) found that the subject property met the blighted property guidelines, and the property received a preliminary blight determination. Certified notice was sent to the owners advising them of this determination. The letter was received and signed for and the owners advised that they were going to pursue demolition when the property was purchased. However, due to economic times they have held off.

Although the County will continue to seek cooperation from the owners to eliminate blighted conditions, it is requested that a public hearing, in accordance with the Spot Blight Abatement Statute, be held to adopt an Ordinance declaring the property to be blighted, which constitutes a nuisance. State code requires that the Board provide notice concerning proposed adoption of such an Ordinance.

At the public hearing, the County will also request authorization to contract for demolition of the blighted structure on the site pursuant to Va. Code Ann. §15.2-1115 (2008) as authorized under the Spot Blight Abatement Statute. If the owners fail to abate the blighted conditions within thirty days after notification of the Board's action, the County will proceed with the demolition process for the structure. The County will incur the cost, expending funds that are available in Fund 303, County Construction,

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Project 009801, Strike Force Blight Abatement. The County will then pursue reimbursement from the owners who are ultimately liable for all abatement costs incurred. A lien will be placed on the property and recorded in the County land and judgment records.

FISCAL IMPACT:

In the event that the blighted conditions are not eliminated by the owners, the County will fund the demolition from Fund 303, County Construction, Project 009801, Strike Force Blight Abatement. Funding is available in Project 009801 to proceed with the demolition estimated to cost approximately \$40,000.

It is anticipated that all of the costs (including direct County administrative costs) of the blight abatement will be recovered from the property owners. Funds recovered will be allocated to the Blight Abatement Program in order to carry out future blight abatement plans.

ENCLOSED DOCUMENTS:

Attachment 1: Property Photographs

STAFF:

Robert A. Stalzer, Deputy County Executive

Jeff Blackford, Director, Department of Code Compliance

David Ellis, Acting Deputy Chief Operations/Logistics, Department of Code Compliance

Christina M. Sadar, Blight Abatement Program Coordinator, Department of Code Compliance



**6450 Eighth (8<sup>th</sup>) Street, Alexandria, VA 22312**  
**Tax Map # 072-3-((11))-0140**  
**Mason District**  
**Attachment 1**







04-15-2010 – property was unsecure/now secured

6450 Eighth (8<sup>th</sup>) Street, Alexandria, VA 22312  
Tax Map # 072-3-((11))-0140  
Mason District  
Attachment 1



Board Agenda Item  
September 14, 2010

ADMINISTRATIVE - 3

Authorization to Advertise a Public Hearing on Spot Blight Abatement Ordinance for 2211 Farougi Court (Dranesville District)

ISSUE:

Board authorization to advertise a public hearing to consider adoption of a Spot Blight Abatement Ordinance for 2211 Farougi Court, Herndon, VA 20170 (Tax Map No. 016-1-((08))-0344).

RECOMMENDATION:

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

TIMING:

Authorization to advertise the public hearing to be held Tuesday, October 19, 2010, at 4:30 p.m.

BACKGROUND:

Va. Code Ann. § 36-49.1:1 (Supp. 2010) (Spot Blight Abatement Statute) allows the Board, by ordinance, to declare a blighted property a nuisance, thereby enabling abatement in accordance with Va. Code Ann. § 15.2-900 (2008) or Va. Code Ann. § 15.2-1115 (2008) (Abatement of Nuisance Statutes). The Abatement of Nuisance Statutes permit the County to compel the abatement or removal of nuisances. If, after reasonable notice, the owner(s) fails to abate or obviate the nuisance the County may abate the nuisance in which event the property owner(s) may then be charged for the costs of abatement, which may be collected from the property owner(s) in any manner provided by law for the collection of state or local taxes.

Properties are considered "blighted" under the Spot Blight Abatement Statute as defined in Va. Code Ann. 36-3 (Supp. 2010) as any individual commercial, industrial, or residential structure or improvement that endangers the public's health, safety, or welfare because the structure or improvement upon the property is dilapidated, deteriorated, or violates minimum health and safety standards, or any structure or improvement previously designated as blighted pursuant to § 36-49.1:1, under the process for determination of "spot blight."

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In November 1996, the Board authorized the implementation of a Blight Abatement Program using the Spot Blight Abatement Statute to address citizen concerns about specific properties in their communities which were abandoned, dilapidated, or otherwise kept in an unsafe state.

A property can be considered blighted if it meets the standards set forth in Va. Code Ann. § 36-3 (Supp. 2010) and if it meets all of the following conditions:

1. It has been vacant and/or boarded up for at least one year.
2. It has been the subject of complaints.
3. It is no longer being maintained for useful occupancy.
4. It is in a dilapidated condition or lacks normal maintenance or upkeep.

The property located at 2211 Farougi Court was originally referred to the Blight Abatement Program (BAP) in 1999, and again in 2001; however at those times the property did not meet all of the blight abatement program criteria. On September 16, 2002, the property at 2211 Farougi Court sustained significant fire damage and on May 12, 2003 was referred to the Blight Abatement Program. Since the owner did not remedy the blight and repair the fire damage in a timely manner this property was taken before the Board of Supervisors for adoption of a Spot Blight Ordinance on February 9, 2004. Following the adoption of the Spot Blight Abatement Ordinance the owner of the property replaced the windows and repaired the exterior fire damaged areas of the dwelling.

At the time of the above repairs, the owner obtained a building permit but interior inspections were not requested of staff. Therefore, it is Blight Abatement Staff's opinion based on a lack of interior inspections that the exterior fire damage was only patched and the water damage or fire damage to the interior of the dwelling was not properly mitigated. Until necessary interior repairs are made and approved by inspections staff, BAP staff considers this structure no longer maintained for useful occupancy. In addition the electric power was never restored to the dwelling after the fire. Additionally, County Blight Abatement Staff obtained photos from the fire department which indicated that the dwelling contained large amounts of hoarded materials at the time of the fire. At that time and since the owner replaced the windows, repaired the exterior fire damage and performed minor cleanup to the property, BAP staff made the determination that minimal compliance had been achieved and was deemed acceptable.

During the last couple of years, the owner of this property continued to neglect his property and the dwelling suffered further decline. On May 10, 2010, the Property Maintenance Code Official requested that the Blight Program take this case back into the program. The subject property is described as being developed with a two-story, residential detached dwelling; brick and aluminum siding combination on a concrete slab. Erected around the structure are approximately 12 aluminum ladders, partial

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scaffolding and storage of building materials. These tools and building materials have been in place for months with no apparent repairs by the owner or contractor. The dwelling has an eight to twelve inch hole in the roof on the rear side allowing water to penetrate the structure. The structure is in poor condition from years of neglect and lack of proper maintenance along with inadequate repair of the prior fire damage. Additionally, the property contains a dilapidated child's play structure in the rear yard. BAP staff feel that the structures in their current condition are not economically feasible to repair and need to be demolished.

On July 21, 2010, the Neighborhood Enhancement Task Force (NETF) found that the subject property met the blighted property guidelines, and the property received a preliminary blight determination. Certified notice was sent to the owner advising him of this determination. The letter was received and signed for and the owner advised via letter faxed to the office dated June 14, 2010, that his intention was to make all Court-ordered improvements, however no timeline was specified. Since this property owner has a history of neglecting his property, it was determined that the best course of action was to request the Board of Supervisors adoption of a Spot Blight Abatement Ordinance.

Although the County will continue to seek cooperation from the owner to eliminate blighted conditions, it is requested that a public hearing, in accordance with the Spot Blight Abatement Statute, be held to adopt an Ordinance declaring the property to be blighted, which constitutes a nuisance. State code requires that the Board provide notice concerning proposed adoption of such an Ordinance.

At the public hearing, the County will also request authorization to contract for demolition of the blighted structures on the site pursuant to Va. Code Ann. §15.2-1115 (2008) as authorized under the Spot Blight Abatement Statute. If the owner fails to abate the blighted conditions within thirty days after notification of the Board's action, the County will proceed with the demolition process for the structures. The County will incur the cost, expending funds that are available in Fund 303, County Construction, Project 009801, Strike Force Blight Abatement. The County will then pursue reimbursement from the owner who is ultimately liable for all abatement costs incurred. A lien will be placed on the property and recorded in the County land and judgment records.

**FISCAL IMPACT:**

In the event that the blighted conditions are not eliminated by the owner, the County will fund the demolition from Fund 303, County Construction, Project 009801, Strike Force Blight Abatement. Funding is available in Project 009801 to proceed with the demolition estimated to cost approximately \$35,000.

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It is anticipated that all of the costs (including direct County administrative costs) of the blight abatement will be recovered from the property owner. Funds recovered will be allocated to the Blight Abatement Program in order to carry out future blight abatement plans.

ENCLOSED DOCUMENTS:

Attachment 1: Property Photographs

STAFF:

Robert A. Stalzer, Deputy County Executive

Jeff Blackford, Director, Department of Code Compliance

David Ellis, Acting Deputy Chief Operations/Logistics, Department of Code Compliance

Christina M. Sadar, Blight Abatement Program Coordinator, Department of Code Compliance



**2211 Farougi Court, Herndon, VA 20170**  
**Tax Map # 016-1-((08))-0344**  
**Dranesville District**  
**Attachment 1**



**2211 Farougi Court, Herndon, VA 20170**  
**Tax Map # 016-1-((08))-0344**  
**Dranesville District**  
**Attachment 1**



**Note: Penetrations in roof**

**Play structure in - poor condition**

**2211 Farougi Court, Herndon, VA 20170  
Tax Map # 016-1-((08))-0344  
Dranesville District  
Attachment 1**

**Close up of hole (s) in roof**



**2211 Farougi Court, Herndon, VA 20170  
Tax Map # 016-1-((08))-0344  
Dranesville District  
Attachment 1**

Board Agenda Item  
September 14, 2010

ADMINISTRATIVE - 4

Authorization to Advertise a Public Hearing for the Creation of Small Sanitary Districts for Refuse Collection Service (Springfield District)

ISSUE:

Board authorization to advertise a public hearing for the Creation of Small Sanitary Districts for refuse collection service.

RECOMMENDATION:

The County Executive recommends that the Board authorize advertisement of a public hearing at 4:00 p.m. on Tuesday, October 19, 2010, to consider the following change to small sanitary districts for refuse collection service in accordance with the Board of Supervisor's adopted criteria for the Creation/ Enlargement/Withdrawal of Small or Local Sanitary Districts.

<u>Sanitary District</u>	<u>Action</u>	<u>Service</u>	<u>Recommendation</u>
Small District 4 Within Springfield District (Swift Run Trails)	Create	Refuse	Approve
Small District 6 Within Springfield District (English Hills)	Create	Refuse	Approve

TIMING:

Board authorization to advertise on September 14, 2010, is required for a Public Hearing to be held on October 19, 2010, at 4:00 p.m.

BACKGROUND:

The administrative responsibility for the Creation/Enlargement/De-Creation/Re-Creation of Small and Local Sanitary Districts in the County of Fairfax for refuse/recycling and/or leaf collection is with the Department of Public Works and Environmental Services. The establishment of sanitary districts is accomplished through the action of the Board of Supervisors at public hearings. Prior to any action by the Board on a proposed small or local sanitary district, certain relevant standards and criteria must be met in accordance with the Board of Supervisors' adopted criteria for the Creation/Enlargement/De-Creation/Re-Creation of Small and Local Sanitary Districts.

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Both of these communities sought County refuse collection after the previous refuse collection company lost their Certificate to Operate.

The submitted petitions have been reviewed, and it has been determined that they meet the Board of Supervisors' Adopted Criteria. Staff recommends that the authorization to advertise a public hearing for the Creation of Small Sanitary Districts for refuse collection service be approved. If approved, Swift Run Trails petition will become permanent in January 2011. The English Hills petition will become effective retroactive from October 1, 2010.

FISCAL IMPACT:

None

ENCLOSED DOCUMENTS:

Attachment 1: Summary Sheet

Attachment 2: Data Sheets with Proposed Resolutions and Maps

STAFF:

Robert A. Stalzer, Deputy County Executive

James W. Patteson, Director, Department of Public Works and Environmental Services (DPWES)

Jeffrey M. Smithberger, Director, Division of Solid Waste Collection & Recycling (DSWCR)

## SUMMARY SHEET

Proposed alterations to the following small sanitary districts for refuse/recycling collection service:

1. Create Small District 4 within Springfield District for the purpose of providing County Refuse Collection Service to the Swift Run Trails area.
2. Create Small District 6 within Springfield District for the purpose of providing County Refuse Collection Service to the English Hills area.

DATA SHEET  
Create  
Small District 4  
Within Springfield District

Purpose: To provide County Refuse and Recycling Collection Service to the Swift Run Trails area.

- Petition requesting service received on September 1, 2010.
- Petition Area: 24 Properties.
- 55% of properties in favor.
- The Department of Public Works and Environmental Services can provide the requested service using existing equipment.
- The Department of Public Works and Environmental Services recommends that the proposed action be approved effective January 1, 2011.

NOTICE OF INTENTION TO PROPOSE FOR ADOPTION  
A RESOLUTION AND A PUBLIC HEARING THEREON

TO CREATE  
SMALL DISTRICT 4  
WITHIN SPRINGFIELD DISTRICT

TAKE NOTICE that at a regular meeting of the Board of Supervisors of the County of Fairfax, Virginia, held in the Board Auditorium of the Government Center, 12000 Government Center Parkway, Fairfax, Virginia, on Tuesday the 14th day of September, 2010, it was proposed by said Board to adopt a resolution to create a small district known as Small District 4 within Springfield District for the purpose of providing for refuse/recycling collection to the Swift Run Trails area to be effective January 1, 2011, and the Clerk of said Board was directed to cause notice thereof by publication once a week for two consecutive weeks in a newspaper published in or having general circulation in said County, together with a notice that at a regular meeting of said Board to be held in the Board Auditorium of the Government Center, 12000 Government Center Parkway, Fairfax, Virginia, on

TUESDAY  
OCTOBER 19, 2010  
COMMENCING AT 4:00 P.M.

The said Board of Supervisors of Fairfax County, Virginia, will hold a public hearing at which time and place any interested parties may appear and be heard. The full text of the resolution to be adopted is in the following words and figures, to-wit:

WHEREAS, Virginia Code Section 15.2-858, as amended, provides for, among other things, the creation by the Board of Supervisors of Fairfax County, Virginia, of a small sanitary district by resolution; and

WHEREAS, the Board of Supervisors has been presented with facts and information upon consideration of which said Board, finding the property embraced in the proposed small sanitary district will be benefited by creating the small sanitary district for the purpose of providing for refuse/recycling collection for the citizens who reside therein.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of Fairfax County, Virginia, authorizes the advertisement for the proposed creation of a small sanitary district, pursuant to Virginia Code Section 15.2-858, as amended, to be known as Small District 4 within Springfield District, Fairfax County, Virginia, which said creation of the small sanitary district shall be described as follows:

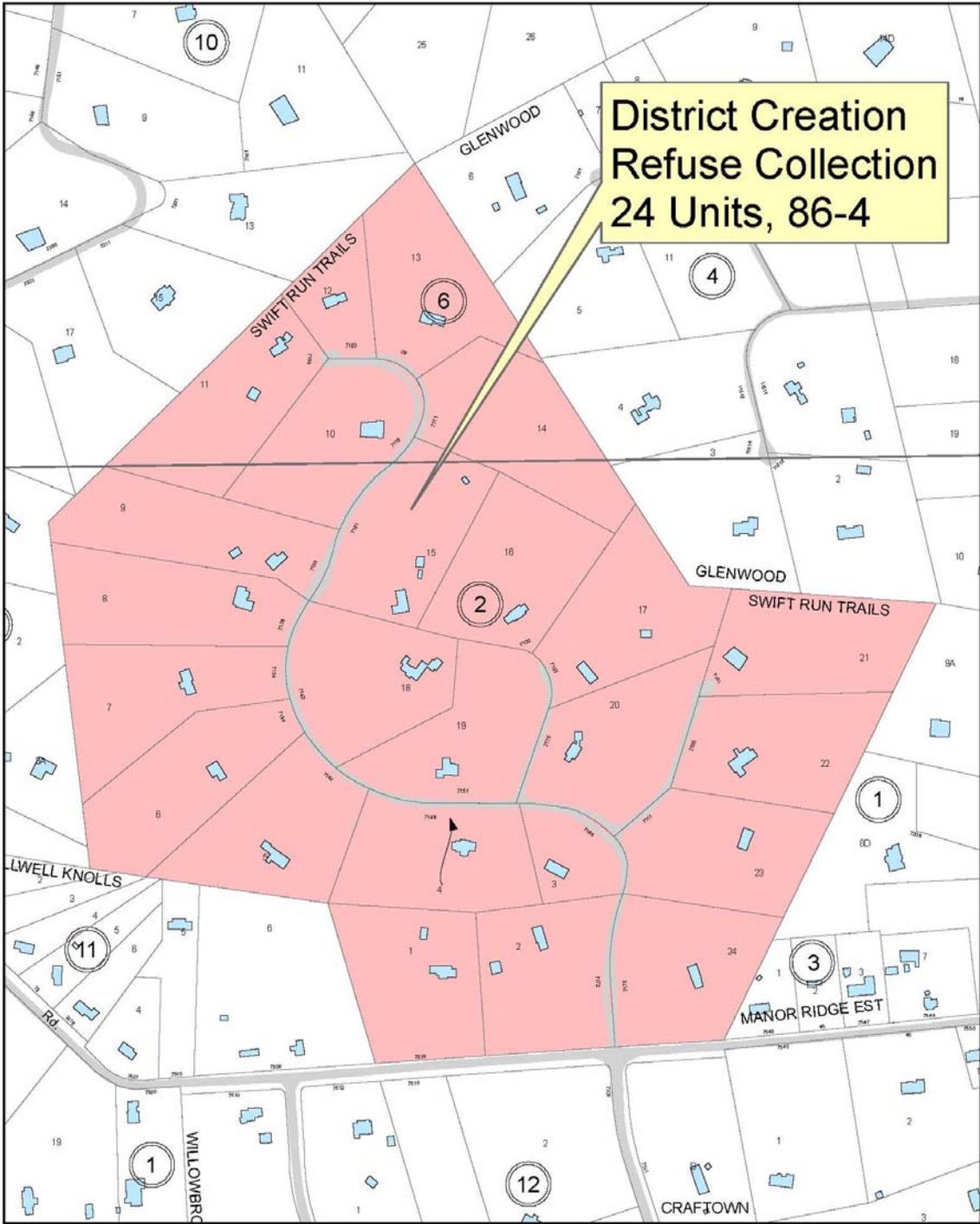
The Creation of Small District 4 within Springfield District for the purpose of providing County Refuse Collection Service to the Swift Run Trails area located in the County of Fairfax, Fairfax Station, Virginia, and as shown on the attached map.

AND BE IT FURTHER RESOLVED that the Board of Supervisors of Fairfax County, Virginia, declares its intention to implement the purpose for which said Small District 4 within Springfield District is hereby created to wit:

To provide refuse/recycling collection service for the citizens who reside therein.

Given under my hand this \_\_\_\_ day of October 2010.

\_\_\_\_\_  
Nancy Vehrs  
Clerk to the Board



**86-4**

**Swift Run Trails**

DATA SHEET  
Creation  
Small District 6  
Within Springfield District

Purpose: Create Small District 6 within Springfield District for the purpose of providing County Refuse Collection Service to the English Hills area.

- Petition requesting service received on September 1, 2010.
- Petition Area: 51 Properties.
- 38 Property Owners in favor.
- The Department of Public Works and Environmental Services can provide the requested service using existing equipment.
- The Department of Public Works and Environmental Services recommends that the proposed action be approved retroactive from October 1, 2010.

NOTICE OF INTENTION TO PROPOSE FOR ADOPTION  
A RESOLUTION AND A PUBLIC HEARING THEREON

TO CREATE  
SMALL DISTRICT 6  
WITHIN SPRINGFIELD DISTRICT

TAKE NOTICE that at a regular meeting of the Board of Supervisors of the County of Fairfax, Virginia, held in the Board Auditorium of the Government Center, 12000 Government Center Parkway, Fairfax, Virginia, on Tuesday the 14th day of September, 2010, it was proposed by said Board to adopt a resolution to create a small district known as Small District 6 within Springfield District for the purpose of providing for refuse/recycling collection to the English Hills area to be effective retroactive from October 1, 2010, and the Clerk of said Board was directed to cause notice thereof by publication once a week for two consecutive weeks in a newspaper published in or having general circulation in said County, together with a notice that at a regular meeting of said Board to be held in the Board Auditorium of the Government Center, 12000 Government Center Parkway, Fairfax, Virginia, on

TUESDAY  
OCTOBER 19, 2010  
COMMENCING AT 4:00 P.M.

The said Board of Supervisors of Fairfax County, Virginia, will hold a public hearing at which time and place any interested parties may appear and be heard. The full text of the resolution to be adopted is in the following words and figures, to-wit:

WHEREAS, Virginia Code Section 15.2-858, as amended, provides for, among other things, the creation by the Board of Supervisors of Fairfax County, Virginia, of a small sanitary district by resolution; and

WHEREAS, the Board of Supervisors has been presented with facts and information upon consideration of which said Board, finding the property embraced in the proposed small sanitary district will be benefited by creating the small sanitary district for the purpose of providing for refuse/recycling collection for the citizens who reside therein.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of Fairfax County, Virginia, authorizes the advertisement for the proposed creation of a small sanitary district, pursuant to Virginia Code Section 15.2-858, as amended, to be known as Small District 6 within Springfield District, Fairfax County, Virginia, which said creation of the small sanitary district shall be described as follows:

The Creation of Small District 6 within Springfield District for the purpose of providing County Refuse Collection Service to the English Hills area located in the County of Fairfax, Fairfax Station, Virginia, and as shown on the attached map.

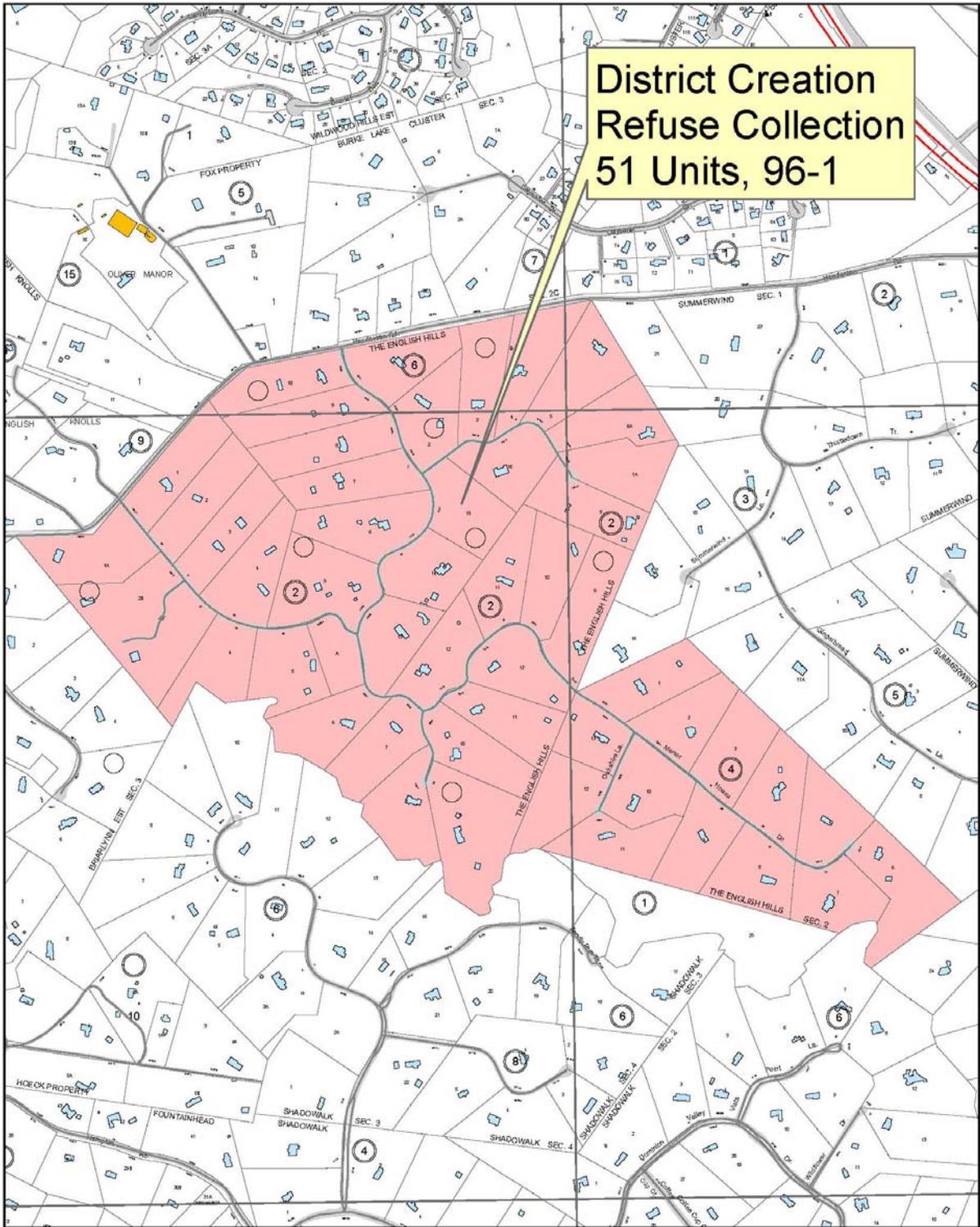
AND BE IT FURTHER RESOLVED that the Board of Supervisors of Fairfax County, Virginia, declares its intention to implement the purpose for which said Small District 6 within Springfield District is hereby created to wit:

To provide refuse/recycling collection service for the citizens who reside therein.

Given under my hand this \_\_\_\_ day of October 2010.

---

Nancy Vehrs  
Clerk to the Board



District Creation  
Refuse Collection  
51 Units, 96-1

# English Hills

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ADMINISTRATIVE – 5

Authorization to Advertise a Public Hearing on the Acquisition of Certain Land Rights Necessary for the Construction of Poplar Tree Road Improvements (Sully District)

ISSUE:

Board authorization to advertise a public hearing on the acquisition of certain land rights necessary for the construction of Project 4YP210 – Poplar Tree Road Improvements, Fund 304, Transportation Improvements.

RECOMMENDATION:

The County Executive recommends that the Board authorize advertisement of a public hearing for October 19, 2010, commencing at 4:00 p.m.

TIMING:

Board action is requested on September 14, 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 widen Poplar Tree Road to a four-lane divided section, from Sully Station Drive to Braddock Ridge Drive, approximately 3,700 linear feet. The project includes a 4-foot wide raised concrete median, 5-foot wide concrete sidewalk on the west side, and a 6-foot wide asphalt sidewalk on the east side to match the existing trail. The existing sight distance at the intersection of Braddock Ridge Drive and Poplar Tree Road is substandard. The sight distance is adjusted to meet design standards.

Land rights for these improvements are required on 38 properties. Dedications for public street purposes and storm drainage, sight distance, flood plain and storm drainage, grading and temporary construction, MCI, Level 3, Qwest, Fiberlight, and Abovenet easements are needed to facilitate this construction.

Negotiations are in progress with several owners of these properties; however, because 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. Sections 15.2-1904 and 15.2-1905 (2008). Pursuant to these provisions, a public

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hearing is required before property interests can be acquired in such an accelerated manner.

FISCAL IMPACT:

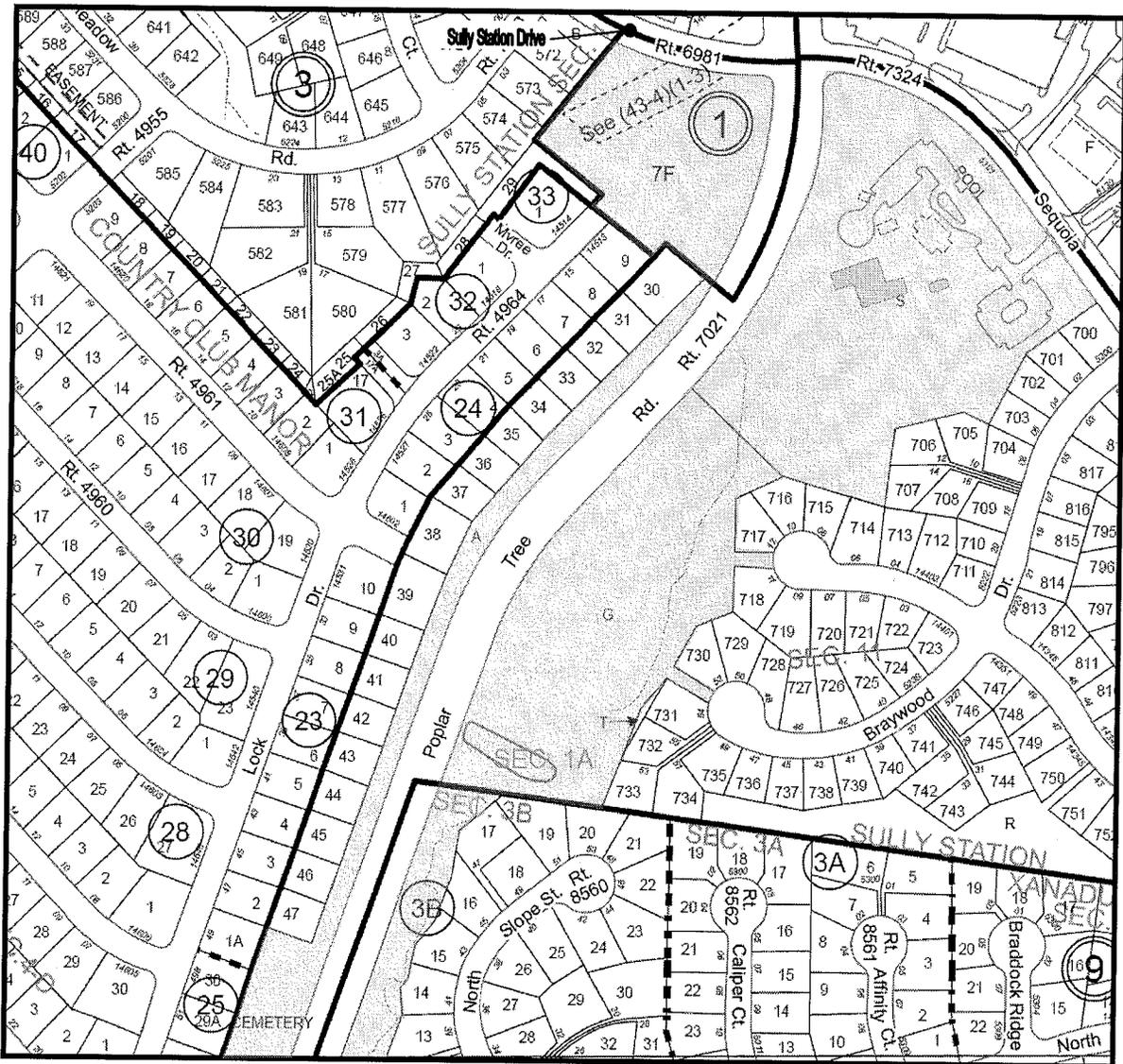
Funding is available in Project 4YP210 – Poplar Tree Road Improvements, Fund 304, Transportation Improvements. This project is included in the Fairfax County 2007 Bond Referendum Projects. No additional funds are required at this time for land acquisition.

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)



**POPLAR TREE ROAD IMPROVEMENTS**

Tax Map: 44-3

4YP210

Scale: Not to Scale

Sully District

**Scope:** This project is approximately 3,700 LF and consists of widening Poplar Tree Road to a four lane divided section from Sully Station Drive to Braddock Ridge Drive. The project includes a 4-foot wide raised concrete median, 5-foot wide concrete sidewalk on the west side, and a 6-foot wide asphalt sidewalk on the west side to match the existing trail. The existing sight distance at the intersection of Braddock Ridge Drive and Poplar Tree Road is substandard. The sight distance is adjusted to meet design standards.

**Affected Properties:** [Redacted]



**POPLAR TREE ROAD IMPROVEMENTS**

Tax Map: 54-1

4YP210  
Sully District

Scale: Not to Scale

Scope: This project is approximately 3,700 LF and consists of widening Poplar Tree Road to a four lane divided section from Sully Station Drive to Braddock Ridge Drive. The project includes a 4-foot wide raised concrete median, 5-foot wide concrete sidewalk on the west side, and a 6-foot wide asphalt sidewalk on the west side to match the existing trail. The existing sight distance at the intersection of Braddock Ridge Drive and Poplar Tree Road is substandard. The sight distance is adjusted to meet design standards.

Affected Properties:

LISTING OF AFFECTED PROPERTIES  
 Project 4YP210 - Poplar Tree Road Improvements  
 (Sully District)

<u>PROPERTY OWNER(S)</u>	<u>TAX MAP NUMBER</u>
1. Sully Station Community Association  Address: Situated on the SW corner of Poplar Tree Road at Sully Station Drive	044-3-01-0007-F
2. Sully Station Community Association  Address: Situated on the west side of Poplar Tree Road south of Sully Station Drive	044-3-05-0000-A
3. Sully Station Community Association  Address: Situated on the east side of Poplar Tree Road South of Sequoia Farms Drive	044-3-05-0000-G
4. Sully Station Community Association  Address: 5101 Sequoia Farms Dr, Centreville, VA 20120	044-3-05-0000-S
5. Xanadu Estates Community Association  Address: Situated at the SW corner of Poplar Tree Road at Sully Park Drive	054-1-10-0000-A
6. Aldegunda Gomez Marcos Lamas  Address: 5452 Braddock Ridge Dr, Centreville, VA 20120	054-1-10-0001 (interest already acquired)
7. Hal Barsky  Address: 5454 Braddock Ridge Dr, Centreville, VA 20120	054-1-10-0002 (interest already acquired)

8. Khosrow G. Foroudi  
Shahnaz Namiranian  
Ehsan G. Foroudi  
054-1-10-0003  
  
Address:  
5456 Braddock Ridge Dr, Centreville, VA 20120
9. Robert V. Lewis  
Judith A. Lewis  
054-1-10-0020  
(interest already acquired)  
  
Address:  
5485 Braddock Ridge Dr, Centreville, VA 20120
10. Martin A. Rothwell  
Jennifer R. Rothwell  
054-1-10-0021  
(interest already acquired)  
  
Address:  
5483 Braddock Ridge Dr, Centreville, VA 20120
11. Miguel A. Torres  
Carmen A. Torres  
054-1-10-0022  
  
Address:  
5481 Braddock Ridge Dr, Centreville, VA 20120
12. Mitchell C. McCracken, Jr.  
Mary E. McCracken  
054-1-10-0023  
  
Address:  
5479 Braddock Ridge Dr, Centreville, VA 20120
13. Pamela V. Gomez  
054-1-10-0024  
(interest already acquired)  
  
Address:  
5477 Braddock Ridge Dr, Centreville, VA 20120
14. Darrell E. Wallis, Jr.  
DeAnna L. Wallis  
054-1-10-0025  
(interest already acquired)  
  
Address:  
5473 Braddock Ridge Dr, Centreville, VA 20120
15. Gerard S. Bianchi  
054-1-10-0026  
(interest already acquired)

- Address:  
5471 Braddock Ridge Dr, Centreville, VA 20120
16. Edgardo Soto 054-1-10-0027  
Sherrie Lynn Soto
- Address:  
5451 Braddock Ridge Dr, Centreville, VA 20120
17. Paul F. Gilbert 054-1-10-0034
- Address:  
5450 Braddock Ridge Dr, Centreville, VA 20120
18. Xanadu Estates Community Association 054-1-10-1B-0000-B
- Address:  
Situated on the east side of Poplar Tree Road opposite the intersection of Sully  
Park Drive
19. Gary Le Francois 054-1-10-1B-0013  
Diana Le Francois (interest already acquired)
- Address:  
5415 Hedgerow Ct, Centreville, VA 20120
20. William B. Nay 054-1-10-1B-0014  
Anna L. Nay (interest already acquired)
- Address:  
5413 Hedgerow Ct, Centreville, VA 20120
21. William E. Shackelford 054-1-10-1B-0018  
Donna J. Shackelford (interest already acquired)
- Address:  
14429 Round Lick Ln, Centreville, VA 20120
22. Steven R. Parvey 054-1-10-1B-0019  
Jane B. (Powell) Parvey (interest already acquired)
- Address:  
14431 Round Lick Ln, Centreville, VA 20120
23. Eric R. Wassying 054-1-10-1B-0020  
Lynn A. Wassying

- Address:  
14432 Round Lick Ln, Centreville, VA 20120
24. Lisa M. Skidmore 054-1-10-1B-0021
- Address:  
14430 Round Lick Ln, Centreville, VA 20120
25. Shuchen Ho 054-1-10-1B-0022  
(interest already acquired)
- Address:  
14428 Round Lick Ln, Centreville, VA 20120
26. Timothy P. Inemer 054-1-10-1B-0023  
Maria T. Inemer
- Address:  
14426 Round Lick Ln, Centreville, VA 20120
27. Micheal D. Sarchet 054-1-10-1B-0024  
(interest already acquired)
- Address:  
14424 Round Lick Ln, Centreville, VA 20120
28. Ernest H. Luther 054-1-10-1B-0025  
Debra H. Haynes-Winkowitsch  
(interest already acquired)
- Address:  
14422 Round Lick Ln, Centreville, VA 20120
29. Thomas M. Huynh 054-1-10-1B-0026  
Margaret Marsh Huynh  
(interest already acquired)
- Address:  
14420 Round Lick Ln, Centreville, VA 20120
30. Sully Station II Community Association 054-1-10-3B-0000-A
- Address:  
Situated on the east side of Poplar Tree Road north of Sully Park Drive
31. Erik Granados 054-1-10-3B-0001  
Patricia Mihm
- Address:  
14419 North Slope St, Centreville, VA 20120

32. Richard D. Kohout  
Stephanie N. Kohout

054-1-10-3B-0002  
(interest already acquired)

Address:  
14421 North Slope St, Centreville, VA 20120

33. Ronald J. Petrucci  
Angelika Petrucci

054-1-10-3B-0005  
(interest already acquired)

Address:  
5305 Gordon Dr, Centreville, VA 20120

34. Keith P. Ciocco  
Charlotte E. Ciocco

054-1-10-3B-0006  
(interest already acquired)

Address:  
5307 Gordon Dr, Centreville, VA 20120

35. Stephen G. Capistrant  
Susan D. Capistrant

054-1-10-3B-0007  
(interest already acquired)

Address:  
5306 Gordon Dr, Centreville, VA 20120

36. Frank Ralph Mitolo, Jr.  
Angela Joy Mitolo

054-1-10-3B-0012

Address:  
14437 North Slope St, Centreville, VA 20120

37. Sully Station II Community Association

054-1-17-0000-H

Address:  
Situated on the NW corner of Poplar Tree Road at Sully Park Drive

38. Sully Station II Community Association

054-1-17-0000-J

Address:  
Situated on the NW corner of Poplar Tree Road north of Sully Park Drive

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ADMINISTRATIVE – 6

Streets into the Secondary System (Braddock, Dranesville, Hunter Mill, Lee, 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>
FCRHA Little River Glen II	Braddock	Olley Lane (Route 787) (Additional Right-of-Way (ROW) Only)
Providence Presbyterian Church	Braddock	Little River Turnpike Service Drive (Route 2232) (Additional ROW Only)
Beach Mill Downs Section 2	Dranesville	Patowmack Drive (Route 8270)  Nichols Run Court
Francois R. & Marie A. Haeringer	Dranesville	Springvale Road (Route 674) (Additional ROW Only)  Beach Mill Road (Route 603) (Additional ROW Only)
Dulles Center LLC	Hunter Mill	Coppermine Road (Route 665) (Additional ROW Only)  Centreville Road (Route 657) (Additional ROW Only)

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<b><u>Subdivision</u></b>	<b><u>District</u></b>	<b><u>Street</u></b>
Wilfredo O. Cifuentes	Lee	Cinder Bed Road (Route 637) (Additional ROW Only)
Public Storage Inc. and McDonald's Corporation	Providence	Gallows Road (Route 650) (Additional ROW Only)
Faircrest South Phase Two	Sully	Plumbago Drive  Shreve Street (Route 1020)  Lavatera Court  Dianthus Court  Lamium Lane  Leland Road (Route 7773) (Additional ROW Only)
Faircrest South Phase Three	Sully	Lavatera Court (Route 10442)
Old Mill Road Property	Sully	Old Mill Road (Route 8591)  Old Mill Road (Route 8591) (Additional ROW Only)  Mount Olive Road (Route 859) (Prescriptive ROW Dedication)

**TIMING:**  
Routine.

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

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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)

Michelle Brickner, Acting Director, Land Development Services, DPWES

## Street Acceptance Form For Board Of Supervisors Resolution - June 2005

<p><b>FAIRFAX COUNTY BOARD OF SUPERVISORS FAIRFAX, VA</b></p> <p>Pursuant to the request to inspect certain streets in the subdivisions as described, the Virginia Department of Transportation has made inspections, and recommends that same be included in the secondary system.</p>	<p><b>VIRGINIA DEPARTMENT OF TRANSPORTATION - OFFICE OF THE ENGINEERING MANAGER, FAIRFAX, VIRGINIA</b></p> <p>REQUEST TO THE ENGINEERING MANAGER, FOR INCLUSION OF CERTAIN SUBDIVISION STREETS INTO THE STATE OF VIRGINIA SECONDARY ROAD SYSTEM.</p>		
	<p><b>PLAN NUMBER:</b> 7220-SP-02 ✓</p>		
	<p><b>SUBDIVISION PLAT NAME:</b> FCRHA Little River Glen II ✓</p>		
	<p><b>COUNTY MAGISTERIAL DISTRICT:</b> Braddock ✓</p>		
<p><b>ENGINEERING MANAGER:</b> D.A. Purvis</p> <p>BY: <u>Nadia Alphonse</u></p>	<p><b>FOR OFFICIAL USE ONLY</b></p> <p><b>DATE OF VDOT INSPECTION APPROVAL:</b> <u>07-07-2010</u></p>		
STREET NAME	LOCATION		LENGTH MILE
	FROM	TO	
Olley Lane (Route 787) (Additional Right-of-Way Only)	235' N CL Nester Road (Route 4699)	452' N to Section Line	0.0
<b>NOTES:</b>			<b>TOTALS:</b> 0.0
422' of 4' Concrete Sidewalk on East Side to be maintained by VDOT.			

## Street Acceptance Form For Board Of Supervisors Resolution - June 2005

<p><b>FAIRFAX COUNTY BOARD OF SUPERVISORS</b> FAIRFAX, VA</p> <p>Pursuant to the request to inspect certain streets in the subdivisions as described, the Virginia Department of Transportation has made inspections, and recommends that same be included in the secondary system.</p>	<p><b>VIRGINIA DEPARTMENT OF TRANSPORTATION - OFFICE OF THE ENGINEERING MANAGER, FAIRFAX, VIRGINIA</b></p> <p>REQUEST TO THE ENGINEERING MANAGER, FOR INCLUSION OF CERTAIN SUBDIVISION STREETS INTO THE STATE OF VIRGINIA SECONDARY ROAD SYSTEM.</p> <p>PLAN NUMBER: 5101-SP-002</p> <p>SUBDIVISION PLAT NAME: Providence Presbyterian Church ✓</p> <p>COUNTY MAGISTERIAL DISTRICT: Braddock ✓</p>		
<p>ENGINEERING MANAGER: D.A. Purvis</p> <p>BY: <u>Nadia Alphonse</u></p>	<p><b>FOR OFFICIAL USE ONLY</b></p> <p>DATE OF VDOT INSPECTION APPROVAL: <u>06-22-2010</u></p>		
STREET NAME	LOCATION		LENGTH MILE
	FROM	TO	
Little River Turnpike Service Drive (Route 2232) (Additional Right-of-Way Only)	25' W CL Elizabeth Lane (Route 2235)	215' W to Section Line	0.0
<b>NOTES:</b>			<b>TOTALS:</b> 0.0 ✓

## Street Acceptance Form For Board Of Supervisors Resolution - June 2005

<p><b>FAIRFAX COUNTY BOARD OF SUPERVISORS</b> FAIRFAX, VA</p> <p>Pursuant to the request to inspect certain streets in the subdivisions as described, the Virginia Department of Transportation has made inspections, and recommends that same be included in the secondary system.</p>	<p><b>VIRGINIA DEPARTMENT OF TRANSPORTATION - OFFICE OF THE ENGINEERING MANAGER, FAIRFAX, VIRGINIA</b></p> <p>REQUEST TO THE ENGINEERING MANAGER, FOR INCLUSION OF CERTAIN SUBDIVISION STREETS INTO THE STATE OF VIRGINIA SECONDARY ROAD SYSTEM.</p> <p><b>PLAN NUMBER:</b> 3701-SD-02</p> <p><b>SUBDIVISION PLAT NAME:</b> Beach Mill Downs Section 2 ✓</p> <p><b>COUNTY MAGISTERIAL DISTRICT:</b> Dranesville ✓</p>		
<p><b>ENGINEERING MANAGER:</b> D.A. Purvis</p> <p>BY: <i>Nadia Alphonse</i></p>	<p><b>FOR OFFICIAL USE ONLY</b></p> <p><b>DATE OF VDOT INSPECTION APPROVAL:</b> <i>06-11-2010</i></p>		
STREET NAME	LOCATION		LENGTH MILE
	FROM	TO	
Patowmack Drive (Route 8270)	Existing Patowmack Drive (Route 8270) - 823' SE CL Patowmack Court (Route 8271)	671' NE to End of Cul-de-Sac	0.13
Nichols Run Court	CL Patowmack Drive (Route 8270) - 1,030' SE CL Patowmack Court (Route 8271)	370' SE to End of Cul-de-Sac	0.07
<b>NOTES:</b>			<b>TOTALS:</b> 0.20 ✓

# Street Acceptance Form For Board Of Supervisors Resolution - June 2005

<b>FAIRFAX COUNTY BOARD OF SUPERVISORS</b> <b>FAIRFAX, VA</b> Pursuant to the request to inspect certain streets in the subdivisions as described, the Virginia Department of Transportation has made inspections, and recommends that same be included in the secondary system.	<b>VIRGINIA DEPARTMENT OF TRANSPORTATION - OFFICE OF THE ENGINEERING MANAGER, FAIRFAX, VIRGINIA</b> REQUEST TO THE ENGINEERING MANAGER, FOR INCLUSION OF CERTAIN SUBDIVISION STREETS INTO THE STATE OF VIRGINIA SECONDARY ROAD SYSTEM. <b>PLAN NUMBER:</b> 1151-SP-001-1 <b>SUBDIVISION PLAT NAME:</b> Francois R. & Marie A. Haeringer / <b>COUNTY MAGISTERIAL DISTRICT:</b> Dranesville /
<b>ENGINEERING MANAGER:</b> D.A. Purvis BY: <u>Nadia Alphonso</u>	<b>FOR OFFICIAL USE ONLY</b> <b>DATE OF VDOT INSPECTION APPROVAL:</b> <u>06-10-2010</u>

STREET NAME	LOCATION		LENGTH MILE
	FROM	TO	
Springvale Road (Route 674) (Additional Right-of-Way Only)	177' SW CL Beach Mill Road (Rte. 603)	202' SW to end of dedication	0.0
Beach Mill Road (Route 603) (Additional Right-of-Way Only)	185' W CL Springvale Rd (Rte. 775)	268' W to end of dedication	0.0

<b>NOTES:</b>	<b>TOTALS:</b>
Springvale Road: 202' of Type II Trail on West Side to be maintained by Fairfax County.	0.0
Beach Mill Road: 268' of Type II Trail on South Side to be maintained by Fairfax County.	

## Street Acceptance Form For Board Of Supervisors Resolution - June 2005

<p><b>FAIRFAX COUNTY BOARD OF SUPERVISORS</b> FAIRFAX, VA</p> <p><b>Pursuant to the request to inspect certain streets in the subdivisions as described, the Virginia Department of Transportation has made inspections, and recommends that same be included in the secondary system.</b></p>	<p><b>VIRGINIA DEPARTMENT OF TRANSPORTATION - OFFICE OF THE ENGINEERING MANAGER, FAIRFAX, VIRGINIA</b></p> <p>REQUEST TO THE ENGINEERING MANAGER, FOR INCLUSION OF CERTAIN SUBDIVISION STREETS INTO THE STATE OF VIRGINIA SECONDARY ROAD SYSTEM.</p> <p><b>PLAN NUMBER:</b> 7693-SP-043 ✓</p> <p><b>SUBDIVISION PLAT NAME:</b> Dulles Center LLC ✓</p> <p><b>COUNTY MAGISTERIAL DISTRICT:</b> Hunter Mill ✓</p>		
<p><b>ENGINEERING MANAGER:</b> D.A. Purvis</p> <p>BY: <u>Nadia Alphonse</u></p>	<p><b>FOR OFFICIAL USE ONLY</b></p> <p><b>DATE OF VDOT INSPECTION APPROVAL:</b> <u>06/21/2010</u></p>		
STREET NAME	LOCATION		LENGTH MILE
	FROM	TO	
Coppermine Road (Route 665) (Additional Right-of-Way Only)	CL Coppermine Road (Route 665) - 366' SE CL River Birch Road (Route 8161)	318' SE to Section Line	0.0
Coppermine Road (Route 665) (Additional Right-of-Way Only)	CL Coppermine Road (Route 665) - 108' NW CL Centreville Road (Route 657)	171' NW to Section Line	0.0
Centreville Road (Route 657) (Additional Right-of-Way Only)	CL Centreville Road (Route 657) - 84' N CL Coppermine Road (Route 665)	762' NE to Section Line	0.0
<b>NOTES:</b>			<b>TOTALS:</b> 0.0 ✓
Coppermine Road: 288' of 4' Concrete Sidewalk on North Side to be maintained by VDOT.			
Coppermine Road: 171' of 5' Concrete Sidewalk on North Side to be maintained by VDOT.			
Centreville Road: 732' of 6' Asphalt Trail on West Side to be maintained by Fairfax County.			

# Street Acceptance Form For Board Of Supervisors Resolution - June 2005

<p><b>FAIRFAX COUNTY BOARD OF SUPERVISORS FAIRFAX, VA</b></p> <p>Pursuant to the request to inspect certain streets in the subdivisions as described, the Virginia Department of Transportation has made inspections, and recommends that same be included in the secondary system.</p>	<p><b>VIRGINIA DEPARTMENT OF TRANSPORTATION - OFFICE OF THE ENGINEERING MANAGER, FAIRFAX, VIRGINIA</b></p> <p>REQUEST TO THE ENGINEERING MANAGER, FOR INCLUSION OF CERTAIN SUBDIVISION STREETS INTO THE STATE OF VIRGINIA SECONDARY ROAD SYSTEM.</p> <p><b>PLAN NUMBER:</b> 1343-SP-01-2</p> <p><b>SUBDIVISION PLAT NAME:</b> Wilfredo O. Cifuentes ✓</p> <p><b>COUNTY MAGISTERIAL DISTRICT:</b> Lee ✓</p>
<p><b>ENGINEERING MANAGER:</b> D.A. Purvis</p> <p>BY: <u>Nadia Alfonso</u></p>	<p><b>FOR OFFICIAL USE ONLY</b></p> <p><b>DATE OF VDOT INSPECTION APPROVAL:</b> <u>06-24-2010</u></p>

STREET NAME	LOCATION		LENGTH MILE
	FROM	TO	
Cinder Bed Road (Rt. 637) (Additional right-of-way only)	1700' N of CL Hill Park Drive, Rt. 6772	312' N to section line	0.00

<b>NOTES:</b>	<b>TOTALS:</b> 0.00 ✓

## Street Acceptance Form For Board Of Supervisors Resolution - June 2005

<p><b>FAIRFAX COUNTY BOARD OF SUPERVISORS FAIRFAX, VA</b></p> <p>Pursuant to the request to inspect certain streets in the subdivisions as described, the Virginia Department of Transportation has made inspections, and recommends that same be included in the secondary system.</p>	<p><b>VIRGINIA DEPARTMENT OF TRANSPORTATION - OFFICE OF THE ENGINEERING MANAGER, FAIRFAX, VIRGINIA</b></p> <p>REQUEST TO THE ENGINEERING MANAGER, FOR INCLUSION OF CERTAIN SUBDIVISION STREETS INTO THE STATE OF VIRGINIA SECONDARY ROAD SYSTEM.</p> <p><b>PLAN NUMBER:</b> 1765-SP-01-1 ✓</p> <p><b>SUBDIVISION PLAT NAME:</b> Public Storage, Inc. and McDonald's Corporation ✓</p> <p><b>COUNTY MAGISTERIAL DISTRICT:</b> Providence ✓</p>
<p><b>ENGINEERING MANAGER:</b> D.A. Purvis</p> <p>BY: <i>Nadia Alphonse</i></p>	<p><b>FOR OFFICIAL USE ONLY</b></p> <p><b>DATE OF VDOT INSPECTION APPROVAL:</b> <u>07/26/2010</u></p>

STREET NAME	LOCATION		LENGTH MILE
	FROM	TO	
Gallows Road (Route 650) (Additional Right-of-Way Only)	302' N CL Gatehouse Road (Route 4037)	252' N to Section Line	0.0
Gallows Road (Route 650) (Additional Right-of-Way Only)	629' N CL Gatehouse Road (Route 4037)	75' N to Section Line	0.0
<b>TOTALS:</b>			0

**NOTES:**  
160' of 4' Concrete Sidewalk on East Side to be maintained by VDOT

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## Street Acceptance Form For Board Of Supervisors Resolution - June 2005

<p><b>FAIRFAX COUNTY BOARD OF SUPERVISORS</b>  <b>FAIRFAX, VA</b></p> <p><b>Pursuant to the request to inspect certain streets in the subdivisions as described, the Virginia Department of Transportation has made inspections, and recommends that same be included in the secondary system.</b></p>	<p><b>VIRGINIA DEPARTMENT OF TRANSPORTATION - OFFICE OF THE ENGINEERING MANAGER, FAIRFAX, VIRGINIA</b></p> <p>REQUEST TO THE ENGINEERING MANAGER, FOR INCLUSION OF CERTAIN SUBDIVISION STREETS INTO THE STATE OF VIRGINIA SECONDARY ROAD SYSTEM.</p> <p><b>PLAN NUMBER:</b> 5864-SD-03</p> <p><b>SUBDIVISION PLAT NAME:</b> Faircrest South Phase Two /</p> <p><b>COUNTY MAGISTERIAL DISTRICT:</b> Sully /</p>		
<p><b>ENGINEERING MANAGER:</b> D.A. Purvis</p> <p>BY: _____</p>	<p><b>FOR OFFICIAL USE ONLY</b></p> <p><b>DATE OF VDOT INSPECTION APPROVAL:</b> 06/03/2010</p>		
STREET NAME	LOCATION		LENGTH MILE
	FROM	TO	
Plumbago Drive	CL Leland Road (Route 7773) - 560' NE CL Newgate Blvd (Route 845)	1102' E to CL Lamium Lane	0.21
Shreve Street (Route 1020)	Ex. Shreve Street (Route 1020) - 528' E CL Newgate Blvd (Route 845)	507' N To CL Plumbago Drive	0.10
Lavatera Court	CL Plumbago Drive - 337' E CL Shreve Street (Route 1020)	417' N to End of Cul-de-Sac and 48' S to Section Line (Phase 3)	0.08
Dianthus Court	CL Lavatera Court - 182' N CL Plumbago Drive	310' NW to end of cul de sac	0.06
Lamium Lane	CL Plumbago Drive - 251' E CL Lavatera Court	550' N to CL Leland Road (Route 7773)	0.10
Leland Road (Route 7773) (Additional Right-of-Way Only)	431' NE CL Newgate Blvd (Route 845)	200' NE To Section Line	0.0
<b>NOTES:</b>			<b>TOTALS:</b> 0.55
Plumbago Drive: 2,100' of 4' concrete sidewalk on both sides to be maintained by VDOT			
Shreve Street: 650' of 4' concrete sidewalk on both sides to be maintained by VDOT			
Lavatera Court: 834' of 4' concrete sidewalk on both sides to be maintained by VDOT			
Dianthus Court: 290' of 4' concrete sidewalk on both sides to be maintained by VDOT			
Lamium Lane: 1,018' of 4' concrete sidewalk on both sides to be maintained by VDOT			

# Street Acceptance Form For Board Of Supervisors Resolution - June 2005

<p><b>FAIRFAX COUNTY BOARD OF SUPERVISORS</b>  <b>FAIRFAX, VA</b></p> <p><b>Pursuant to the request to inspect certain streets in the subdivisions as described, the Virginia Department of Transportation has made inspections, and recommends that same be included in the secondary system.</b></p>	<p><b>VIRGINIA DEPARTMENT OF TRANSPORTATION - OFFICE OF THE ENGINEERING MANAGER, FAIRFAX, VIRGINIA</b></p> <p>REQUEST TO THE ENGINEERING MANAGER, FOR INCLUSION OF CERTAIN SUBDIVISION STREETS INTO THE STATE OF VIRGINIA SECONDARY ROAD SYSTEM.</p> <p><b>PLAN NUMBER:</b> 5864-SD-04-2</p> <p><b>SUBDIVISION PLAT NAME:</b> Faircrest South Phase Three ✓</p> <p><b>COUNTY MAGISTERIAL DISTRICT:</b> Sully District ✓</p>
<p><b>ENGINEERING MANAGER:</b> D.A. Purvis</p> <p>BY: <u>Nadia Alphonse</u></p>	<p><b>FOR OFFICIAL USE ONLY</b></p> <p><b>DATE OF VDOT INSPECTION APPROVAL:</b> <u>06/03/2010</u></p>

STREET NAME	LOCATION		LENGTH MILE
	FROM	TO	
Lavatera Court (Route 10442)	Existing Lavatera Court (Route 10442) - 48' S CL Plumbago Drive (Route 10347)	222' S to End of Cul-de-Sac	0.04

<b>NOTES:</b>	<b>TOTALS:</b>
299' LF of 4' sidewalk on the East side to be maintained by VDOT.	0.04 ✓

# Street Acceptance Form For Board Of Supervisors Resolution - June 2005

<p><b>FAIRFAX COUNTY BOARD OF SUPERVISORS FAIRFAX, VA</b></p> <p><b>Pursuant to the request to inspect certain streets in the subdivisions as described, the Virginia Department of Transportation has made inspections, and recommends that same be included in the secondary system.</b></p>	<p><b>VIRGINIA DEPARTMENT OF TRANSPORTATION - OFFICE OF THE ENGINEERING MANAGER, FAIRFAX, VIRGINIA</b></p> <p>REQUEST TO THE ENGINEERING MANAGER, FOR INCLUSION OF CERTAIN SUBDIVISION STREETS INTO THE STATE OF VIRGINIA SECONDARY ROAD SYSTEM.</p> <p><b>PLAN NUMBER:</b> 6857-SD-012</p> <p><b>SUBDIVISION PLAT NAME:</b> Old Mill Road Property ✓</p> <p><b>COUNTY MAGISTERIAL DISTRICT:</b> Sully ✓</p>
<p><b>ENGINEERING MANAGER:</b> D.A. Purvis</p> <p><b>BY:</b> <u>Nadia Alphonse</u></p>	<p><b>FOR OFFICIAL USE ONLY</b></p> <p><b>DATE OF VDOT INSPECTION APPROVAL:</b> <u>07/01/2010</u></p>

STREET NAME	LOCATION		LENGTH MILE
	FROM	TO	
Old Mill Road (Route 8591)	CL Mount Olive Road (Route 859) - 390' NW CL Old Centreville Road (Route 858)	2,700' NW to End of Cul-de-Sac	0.51
Old Mill Road (Route 8591) (Additional Right-of-Way Only) <span style="float: right;">+</span>	24' NW CL Old Centreville Road (Route 858)	390' NW to CL Mount Olive Road	0.0
Old Mill Road (Route 8591) (Additional Right-of-Way Only) <span style="float: right;">+</span>	CL Mount Olive Road (Route 859)	166' SE to Section Line	0.0
Mount Olive Road (Route 859) (Prescriptive Right-of-Way Dedication) <span style="float: right;">+</span>	CL Old Mill Road (Route 8591) - 390' NW CL Old Centreville Road (Route 858) <span style="float: right;">+</span>	110' W to Section Line	0.0
<b>TOTALS:</b>			0.51 ✓

**NOTES:**

Old Mill Road: Total 3,475' of 4' Concrete Sidewalk on Both Sides to be maintained by VDOT.

Old Mill Road: 1,044' of 8' Concrete Sidewalk on South Side to be maintained by Fairfax County.

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Board Agenda Item  
September 14, 2010

ADMINISTRATIVE – 7

Approval of Supplemental Appropriation Resolution AS 11034 for the Health Department to Accept a Department of Homeland Security Urban Areas Security Initiative Subgrant Award from the Government of the District of Columbia Homeland Security and Emergency Management Agency

ISSUE:

Board approval of Supplemental Appropriation Resolution AS 11034 in the amount of \$114,500 for the Health Department to accept a Department of Homeland Security (DHS) FY 2009 Urban Area Security Initiative (UASI) subgrant award from the State Administrative Agency (SAA). These funds are made available by DHS through the District of Columbia, which is serving as the SAA. This award will continue to support public health emergency planning initiatives in FY 2011. The grant period is September 1, 2009 to August 31, 2011.

RECOMMENDATION:

The County Executive recommends that the Board approve Supplemental Appropriation Resolution AS 11034 in the amount of \$114,500 for the Health Department to accept a DHS FY 2009 UASI subgrant award from the SAA. These funds will be used to support public health emergency preparedness planning, training and exercise activities.

TIMING:

Board approval is requested on September 14, 2010.

BACKGROUND:

The DHS UASI grant program provides funding to high threat, high density urban areas in order to strengthen and expand local emergency preparedness and response efforts. The National Capital Region (NCR) is one such area and Fairfax County comprises a significant percentage of the NCR population and geographical area.

The Health Department received \$114,500 from a FY 2008 UASI grant, which was approved by the Board of Supervisors on September 14, 2009, in support of the agency's revision of its Emergency Operations Plan (EOP). This item requests approval to accept \$114,500 in FY 2009 UASI funds to strengthen and expand the agency's emergency preparedness, response and recovery capabilities. Grant funds will pay for limited term support to continue to enhance a variety of initiatives currently

Board Agenda Item  
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underway, beginning with operationalization of the recently-revised agency EOP. Additionally, grant funds will support the revision of the medical countermeasures mass distribution plan by establishing arrangements with private sector partners responsible for providing medical countermeasures in a public health emergency. Funds will also support the agency's emergency preparedness training and exercise efforts, focusing specifically on evaluation, improvement, and implementation of current and planned trainings and exercises.

FISCAL IMPACT:

Grant funding in the amount of \$114,500 is available from the DHS UASI program through the District of Columbia. These funds will be used to support current public health emergency preparedness activities. This action does not increase the expenditure level of Fund 102, Federal/State Grant Fund, as funds are held in reserve for unanticipated grant awards in FY 2011. No Local Cash Match is required. This grant does not allow the recovery of indirect costs.

CREATION OF POSITIONS:

No new positions will be created by this grant.

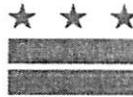
ENCLOSED DOCUMENTS:

Attachment 1 – FY 2009 Urban Area Security Initiative Subgrant Award Letter  
Attachment 2 – Supplemental Appropriation Resolution AS 11034

STAFF:

Patricia Harrison, Deputy County Executive  
Gloria Addo-Ayensu, MD, MPH, Director of Health, Health Department  
Roselyn Foroobar, Deputy Director for Health Services  
Marc Barbieri, MPH, Emergency Management Coordinator  
Scott Patchan, Department of Administration for Human Services, Fiscal Administrator for the Health Department

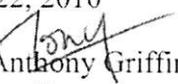
GOVERNMENT OF THE DISTRICT OF COLUMBIA  
 Homeland Security and Emergency Management Agency



Adrian M. Fenty  
 Mayor

Millicent W. West  
 Director

July 22, 2010

  
 Mr. Anthony Griffin  
 County Executive  
 Fairfax County Government  
 12000 Government Center Parkway  
 Fairfax, VA 22035

Dear Mr. Griffin:

I'm pleased to send your FY09 Urban Areas Security Initiative subgrant. Through this agreement, the NCR Senior Policy Group and Chief Administrative Officers awarded the Fairfax County Health Department the following subgrant:

- Project title: **Public Health Planning - Fairfax (VA 5%)**
- Amount: **\$114,500**
- Project ID: **9UASI530-01** (please include this ID in correspondence with our office)
- CFDA No.: **97.067**

The subgrant period of performance is **September 1, 2009–August 31, 2011**. You may request reimbursement for items procured during this period, consistent with the project intent. As a reminder, organizations that spend more than \$500,000 in DHS funds during a fiscal year are subject to an independent audit per OMB Circular A-133. If you are subject to this audit, we will contact you to obtain a copy of the report.

Included in this package of particular importance is the Certification of Compliance, for your signature. It certifies that you have read and understand Federal and SAA terms and conditions associated with accepting the grant.

Please review and sign the necessary attached documents and return them to my office by **August 6, 2010**. If you have questions regarding this award, please contact Tim Fitzsimmons at [timothyj.fitzsimmons@dc.gov](mailto:timothyj.fitzsimmons@dc.gov) or (202) 727-6155.

Sincerely,

  
 Yi-Ru Chen  
 Deputy Director

**SUPPLEMENTAL APPROPRIATION RESOLUTION AS 11034**

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium in the Government Center at 12000 Government Center Parkway, Fairfax Virginia on September 14, 2010, at which a quorum was present and voting, the following resolution was adopted:

**BE IT RESOLVED** by the Board of Supervisors of Fairfax County, Virginia, that in addition to appropriations made previously for FY 2011, the following supplemental appropriation is authorized and the Fiscal Planning Resolution is amended accordingly:

Appropriate to:

Agency:	71, Health Department	\$114,500
Fund:	102, Federal/State Grant Fund	

Grant: 02917G, Urban Areas Security Initiative Grant

Reduce Appropriation to:

Agency:	87, Unclassified Administrative Expenses	\$114,500
Fund:	102, Federal/State Grant Fund	

Grant: 87107G, Unclassified Administrative Expenses

Source of Funds: Department of Homeland Security, \$114,500

A Copy - Teste:

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Nancy Vehrs  
Clerk to the Board of Supervisors

Board Agenda Item  
September 14, 2010

ADMINISTRATIVE - 8

Approval of “Watch for Children” Signs as Part of the Residential Traffic Administration Program (Mount Vernon and Sully Districts)

ISSUE:

Board endorsement of Watch for Children Signs as part of the Residential Traffic Administration Program (RTAP).

RECOMMENDATION:

The County Executive recommends approval of a resolution (Attachment I) for “Watch for Children” signs on the following streets:

- Newington Road (Mount Vernon District)
- Galesbury Lane (Sully District)

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

TIMING:

Board action is requested on September 14, 2010.

BACKGROUND:

The RTAP allows for installation of “Watch for Children” Signs at the primary entrance to residential neighborhoods, or at a location with an extremely high concentration of children relative to the area, such as playgrounds, day care or community centers. In particular, Section 33.1-210.2 of the *Code of Virginia* provides that the Board may request, by resolution to the Commissioner of VDOT, signs alerting motorists that children may be at play nearby. FCDOT reviews each request to ensure the proposed sign will be effectively located and will not be in conflict with any other traffic control devices. On July 13, 2010, FCDOT received written verification from the appropriate local supervisor confirming community support for the referenced “Watch for Children” signs.

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FISCAL IMPACT:

The estimated cost of \$400 for traffic calming measures is to be paid out of the VDOT secondary road construction budget.

ENCLOSED DOCUMENTS:

Attachment I: Board Resolution for "Watch for Children" Signs

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 Mullinax, Transportation Planner, FCDOT

**RESOLUTION**

FAIRFAX COUNTY DEPARTMENT OF TRANSPORTATION  
RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (RTAP)  
WATCH FOR CHILDREN SIGN  
Newington Road - (Mount Vernon District)  
Galesbury Lane - (Sully District)

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium of the Government Center at Fairfax, Virginia on Tuesday, September 14, 2010, at which a quorum was present and voting, the following resolution was adopted:

**WHEREAS**, "Watch for Children" signs are available to local communities as part of the Fairfax County Department of Transportation Residential Traffic Administration Program (RTAP); and

**WHEREAS**, Section 33.1-210.2, of the *Code of Virginia*, enables the Board of Supervisors to request by resolution to the Commissioner of the Virginia Department of Transportation, signs alerting motorists that children may be at play nearby; and

**WHEREAS**, the Virginia Department of Transportation has indicated a willingness to install a "Watch for Children" signs on the above-referenced streets;

**NOW THEREFORE BE IT RESOLVED**, that "Watch for Children" signs are endorsed for these streets;

**AND FURTHER**, the Virginia Department of Transportation is requested to install the "Watch for Children" signs at the earliest possible date, and to maintain same, with the cost of such signs to be funded from the Virginia Department of Transportation's countywide traffic services fund in the Fairfax County secondary road construction budget.

A Copy Teste:

\_\_\_\_\_  
Nancy Vehrs  
Clerk to the Board of Supervisors

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Board Agenda Item  
September 14, 2010

ADMINISTRATIVE - 9

Authorization to Advertise a Public Hearing to Consider Amending Fairfax County Code Chapter 44, Smoking, to Prohibit Smoking in County-Owned Bus Shelters

ISSUE:

Board authorization to advertise a public hearing to amend Fairfax County Code Chapter 44, Smoking, to prohibit smoking in County-owned bus shelters along with other minor adjustments to the chapter to reflect current state law.

RECOMMENDATION:

The County Executive recommends that the Board authorize advertisement of a public hearing to consider the proposed amendments (Attachment I) to the Fairfax County Code.

TIMING:

The Board should take action on September 14, 2010, to advertise a public hearing for October 19, 2010, at 4:00 p.m.

BACKGROUND:

On July 27, 2010, the Board approved a motion to direct staff to prepare for the Board's consideration an ordinance to prohibit smoking in County-owned bus shelters. The Virginia Clean Indoor Act (Attachment II) requires Virginia's state agencies and localities to provide reasonable no-smoking areas, considering the nature of the use and the size of the building, in any building they own or lease. As a result, Fairfax County Code Chapter 44, Smoking, is proposed to be amended by adding a new Section 44-1-2.1 to prohibit smoking in County-owned bus shelters. The proposed Section mandates the posting of signs, as required elsewhere in Chapter 44, so that persons using the shelters will know which shelters are subject to the smoking ban.

The proposed ordinance also would make two additional changes to Chapter 44 to reflect current state law. First, it would repeal Section 44-1-5, which requires certain restaurants to designate a percentage of their seating capacity as no-smoking areas, because that section is inconsistent with current state law. Effective December 1, 2009, the Virginia Indoor Clean Air Act prohibits smoking in restaurants subject only to limited exceptions. Second, the proposed ordinance would amend and readopt Section 44-1-8, regarding enforcement of the Chapter, to add Fairfax County law-

Board Agenda Item  
September 14, 2010

enforcement officers as enforcement authority. That change is consistent with State law and provides a more direct enforcement mechanism than is currently provided, which is solely through the Health Department.

As authorized by the Virginia Indoor Clean Air Act, violations of Chapter 44 are subject to a civil penalty of up to \$25. Any penalties assessed under Chapter 44 must be expended solely for public health purposes.

FISCAL IMPACT:

The recommended code change will require the installation of signs in all County-owned bus shelters. Signs will cost \$2 and be posted in 214 County owned bus shelters for a total fiscal impact of \$482.

ENCLOSED DOCUMENTS:

Attachment I: Proposed Amendments to Fairfax County Code Chapter 44.

Attachment II: Virginia Code §§ 15.2-2823 & 15.2-2825

STAFF:

Robert A. Stalzer, Deputy County Executive

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

Dr. Gloria Addo-Ayensu, Director, Fairfax County Health Department

Rollo Axton Chief, Transit Services Division, FCDOT

Paul Mounier, Transportation Planner III, FCDOT

**AN ORDINANCE AMENDING CHAPTER 44 OF THE FAIRFAX COUNTY  
CODE RELATING TO SMOKING IN BUS SHELTERS**

**Draft of August 6, 2010**

**AN ORDINANCE** to amend Fairfax County Code Chapter 44, Smoking, by adding a new Section 44-1-2.1 to prohibit smoking in County-owned bus shelters, to repeal Section 44-1-5 relating to smoking in restaurants, and to amend and readopt Section 44-1-8 regarding enforcement of the Chapter.

1 **Be it ordained by the Board of Supervisors of Fairfax County:**

2 **1. That a new Section 44-1-2.1 of the Fairfax County Code is adopted,**  
3 **Section 44-1-5 is repealed, and Section 44-1-8 is amended and readopted**  
4 **as follows:**

5  
6 **Section 44-1-2.1. Smoking prohibited in County-owned bus shelters.**

7 It is unlawful for any person to smoke in any bus shelter owned by Fairfax  
8 County. Such shelters shall be posted with signs as required by Section 44-1-6.  
9 Any Fairfax County law-enforcement officer may issue a summons regarding a  
10 violation of this Section.

11  
12 ~~**Section 44-1-5. Designated no-smoking area of a restaurant.**~~

13 ~~Any restaurant having a seating capacity for one hundred (100) patrons or more,~~  
14 ~~not including seats in the bar or lounge area, or in any separate room of such~~  
15 ~~facility during such time as the entire room is being used for a private function,~~  
16 ~~shall designate no less than twenty-five percent (25%) of the seating capacity as~~  
17 ~~a no-smoking area. The designated no-smoking area shall be located in a~~

1 ~~separate room or may be located in a separate contiguous area of seating in a~~  
2 ~~room where smoking is permitted.~~

3

4 **Section 44-1-8. Enforcement.**

5 The provisions of this ~~Article~~ Chapter shall be enforced by any Fairfax County  
6 law-enforcement officer by issuance of a summons, by the Director of the Fairfax  
7 County ~~Department of Health Services,~~ Health Department, or by any other  
8 person duly designated by the Board of Supervisors.

9

10 **2. That this ordinance shall be effective on and after December 1, 2010.**

GIVEN under my hand this \_\_\_\_\_ day of \_\_\_\_\_ 2010.

\_\_\_\_\_  
Nancy Vehrs  
Clerk to the Board of Supervisors

\\S17prolaw01\Documents\109251\ECW\303182.Doc

**§ 15.2-2823. Smoking in public buildings or facilities; exception.**

A. The Commonwealth or any agency thereof and every locality shall provide reasonable no-smoking areas, considering the nature of the use and the size of the building, in any building owned or leased by the Commonwealth or any agency thereof or a locality.

B. The provisions of this chapter shall not apply to office, work, or other areas of the Department of Corrections that are not entered by the general public in the normal course of business or use of the premises.

(2009, cc. [153](#), [154](#).)

**§ 15.2-2825. Smoking in restaurants prohibited; exceptions; posting of signs; penalty for violation.**

A. Effective December 1, 2009, smoking shall be prohibited and no person shall smoke in any restaurant in the Commonwealth or in any restroom within such restaurant, except that smoking may be permitted in:

1. Any place or operation that prepares or stores food for distribution to persons of the same business operation or of a related business operation for service to the public. Examples of such places or operations include the preparation or storage of food for catering services, pushcart operations, hotdog stands, and other mobile points of service;
2. Any outdoor area of a restaurant, with or without roof covering, at such times when such outdoor area is not enclosed in whole or in part by any screened walls, roll-up doors, windows or other seasonal or temporary enclosures;
3. Any restaurants located on the premises of any manufacturer of tobacco products;
4. Any portion of a restaurant that is used exclusively for private functions, provided such functions are limited to those portions of the restaurant that meet the requirements of subdivision 5;
5. Any portion of a restaurant that is constructed in such a manner that the area where smoking may be permitted is (i) structurally separated from the portion of the restaurant in which smoking is prohibited and to which ingress and egress is through a door and (ii) separately vented to prevent the recirculation of air from such area to the area of the restaurant where smoking is prohibited. At least one public entrance to the restaurant shall be into an area of the restaurant where smoking is prohibited. For the purposes of the preceding sentence, nothing shall be construed to require the creation of an additional public entrance in cases where the only public entrance to a restaurant in existence as of December 1, 2009, is through an outdoor area described in subdivision 2; and
6. Any private club.

B. For the purposes of this section:

"Proprietor" means the owner, lessee or other person who ultimately controls the activities within the restaurant. The term "proprietor" includes corporations, associations, or partnerships as well as individuals.

"Structurally separated" means a stud wall covered with drywall or other building material or other like barrier, which, when completed, extends from the floor to the ceiling, resulting in a physically separated room. Such wall or barrier may include portions that are glass or other gas-impervious building material.

C. No individual who is wait staff or bus staff in a restaurant shall be required by the proprietor to work in any area of the restaurant where smoking may be permitted without the consent of such individual. Nothing in this subsection shall be interpreted to create a cause of action against such proprietor.

D. The proprietor of any restaurant shall:

1. Post signs stating "No Smoking" or containing the international "No Smoking" symbol, consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a bar across it, clearly and conspicuously in every restaurant where smoking is prohibited in accordance with this section; and

2. Remove all ashtrays and other smoking paraphernalia from any area in the restaurant where smoking is prohibited in accordance with this section.

E. Any proprietor of a restaurant who fails to comply with the requirements of this section shall be subject to the civil penalty of not more than \$25.

F. No person shall smoke in any area of a restaurant in which smoking is prohibited as provided in this section. Any person who continues to smoke in such area after having been asked to refrain from smoking shall be subject to a civil penalty of not more than \$25.

G. It shall be an affirmative defense to a complaint brought against a proprietor for a violation of this section that the proprietor or an employee of such proprietor:

1. Posted a "No Smoking" sign as required;

2. Removed all ashtrays and other smoking paraphernalia from all areas where smoking is prohibited;

3. Refused to seat or serve any individual who was smoking in a prohibited area; and

4. If the individual continued to smoke after an initial warning, asked the individual to leave the establishment.

H. Civil penalties assessed under this section shall be paid into the Virginia Health Care Fund established under § [32.1-366](#).

I. Any local health department or its designee shall, while inspecting a restaurant as otherwise required by law, inspect for compliance with this section.

(2009, cc. [153](#), [154](#).)

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ADMINISTRATIVE – 10

Extension of Review Periods for 2232 Review Applications (Dranesville and Providence Districts)

ISSUE:

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

RECOMMENDATION:

The County Executive recommends that the Board extend the review periods for applications FS-P10-42 to November 25, 2010, and 2232-D10-12 to July 1, 2011.

TIMING:

Board action is required on September 14, 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 of *Section 15.2-2232* of the *Code of Virginia* states: "Failure of the commission to act on any such application for a telecommunications facility under subsection A submitted on or after July 1, 1998, within ninety days of such submission shall be deemed approval of the application by the commission unless the governing body has authorized an extension of time for consideration or the applicant has agreed to an extension of time. The governing body may extend the time required for action by the local commission by no more than sixty additional days."

The Board should extend the review period for application 2232-D10-12, which was accepted for review by the Department of Planning and Zoning (DPZ) on July 16, 2010. This application is for a public facility, and thus is not subject to the State Code provision for extending the review period by no more than sixty additional days.

The Board also should extend the review period for application FS-P10-42, which was accepted for review by DPZ on June 28, 2010. This application is for a telecommunications facility, and thus is subject to the State Code provision that the

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Board may extend the time required for the Planning Commission to act on this application by no more than sixty additional days.

The review periods for the following applications should be extended:

2232-D10-12      Dominion Virginia Power  
Electric substation  
West Falls Church Metro Station rail yard  
Dranesville District

FS-P10-42      T-Mobile Northeast, LLC  
Rooftop antennas  
8150 Leesburg Pike  
Providence 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

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ADMINISTRATIVE- 11

Authorization to Advertise a Public Hearing to Continue to Lease County-Owned Property to The Royal Embassy of Saudi Arabia d/b/a the Islamic Saudi Academy (Mount Vernon District)

ISSUE:

Authorization to advertise a public hearing to continue to lease county-owned property at 8333 Richmond Highway, Alexandria, Virginia to The Royal Embassy of Saudi Arabia d/b/a the Islamic Saudi Academy for the purpose of operating a private school.

RECOMMENDATION:

The County Executive recommends that the Board authorize staff to publish the advertisement of a public hearing to be held on October 19, 2010, at 5:00 p.m.

TIMING:

Board action is requested on September 14, 2010, to provide sufficient time to advertise the proposed public hearing to be held on October 19, 2010, at 5:00 p.m.

BACKGROUND:

The Board of Supervisors is the owner of a facility located at 8333 Richmond Highway and identified as Tax Map Numbers 101-4 ((1)) 005A, 101-4 ((1)) 057, 101-4 ((8)) (E) 001, and 101-4 ((7)) 001. The Islamic Saudi Academy has leased the school since 1989 for the operation of a private school. The current lease expires on June 30, 2011, and the Islamic Saudi Academy has requested an extension. Therefore, it is proposed that the County enter into a lease addendum that will permit the Islamic Saudi Academy to continue leasing this site for the period of July 1, 2011, through June 30, 2012. Included in the lease addendum is an option, subject to approval by the County, to extend the lease for two additional one-year periods.

The leased premises consist of approximately 148,000 square feet of rentable space described as the entire main structure and out buildings (exclusive of the Home Economics Building), and the surrounding land (Attachment A). As part of the prior lease arrangements, the Islamic Saudi Academy provided substantial renovation to the facility and has maintained the building and grounds.

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FISCAL IMPACT:

The proposed lease will generate approximately \$2,569,856 in revenue the first year with a five percent (5%) increase each subsequent year. All revenue will be deposited in the general fund.

ENCLOSED DOCUMENTS:

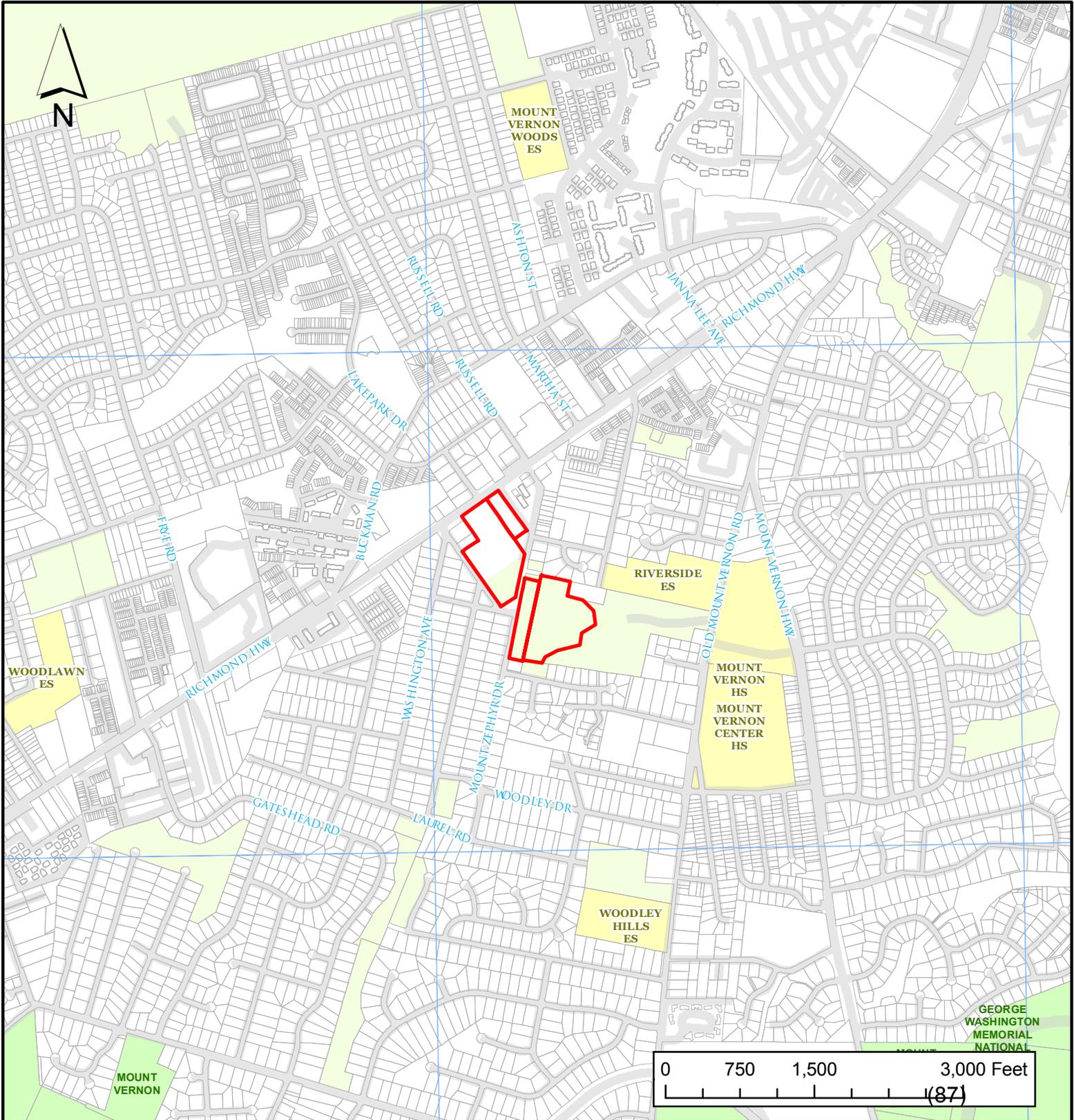
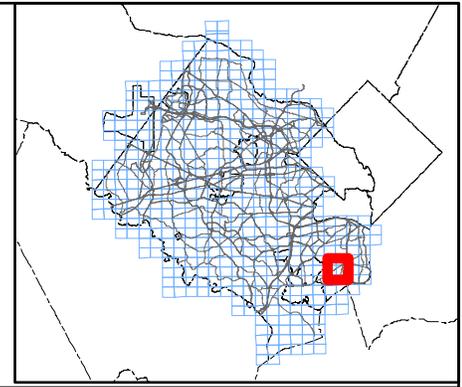
Attachment A: Location Map, Tax Map 101-4

STAFF:

Edward L. Long, Jr., Deputy County Executive

Jose A. Comayagua, Jr., Director, Facilities Management Department

8333 Richmond Highway, Alexandria, VA  
101-4 ((1)) 005A, 101-4 ((1)) 057,  
101-4 ((8)) (E) 001, and 101-4 ((7)) 001



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ADMINISTRATIVE - 12

Authorization to Advertise a Public Hearing on Proposed Amendments to Chapter 122 (Tree Conservation Ordinance) of *The Code of the County of Fairfax, Virginia* and the Public Facilities Manual Re: Conservation of Trees During the Land Development Process

ISSUE:

Board authorization to advertise public hearings on proposed amendments to Chapter 122 (Tree Conservation Ordinance) of *The Code of the County of Fairfax, Virginia* (County Code) and the Public Facilities Manual (PFM) related to the conservation of trees during the land development process.

RECOMMENDATION:

The County Executive recommends that the Board authorize the advertisement of the proposed amendments to Chapter 122 of the County Code and the PFM as set forth in the Staff Report dated September 14, 2010.

The proposed amendments have been prepared by the Department of Public Works and Environmental Services and coordinated with the Office of the County Attorney. The proposed amendments to the PFM have been recommended for approval by the Engineering Standards Review Committee.

TIMING:

The Board is requested to take action on September 14, 2010, to provide sufficient time to advertise public hearings on October 13, 2010, before the Planning Commission and on November 16, 2010, before the Board. These amendments shall become effective at 12:01 a.m. on November 17, 2010.

BACKGROUND:

Past legislative efforts by Fairfax County to acquire state enabling authority to preserve forest resources during the land development process culminated in the enactment of § 15.2-961.1 of the *Code of Virginia*, effective July 1, 2008, allowing localities within Planning District 8 and classified as an eight-hour nonattainment area for ozone under the federal Clean Air Act and Amendments of 1990, to adopt local ordinances providing for the conservation of trees during the land development process. The enabling legislation allowed Fairfax County to shift regulatory focus from tree replacement to tree preservation and consequently, on October 20, 2008, the Board of Supervisors approved regulations implementing Virginia Code §15.1-961.1.

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Implementation included a new chapter of the County Code, Chapter 122, entitled Tree Conservation Ordinance. In addition, amendments to the PFM and Chapters 101 (Subdivision Provisions), 104 (Erosion and Sedimentation Control), 112 (Zoning Ordinance) and 120 (Heritage, Specimen, Memorial and Street Tree Ordinance) of the County Code were adopted to align with the Tree Conservation Ordinance. These amendments became effective on January 1, 2009, and incorporated the full authority granted to localities pursuant to §15.1-961.1 of the *Code of Virginia*.

At this time, amendments to the Tree Conservation Ordinance and the PFM are being proposed to address feedback from the development community regarding the applicability of the Ordinance to minor plans and the impacts observed during the first full year of administering the Ordinance. The proposed changes have been discussed with industry and an overview of the proposed changes was presented to the Board's Environmental Committee on June 15, 2009. A summary of the proposed amendments is set forth below.

PROPOSED AMENDMENTS:

The proposed amendments include revisions to the Tree Conservation Ordinance and Chapters 2, 6, and 12 of the PFM as further described below.

Tree Conservation Ordinance

The proposed revision to the Tree Conservation Ordinance (Chapter 122) provides clarification regarding the applicability of the tree canopy provisions set forth in Section 122-2-1. Specifically, paragraph (b) of Section 122-2-1 is being added to clarify that minor land disturbing activities, such as home additions, tear downs and rebuilds on existing foundations, minor site plans, demolitions and linear projects, such as trails, sidewalks, and sewers, are not subject to the tree canopy requirements. Other land disturbing activities that present a minor threat to existing tree resources, as determined by the Director of the Department of Public Works and Environmental Services, also will not be subject to the tree canopy requirements.

The proposed amendment to Chapter 122 is included as Attachment A to the Staff Report.

Public Facilities Manual

The proposed revisions to the PFM amend the plan submission requirements, the technical standards and specifications, and onsite practices that support the conservation of trees during land development and include the following:

1. Revisions to align the PFM with the Tree Conservation Ordinance regarding the applicability of the tree canopy requirements to minor land disturbing activities.

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2. Changes to the tree inventory and condition analysis requirements in a manner that will likely reduce the time and expenses associated with preparing conservation plans by:
  - reducing the number of trees required to be inventoried and shown on plans by increasing the minimal diameter tree inventory standard from 8 inches to 12 inches;
  - reducing the number of trees required to be inventoried and shown on plans by reducing the width of the tree inventory zone from 50 to 35 feet;
  - reducing the number of dead, poor condition and hazardous trees that must be inventoried and shown on plans by reducing the size of the area where these conditions might exist; and
  - minimizing the need to involve Certified Arborists and/or Registered Consulting Arborists in the preparation of tree inventories and poor condition analyses.
3. Provisions to minimize the information required to be shown on plans when development sites clearly meet or exceed the minimal tree preservation levels related to tree inventory and condition analysis.
4. Additional opportunities for developers to modify the 10-year tree canopy requirements when proposed development sites meet the criteria related to space limitations and utility conflicts.
5. Reductions in the pro-rata fee used to determine contributions to the Tree Preservation and Planting Fund from \$500 to \$300 per every 200 square feet of tree canopy requirement that cannot be provided on-site.
6. Provisions for offsite tree planting on governmental properties and by non-profit tree planting groups by requiring developers to contribute a fee equal to the monetary value of 50 percent of proposed 10-year canopy reductions into the Tree Preservation and Planting Fund.
7. Replacing existing Plate 1-12(1M-12) with new plates 1A-12(1AM-12) and 1B-12(1BM-12) to provide additional information related to the tree inventory and condition analysis requirements.
8. Editorial revisions to PFM Chapters 2, 6 and 12.

The proposed amendments to the PFM are included as Attachment B to the Staff Report.

REGULATORY IMPACT:

The proposed amendments related to the 10-year tree canopy requirement clarify the applicability of the 10-year tree canopy requirement to minor land disturbances. Under the proposed amendments, home additions, tear downs and rebuilds on existing foundations, minor site plans, demolitions and linear projects, such as trails, sidewalks, and sewers, are not subject to the tree canopy requirements. Other land disturbing activities that present a minor threat to existing tree resources, as determined by the Director of the Department of Public Works and Environmental Services, also will not be subject to the tree canopy requirements.

The proposed PFM amendments related to the requirement to provide a tree inventory and condition analysis lessen plan preparation requirements by reducing the number and extent of trees to be inventoried and minimizing the need to involve a Certified or Registered Consulting Arborist during plan design and preparation. In addition, the proposed PFM amendments provide additional opportunities for modifications of the tree canopy requirements and minimize the information required to be shown on plans when development sites clearly meet or exceed the minimal tree preservation levels.

The proposed PFM amendments related to the Tree Preservation and Planting Fund reduces the pro-rata fee paid by developers in the instance that sites cannot meet the full tree canopy requirement on-site. In addition, the proposed amendments specify the fee that developers must contribute into the Fund when providing offsite community tree planting.

FISCAL IMPACT:

None on County budget. The proposed amendments will have a negligible impact on staff resources. For developers and homeowners, the proposed amendments will reduce the time and expense associated with the preparation of tree inventory and condition analysis plans. Cost reductions will be site specific but will be proportionally more significant for smaller projects. The reduction in pro-rata fees directly reduces compliance costs for projects that cannot meet the full tree canopy requirement on-site.

ENCLOSED DOCUMENTS:

Attachment I – Staff Report (Available online at

<http://www.fairfaxcounty.gov/dpwes/publications/pfm/treeordinance/staffreport.pdf>)

STAFF:

Robert A. Stalzer, Deputy County Executive

James W. Patteson, Director, Department of Public Works and Environmental Services (DPWES)

Michelle Brickner, Acting Director, Land Development Services, DPWES

ADMINISTRATIVE - 13

Authorization for the Department of Transportation to Apply for FY 2012 Regional Surface Transportation Program and Congestion Mitigation and Air Quality Program Funds

ISSUE:

Board authorization is requested for the Department of Transportation to apply for FY 2012 Regional Surface Transportation Program (RSTP) and Congestion Mitigation and Air Quality (CMAQ) Program Funds. These funds would be used to advance the projects listed below and described in Attachment I. There is no Local Cash Match required for these funds. The Virginia Department of Transportation (VDOT) provides the Local Cash Match for RSTP and CMAQ projects. After RSTP and CMAQ allocations have been determined, staff will return to the Board for concurrence with specific grant agreements for projects administered by Fairfax County.

RECOMMENDATION:

The County Executive recommends that the Board authorize the Department of Transportation to apply for FY 2012 RSTP and CMAQ Funds.

TIMING:

Board authorization is requested on September 14, 2010, in order to meet the Northern Virginia Transportation Authority (NVTA) submission deadline of September 24, 2010.

BACKGROUND:

The RSTP and CMAQ programs provide funds for regions that are designated air quality non-attainment areas to assist them in complying with Clean Air Act requirements. For FY 2012, VDOT estimates that in Northern Virginia, \$30.8 million will be available for distribution in the RSTP Program, and \$21.8 million will be available in the CMAQ Program.

The NVTA is requesting that jurisdictions submit all RSTP and CMAQ project requests by September 24, 2010. The Commonwealth Transportation Board will subsequently consider the NVTA-approved list of projects in May or June 2011.

Staff has prepared a prioritized list of projects for each program to submit to the NVTA Jurisdiction and Agency Coordinating Committee by the September 24, 2010, deadline.

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These projects are shown in the table below. More detailed information is provided in Attachment I.

Staff primarily considered projects included in the Board of Supervisors' Four Year Transportation Program, the TransAction 2030 Plan, the VDOT Six-Year Program, and prior year submissions. On July 13, 2009, the Board of Supervisors included the Route 29/Gallows Road intersection improvements, I-66/Vienna access ramp, and Columbia Pike Transit Initiative projects for FY 2012 RSTP and CMAQ funding in its action on transportation funding strategies and priorities. The submissions for these projects are based on the Board's action. Fairfax County staff recommends requesting \$22.00 million in RSTP projects and \$18.95 million in CMAQ projects.

<u>Regional Surface Transportation Program</u>	<u>Request</u>
U.S. Route 29/Gallows Road Intersection Improvements	\$11.000 million
I-66/Vienna Access Ramp	\$10.000 million
Rolling Road Loop Ramp to Fairfax County Parkway	<u>\$ 1.000 million</u>
TOTAL	\$22.000 million
<u>Congestion Mitigation and Air Quality Program</u>	<u>Request</u>
Bike & Pedestrian Connections to HOT Lanes	\$ 4.500 million
Tysons Access Improvements	\$ 4.000 million
Reston Metrorail Access Group (RMAG) Recommendations	\$ 4.000 million
Columbia Pike Transit Initiative	\$ 5.000 million
Transit Store Operating Costs (FY 2012)	\$ 0.450 million
VRE Rolling Road Platform Extension	<u>\$ 1.000 million</u>
TOTAL	\$ 18.950 million

In addition to the projects directly applied for, the County also benefits from projects applied for and received by the Washington Metropolitan Area Transit Authority (WMATA) and the Virginia Railway Express (VRE).

FISCAL IMPACT:

None at this time. Neither the RSTP nor CMAQ projects require a Local Cash Match from the County, because VDOT provides the match. As part of the annual budget process and quarterly budget reviews, staff reviews anticipated funds and requirements,

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based on projects approved and project schedules, to determine the appropriate level of funding required in the upcoming fiscal year.

ENCLOSED DOCUMENTS:

Attachment I: Prioritized List of Projects

STAFF:

Robert A. Stalzer, Deputy County Executive

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

Tom Biesiadny, Chief, Coordination and Funding Division, FCDOT

Jay Guy, Senior Transportation Planner, Coordination and Funding Division, FCDOT

FAIRFAX COUNTY REGIONAL SURFACE TRANSPORTATION PROGRAM (RSTP) AND  
CONGESTION MITIGATION AND AIR QUALITY (CMAQ) PROGRAM  
PROJECTS FOR FY 2012 FUNDING

1. Route 29/Gallows Road Intersection Improvements (RSTP) – This project would provide partial funding for at-grade intersection improvements. It will also involve widening Route 29 from I-495 to Merrilee Drive and widening Gallows Road from Providence Forest Drive to Gatehouse Road. Staff recommends requesting \$11.0 million in FY 2012 RSTP funds to help keep this project moving. This project is a part of the Board of Supervisors' Four-Year Transportation Plan, and this request is consistent with the multi-year funding plan endorsed by the Board on July 13, 2009.
2. I-66/Vienna Access Ramp (RSTP or CMAQ) – This project will help fund the construction of a project that will increase the accessibility to the Vienna Metrorail Station for transit vehicles. This project would fund a transit access ramp from I-66 to access the Vienna Metrorail Station. This project is critical for the development of enhanced bus service in the I-66 corridor. While there are existing concurrent HOV lanes on I-66 that buses can use, the buses now have to weave across three general purpose lanes to the exit at the Vienna Metrorail Station. This project would allow direct transit access to and from the HOV lanes to the ring road serving the Metrorail station and encourage bus ridership from satellite park-and-ride lots. The total cost estimate for the project is \$36.7 million. The County has previously identified \$15.0 million for the project from several sources. Staff recommends requesting an additional \$10.0 million in FY 2012 RSTP/CMAQ funds to help offset the remaining deficit. This request is consistent with the multi-year funding plan endorsed by the Board on July 13, 2009.
3. Bike and Pedestrian Connections to HOT Lanes (CMAQ) – This is a series of bicycle and pedestrian improvement projects that will increase access to the Capital Beltway High Occupancy Toll (HOT) lanes project from pedestrian and bicycle facilities throughout the area, as well as improve bicycle and pedestrian links across I-495. VDOT received Transportation Enhancement Program funds to partially fund this project, and staff recommends requesting \$4.5 million in FY 2012 CMAQ funds to help fund the projects.
4. Tysons Access Improvements (CMAQ) – This is a series of transportation improvements in the Tysons Corner area that would improve/increase access to the Dulles Rail project, and planned future development. These projects may include pedestrian, bicycle, trail, transit and roadway improvements. Staff recommends requesting \$4.0 million in FY 2012 CMAQ funding for this project.
5. Reston Metrorail Access Group (RMAG) Recommendations (CMAQ) – This is a series of transportation improvements in the Reston area that would improve/increase access to the Dulles Rail project, and planned future development. These projects may include

pedestrian, bicycle, trail, transit and roadway improvements. Staff recommends requesting \$4.0 million in FY 2012 CMAQ funding for this project.

6. Rolling Road Loop Ramp (RSTP) – This request will help fund the design, right-of-way acquisition and construction of a project to widen the one-lane loop ramp to two lanes from northbound Fairfax County Parkway (Rolling Road) to continue northbound on the Fairfax County Parkway. Traffic demand on this ramp is expected to increase over the next 20 years, due to the extension of the Fairfax County Parkway, regional population and employment growth, and the relocation of 8,500 employees under Base Realignment and Closure (BRAC) Commission implementation in the Fort Belvoir North Area. The existing ramp will not adequately handle the forecasted volume. The proposed project will address the relatively low capacity of the one-lane loop ramp. Staff recommends requesting \$1.0 million in FY 2012 RSTP funds for this project.
7. Columbia Pike Transit Initiative (CMAQ) – This project is a joint effort with Arlington County to construct a streetcar project on Columbia Pike. This project will not only increase the reliability and efficiency of transit service along the corridor, but also encourage continued economic development in a corridor that has been identified as a revitalization area. The Columbia Pike project team is also seeking additional federal funds from the New Starts program for this project. Staff recommends requesting \$5.0 million in FY 2012 CMAQ funding to facilitate this project.
8. Countywide Transit Stores (CMAQ) – As part of the Springfield Interchange Project, VDOT established a transit store at the Springfield Mall and funded the operating cost for several years. Once the project was complete, Fairfax County took over responsibility of funding and operating the store. There are additional transit stores located across the County which are also owned and operated by the County. These stores provide transit information, trip planning, fare media, and ridesharing information to area residents and visitors seeking alternatives to driving alone. From FY 2002 through FY 2011, CMAQ funding was allocated to the operation of the countywide transit stores. Staff recommends requesting \$450,000 to continue funding the operation of all of the transit stores in FY 2012.
9. VRE Rolling Road Platform Extension (CMAQ) – This project will lengthen the platform and canopy at the Rolling Road VRE Station to accommodate longer train consists. In order to accommodate increased ridership, VRE has increased the number of cars on trains to add seats. This station cannot accommodate the longer trains without increasing dwell time which causes service delays. Staff recommends requesting \$1.0 million in FY 2012 CMAQ funds for this project.

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ACTION – 1

Presentation of the Delinquent Tax List for Tax Year 2009 (FY 2010), Authorization to Retain Private Attorneys and/or Collection Agencies to Collect Delinquent Taxes and Other Charges and Authorization to Impose Administrative Costs and Fees on Such Collections

ISSUE:

Presentation to the Board of the annual list of delinquent real estate, personal property, and business, professional, occupational license (BPOL) taxes; presentation of the annual list of small uncollectible accounts; authorization to retain private attorneys and collection agencies to collect delinquent taxes and other charges; and authorization to impose administrative costs and fees for the collection of such taxes and other charges.

RECOMMENDATION:

The County Executive recommends that: (1) staff continue to pursue the collection of delinquent taxes found in Attachment A; (2) the Board remove certain small uncollectable overdue accounts listed below in Attachments B and C pursuant to Virginia Code § 58.1-3921; (3) the Board authorize the County Attorney to retain private attorneys and authorize County Staff to retain collection agencies to represent the County in the collection of delinquent taxes and other charges; and (4) the Board authorize such agents to collect the maximum administrative costs and fees associated with such collections in accordance with Virginia Code § 58.1-3958.

TIMING:

Routine.

BACKGROUND:

In accordance with State Code, staff has prepared a list of delinquent taxpayers for Board consideration that is current for calendar year 2009 (FY 2010). See Attachment A. Because it has had no effect on the collection of delinquent taxes, the Board discontinued the practice of making this list available in public libraries. The Department of Tax Administration (DTA) and its agents will continue to pursue the collection of all taxes or other charges due.

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The list being presented to the Board prepared by DTA is a "snapshot" of outstanding delinquent taxes as of June 30, 2010. This includes delinquent taxpayers who may be on a payment plan with DTA, and delinquencies of taxpayers in bankruptcy. Staff will continue collection efforts on all accounts that are within the statute of limitations, in accordance with Virginia Code §§ 58.1-3933 and 58.1-3940. Presented below is a summary of delinquent taxes still outstanding for Tax Year 2009.

Tax year 2009 (FY 2010)  
(First Year Delinquent)  
As of June 30, 2010

	<u>Number of Accounts</u>	<u>Local Tax Amount</u>
Real Estate	3,432	\$ 8,795,829
Personal Property – Vehicles	38,163	\$ 4,377,356
Business Personal Property	2,321	\$ 2,173,389
Public Service Corp. Properties	2	\$ 2,210
BPOL	<u>2,387</u>	<u>\$ 1,597,605</u>
Total	46,305	\$ 16,946,389

For perspective, the total amount of all unpaid current year taxes, or \$16.95 million, represents less than 1% of the levy for Tax Year 2009 (FY 2010). This is consistent with prior years. Of the \$4,377,356 in delinquent vehicle taxes, \$1,538,318 is from business owned and used vehicles, and \$2,839,038 is from personal property taxes on personally owned and used vehicles.

Throughout FY 2010, DTA aggressively collected delinquent accounts using its broad array of collection tools which includes computer-generated letters; telephone calls; statutory summons authority; payment plans; liens; and set-offs against income tax refunds. In FY 2010, approximately 12,420 collection actions were taken on delinquent accounts.

With outstanding support in FY 2010 from the Sheriff's Office, the Police Department and the Office of the County Attorney (OCA), DTA also utilized booting or towing of vehicles, seizure of equipment, and cash "till taps" to collect more difficult tax accounts. The Sheriff's Office handled 1,197 vehicle boot orders in FY 2010, and the Police Department also assisted in the collection effort by towing vehicles as necessary.

The elimination of the OCA's tax collection line of business during the Board's FY 2010 budget process resulted in the loss of 5 positions, and the outsourcing of the OCA's major tax collection activities in FY 2010. Yet the OCA still handled delinquent

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cases that were in bankruptcy and other collection matters for DTA. A total of 569 new bankruptcy cases were handled by OCA in FY 2010, and \$2.8 million was collected from all open bankruptcy matters. Additionally, the OCA collected approximately \$593,000 in delinquent BPOL accounts.

During FY 2010, DTA again continued a program of broadcasting the names of certain delinquent taxpayers on cable TV's Channel 16. Each taxpayer was sent a letter *before* his or her name was aired in order to give each taxpayer another opportunity to avoid having their name included in the cable presentation. This program accounted for FY 2010 collections totaling \$667,733.

In accordance with Virginia law, DTA also has an agreement with the Virginia Department of Motor Vehicles (DMV) whereby vehicle registrations are withheld from citizens who have delinquent personal property taxes. In FY 2010, \$7,437,466 was collected from nearly 52,409 DMV holds.

FY 2010 also represents the first year of a major outsourcing of delinquent collections for DTA. The Board's FY 2010 Lines of Business initiative resulted in the elimination of 16 merit positions and 30 Exempt Limited-Term positions in DTA, reducing County expenditures by \$1.5 million. Also, as authorized by Virginia Code § 58.1-3958 and by prior Board action, private law firms and/or private collection agencies hired to represent the County in the collection of delinquent taxes and other charges due to the County are compensated by a 20% fee added to the delinquent amount or other charges. That same statute generally permits the County to impose an administrative fee of \$30 or \$35, depending on whether the taxes and fees involved are recovered either before or subsequent to judgment. In the case of collections of nuisance abatement liens, the administrative cost shall be a minimum amount of \$25. The outsourcing to private agents has been productive in generating revenue and overall the initiative has been very successful.

DTA contracted with Nationwide Credit Corporation (NCC), which collected \$4.8 million in FY 2010. This result was achieved through a robust collection program that included nearly 800,000 telephone calls using automated outbound dialing technology. In addition, NCC sent more than 55,000 dunning letters, issued more than 10,000 bank and wage liens, and processed just over 1,000 boot and tow orders in coordination with the Sheriff's Office. DTA staff work on-site at NCC to provide authorization and oversight of all seizure activities. DTA also provides account research and reconciliation in support of the collection effort. Beginning in late FY 2010, NCC also started to provide assistance in the collection of parking tickets. Beginning in FY 2011, NCC together with a local private attorney will institute lawsuits to obtain judgments in the Fairfax County General District Court to enforce the payment of delinquent personal property taxes and other charges as authorized by

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Virginia Code § 58.1-3919.1. Based on prior Board authorization, the Director of Finance will also use DTA's private outsourcing to pursue delinquent receivables of other County agencies.

As another means of revenue collection in FY 2010, the OCA contracted with the private law firm of Linebarger, Goggan, Blair and Sampson, LLP (Linebarger) which is based in Texas. Linebarger brought in approximately \$300,000 in delinquent personal property collections and obtained judgments on another \$1.0 million. Linebarger also collected approximately \$2.0 million in delinquent real estate taxes. With the close of FY 2010, the OCA has contracted with a different law firm located in Virginia – Taxing Authority Consulting Services (TACS). TACS has substantial experience in Virginia collections and has already taken actions to collect delinquent real estate taxes for FY 2011. The OCA will refer judgments it has obtained in zoning and property maintenance enforcement cases to the Director of DTA to be collected by these private law firms and/or collection agencies. These third party collection agents will be compensated by the 20% added over and above the judgments as referenced above.

Thanks to these combined efforts, the County collected more than \$22 million in net delinquent taxes in FY 2010 for all prior tax years. In partnership with its third party collection agents, staff will continue collection efforts in FY 2011 on all delinquent taxes and other charges authorized by law.

In addition to the collection of taxes, a total of \$3,001,262 was collected in parking ticket revenue in FY 2010. Following the FY 2010 outsourcing, most collections were handled by the County's parking ticket agent, Citation Management, a division of Duncan Solutions. As part of this process, DMV holds were placed on more than 2,800 vehicle registrations in FY 2010 for outstanding parking tickets, resulting in payments on 3,379 citations thus far. In the past, DMV holds for parking tickets could only be placed for citations issued to County residents. The 2010 Virginia General Assembly, however, enacted House Bill 365 amending Virginia Code § 46.2-752 to remove the restriction against issuing DMV holds to non-County residents. This legislation became effective on July 1, 2010, and is expected to increase FY 2011 parking ticket collections.

Attachment D provides a breakdown of the amount of tickets remaining to be collected as of the end of FY 2010. A significant amount of the uncollected revenue is from single-issue tickets and from violators outside of Fairfax County. In addition to taxes and tickets, DTA also facilitates the collection of Grass Mowing Fees. A copy of the last quarterly report is provided in Attachment E.

Strong collection efforts are also reflected in the current year collection rates. For example, pending completion of the year-end audit, the collection rates achieved in

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FY 2010 are shown below:

	<u>FY 2010</u>
Real Estate	99.66 %
Personal Property (local share)	97.64 %
BPOL	98.21 %

In addition to the delinquent list in Attachment A, Virginia Code §§ 58.1-3921 and 58.1-3924 state that upon submission to the Board of a list of small tax amounts for which no bills were sent and a list of small uncollected balances of previously billed taxes, credit shall be given for these uncollected taxes (Attachments B and C). The total value of taxes in Attachments B and C is shown below and averages about \$1.82 per account:

	<u>Number of</u> <u>Accounts</u>	<u>Dollars</u>
Real Estate	8,884	\$ 5,111
Personal Property	<u>47,746</u>	\$ <u>98,064</u>
TOTAL	56,630	\$ 103,175

The Virginia Code provides that such small tax accounts be “less than twenty dollars each.” It should be noted, however, that the County lists show accounts that are less than five dollars each to reflect DTA’s actual billing practice.

The County Executive also recommends that the Board authorize the County Attorney to retain other private attorneys and County staff to retain other private collection agencies to represent the County in the collection of delinquent taxes and fees on an as needed basis. Such authorization will permit the County to more effectively outsource its delinquent collections to the most qualified person, firm, or company. Further, the County Executive recommends that the Board authorize such agents to collect the administrative costs and fees as described above in such collection efforts. This is simply ratification of existing practice and helps ensure future flexibility should a need arise.

FISCAL IMPACT:

None. As described above, collection agents collect their fee directly from the delinquent taxpayers, not to exceed 20% of the amount collected plus administrative costs as specified by law.

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ENCLOSED DOCUMENTS:

Attachment A - Delinquent Taxpayers for Tax Year 2009 (FY 2010)

Attachment B - Tax Year 2009 accounts valued less than \$5 that were not billed

Attachment C - Tax Year 2009 "balance due" accounts of less than five dollars

(Attachments A-C listed above are computer printouts which will be made available in the Board Conference Room on September 14, 2010, from 9:00 A.M. - 4:30 P.M.)

Attachment D – Statistical Profile of Unpaid Tickets

Attachment E – Status of Grass Mowing Collections

STAFF:

Edward L. Long, Jr., Deputy County Executive

Kevin C. Greenlief, Director, Department of Tax Administration

Julio A. Vargas, Director, Revenue Collection Division, DTA

E. Scott Sizemore, Assistant Director, Revenue Collection Division, DTA

Nancy F. Loftus, Assistant County Attorney

**ATTACHMENT D**

<b>Unpaid <u>Ticket Category, FY 2010</u></b>	<b><u>Tickets</u></b>	<b><u>Amount</u></b>
In Fairfax	14,706	1,164,718
In VA/Outside FFX	3,913	298,053
Outside VA	6,329	488,922
<b>Subtotal:</b>	<b>24,948</b>	<b>1,951,693</b>
<b>Average Amount Due Per Ticket:</b>		<b>\$78</b>

<b>Unpaid Ticket <u>Agging Report - FY 2010</u></b>	<b><u>Tickets</u></b>	<b><u>Amount</u></b>
< 60 days	3,119	\$236,635
61-90 days	1,447	\$128,095
91-120 days	1,325	\$109,326
120-150 days	810	\$71,921
150-180 days	605	\$49,038
Over 180 days	17,642	\$1,356,678
	<b>24,948</b>	<b>\$1,951,693</b>

[Excludes tickets still pending DMV match]

(As of 6/30/2010)



## County of Fairfax, Virginia

## MEMORANDUM

**Date:** August 23, 2010

**To:** Wayne E. Bass, Chief, Code Enforcement Branch  
Land Development Services- DPW&ES

**From:** E. Scott Sizemore, Assistant Director  
Revenue Collection Division  
Department of Tax Administration

**Subject:** Grass Mowing Collections – Quarterly Status Report

The following is the status of our Grass Mowing Collections in support of DPW&ES. Since program inception in April, 2008:

- DTA has received a total of 475 invoices from DPW&ES, totaling \$130,136.88
- DTA has collected on 400 invoices totaling \$114,072.88
- DTA is still pursuing collection on 75 invoices totaling \$16,064.00

Of the 75 invoices DTA still has to collect, 40 or 52% were referred for collections during this quarter. To collect these fees DTA uses a combination of telephone calls, collection letters, bank liens, wage liens and boots/tows. DTA anticipated an increase in collections of mowing fees as a result of including these with the real estate tax collections. During this reporting period our collection rate significantly increased from 65% to 87%.

It is my understanding that DPW&ES is to provide the Board with a status on collections as appropriate. Our next report will be to you in November 2010. Please contact Juan Rengel of my staff, at 703-324-2558, if you have any questions in this regard.

JBR/ess

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DEPARTMENT OF TAX ADMINISTRATION (DTA)  
REVENUE COLLECTION DIVISION  
12000 Government Center Parkway, Suite 223  
Fairfax, VA 22035  
Phone: 703-324-2550  
TTY 703-222-7594; Fax: 703-324-3935  
[www.fairfaxcounty.gov/dta](http://www.fairfaxcounty.gov/dta)

Grass Mowing Collections – Quarterly Status Report

August 10, 2010

Page 2

cc: Edward L. Long, Jr., Deputy County Executive  
Robert A. Stalzer, Deputy County Executive  
Kevin C. Greenlief, Director, DTA  
Julio A. Vargas, Director, Revenue Collection Division, DTA  
Juan Rengel, Collections Manager, DTA  
Laura Mills, Delinquent Collection Operations Supervisor, DTA  
James W. Patteson, Director, DPW&ES  
Steve Aitcheson, Director, Maintenance & Stormwater Management Div., DPW&ES  
Randy Bartlett, Director, Stormwater Management Program, DPW&ES  
Michelle Brickner, Assistant Director, Land Development Services, DPW&ES  
John Friedman, Chief, Code Analysis, Land Development Services, DPW&ES  
Cathy Wenk, Management Analyst II, DPW&ES  
Janet L. Grubb-Webber, Engineer III, DPW&ES  
Marcia Wilds, Revenue & Economic Analysis Coordinator, DMB  
Nancy Loftus, Assistant County Attorney, OCA

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ACTION - 2

Approval and Authorization of the Distribution of Plain English Explanatory Statement for the 2010 Transportation Bond Referendum

ISSUE:

Board approval and authorization of the printing and publication of an explanatory statement for the bond referendum on the question of whether the County should issue bonds in the maximum aggregate principal amount of \$120,000,000 for transportation improvements. Staff plans to make the explanatory statement available to citizens before the election and at all County polling places.

RECOMMENDATION:

The County Executive recommends that the Board approve and authorize the distribution of the plain English statement for the bond referendum.

TIMING:

Board action is required on September 14, 2010, so that the explanations can be printed and distributed promptly. Absentee voting begins on September 17, 2010.

BACKGROUND:

On May 25, 2010, the Board adopted a resolution asking the Circuit Court to order a referendum on Tuesday, November 2, 2010, on whether the Board shall be authorized to contract a debt and issue bonds in the maximum aggregate principal amount of \$120,000,000 in order to provide funds for constructing, reconstructing, and improving and acquiring transportation improvements, including the County's share of capital costs allocable to the County pursuant to the provisions of the Washington Metropolitan Area Transit Authority Compact. The County Attorney petitioned the Circuit Court for such an order, and on June 1, 2010, Chief Judge Dennis J. Smith entered an order for the referendum as requested. The County Attorney submitted the proposed referendum to the United States Department of Justice for preclearance pursuant to Section 5 of the federal Voting Rights Act of 1965, as amended. The Department of Justice responded that it does not object to the proposed referendum.

Virginia Code § 24.2-687 permits the governing body of any county or city to provide for the preparation of an explanation of each referendum question. The explanation must contain the ballot question and a statement of not more than 500 words. The explanation must be written in "plain English," and it must be prepared by the attorney for the county or city.

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The Board has authorized the preparation of such plain English statements in past bond referendums, and staff recommends that the Board authorize the printing and distribution of such a statement for this referendum so that it can be made available to citizens prior to the election and to voters at all County polling places, including absentee voters who vote before November 2, 2010. Should the Board authorize the distribution of the plain English statement, the copies of the transportation bond explanation will be printed on distinctive paper.

As in the past, the explanation will be translated into Korean, Spanish, and Vietnamese, the most commonly spoken non-English languages in the County. Because Virginia Code § 24.2-687 only permits the distribution of “plain English” explanations within the polling places, the translated explanations will be made available online and at County facilities.

FISCAL IMPACT:

The cost to translate and print the plain English explanation is estimated at \$1,223. The Office of Public Affairs will pay the cost out of its existing budget.

ENCLOSED DOCUMENTS:

Attachment 1 –Virginia Code § 24.2-687

Attachment 2 – Draft Explanatory Statement for Transportation Bonds

STAFF:

David P. Bobzien, County Attorney  
Merni Fitzgerald, Director, Office of Public Affairs  
Leonard P. Wales, County Debt Manager  
Michael Long, Deputy County Attorney  
Erin C. Ward, Assistant County Attorney

**§ 24.2-687. Authorization for distribution of information on referendum elections.**

A. The governing body of any county, city or town may provide for the preparation and printing of an explanation for each referendum question to be submitted to the voters of the county, city or town to be distributed at the polling places on the day of the referendum election. The governing body may have the explanation published by paid advertisement in a newspaper with general circulation in the county, city or town one or more times preceding the referendum.

The explanation shall contain the ballot question and a statement of not more than 500 words on the proposed question. The explanation shall be presented in plain English, shall be limited to a neutral explanation, and shall not present arguments by either proponents or opponents of the proposal. The attorney for the county, city or town or, if there is no county, city or town attorney, the attorney for the Commonwealth shall prepare the explanation. "Plain English" means written in nontechnical, readily understandable language using words of common everyday usage and avoiding legal terms and phrases or other terms and words of art whose usage or special meaning primarily is limited to a particular field or profession.

B. Nothing in this section shall be construed to limit a county, city or town from disseminating other neutral materials or advertisements concerning issues of public concern that are the subject of a referendum; however, the materials or advertisements shall not advocate the passage or defeat of the referendum question.

C. This section shall not be applicable to statewide referenda.

D. Any failure to comply with the provisions of this section shall not affect the validity of the referendum.

(1996, c. [297](#); 2004, cc. [21](#), [399](#); 2006, c. [302](#).)

## TRANSPORTATION BONDS EXPLANATION

### BALLOT QUESTION

#### TRANSPORTATION BONDS

Shall the Board of Supervisors contract a debt, borrow money and issue bonds of Fairfax County, Virginia, in addition to the bonds previously authorized for transportation improvements and facilities, in the maximum aggregate principal amount of \$120,000,000 for the purpose of providing funds to finance the cost of constructing, reconstructing, improving and acquiring transportation improvements, including improvements to primary and secondary State highways, off-street parking, pedestrian improvements, and ancillary related improvements and facilities, and including capital costs of land, transit facilities, rolling stock and equipment in the Washington metropolitan area allocable to Fairfax County, Virginia pursuant to the provisions of the Washington Metropolitan Area Transit Authority Compact?

YES

NO

### EXPLANATION

Virginia law permits the Fairfax County government to borrow money to buy land and/or construct projects by issuing general obligation bonds. General obligation bonds are sold to investors, and those bonds are repaid over time with future County revenues. The money received from the sale of those bonds is used as a source of funding for many County facilities. Bond financing permits the costs of those County facilities to be repaid over a period of years. However, prior to incurring such a County general obligation debt, the voters of the County must authorize the County to borrow those funds.

The question being presented in this referendum asks the voters of the County whether the County government should be authorized to contract a debt and issue bonds in the maximum amount of \$120,000,000 for a range of transportation improvements. If this question is approved by a majority of the voters who vote on this question and bonds are then sold, the County must use the proceeds from the sale of such bonds for the transportation purposes set forth in the ballot question.

This \$120,000,000 referendum will be used to fund Fairfax County's portion of the Washington Metropolitan Area Transit Authority's (Metro's) Capital Improvement Program (CIP). The goal of Metro's CIP is to enable Metro to provide safe and reliable service and maintain a "state of good repair." The Metro CIP includes expenditures in the following eight

categories: vehicles and vehicle parts; rail system infrastructure rehabilitation; maintenance facilities; rail power systems and technology; track and structure; passenger facilities; maintenance equipment; and other facilities such as police stations. The highest priority in Metro's CIP is placed on investments that will improve the safety of the system, including but not limited to, fixing the track signal system, replacing the oldest railcars and buses, buying equipment to improve trackside worker protection, and adding new safety features to existing railcars and buses.

Metro's CIP is a \$5.0 billion six year program that is a subset of Metro's \$11.4 billion ten year Capital Needs Inventory (CNI). The purchase of 400 railcars, over 500 buses, and the construction of new bus garages (including one in Fairfax County) are included in the current Metro CIP. Fairfax County's portion of the current \$5.0 billion CIP is \$143 million. Fairfax County plans to use this \$120 million bond referendum, along with state funding and local general funds, to fund the County's share of Metro's CIP.

**This explanation was prepared, printed, and made available at voter registration sites  
and at election polling places in accordance with Virginia Code § 24.2-687**

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ACTION - 3

Adoption of an Amendment to the County's Statement of Policy Regarding Sewage Disposal for Funding of Sewer Extension and Improvement (E&I) Projects

ISSUE:

The County's existing Statement of Policy Regarding Sewage Disposal, revised through September 12, 2005 (Policy), allows for the extension of public sewers, in the Approved Sewer Service Area of the County, to residential properties with irreparable on-site sewage disposal systems (septic systems). Under the current Policy, the total cost of these sewer extensions is paid by the rate payers of the sewer system through the County's Sewer Fund, provided all requirements of the sewer system for operation and maintenance, debt service and reserves are met. The proposed amendment to the policy will result in partial recovery of the cost of extending public sewers from the property owners requesting and ultimately benefiting from these E&I projects through creation of Sanitary Districts.

RECOMMENDATION:

The County Executive recommends that the Board adopt the proposed amendment to the County's Statement of Policy Regarding Sewage Disposal.

TIMING:

Board action is requested on September 14, 2010, to allow for inclusion of the Board's action in the financial planning efforts of the Wastewater Management Program.

BACKGROUND:

The inability of the Sewer Fund to continue funding the E&I projects was brought to the Board's attention as part of the Line of Business (LOBs) exercise in the latter part of 2008. This issue was further discussed with the Board at its Environmental Committee meetings on March 16, 2010, and June 29, 2010.

Under the current Policy, after receiving a petition from residential property owners with irreparable septic system failures in the Approved Sewer Service Area, County staff initiates the process of extending public sewer to the area. The total cost of project management, design, and construction of these E&I projects is covered by the County's Sewer Fund. The Sewer Fund is an Enterprise Fund that is supported by the rate payers of the sewer system, not by tax dollars.

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The average cost of E&I projects per property has been approximately \$46,000 for the last several years. Moreover, this cost has been as high as \$105,000 due to design and construction challenges associated with some projects. Once the sanitary sewers are extended to an area, the property owners are responsible for the cost of connecting their property's plumbing systems to the sewer lateral stub at their property line and paying the County's Availability, Connection and Lateral Spur (ACLS) charges, which are currently at a maximum of \$8,950. However, there is no requirement that all properties benefitting from the E&I project must connect to the extended sewer.

Some of the E&I projects have led to the redevelopment within the project area. As a result of this redevelopment, higher value residential properties have replaced the existing lower value properties. The County's General Fund has benefited from the increased taxes from these higher value properties. However, these additional tax dollars do not support the Sewer Fund.

The annual average spending on E&I projects during the last six years has been \$2.85 million. Currently, there are 13 E&I projects at various stages of design and construction with a total estimated cost of \$15.5 million. These E&I projects along with future E&I projects, sewer capacity expansion projects, and projects related to upgrade of unused treatment capacity are traditionally funded from the revenues generated by the collection of ACLS charges from new properties connecting to the sewer system. Because of the downturn in new real estate construction, this revenue stream has been reduced to approximately \$10 million per year from approximately \$30 million per year. This \$20 million per year loss in revenue will need to be replenished by increasing the sewer service charge that is paid by existing customers. The existing customers, via the sewer rates, also cover the cost of operation and maintenance of the wastewater collection and treatment systems, debt service on the outstanding bonds, and the cost of upgrades at five wastewater treatment plants serving the County for compliance with the new Chesapeake Bay nutrient reduction requirements. Significant increases in sewer rates are planned and will be reviewed on an annual basis. Currently staff's projected need for sewer rate increases are 17% each for FY2011 and FY2012 and 14% for FY2013. These projected rate increases do not cover the cost of E&I projects.

Therefore, to minimize the financial burden on our existing rate payers and to maintain equity among the existing and future customers, staff recommends that the construction cost of E&I projects be reimbursed by the property owners who will benefit from such projects. The Sewer Fund will continue to finance the project management, engineering, and construction management. In the proposed amendment to the Policy, staff is recommending that the construction cost of E&I projects be recovered by the County through the creation of Sanitary Districts for the E&I project areas. This recommendation is made based on a survey of several jurisdictions in Virginia, where such method of cost recovery or other similar methods are being practiced. In Fairfax

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County, Fairfax Water has utilized Sanitary Districts to extend potable water lines to two areas of the County with failed drinking water wells (Clifton Forest and Colchester Road-Lewis Park, both in the Lincoln-Lewis-Vannoy Conservation District of the Springfield District). Attachment I is a copy of the Memorandum dated June 21, 2010, from the County Executive to the Board of Supervisors summarizing the findings of the survey.

Also, staff recommends that ACLS charges be credited towards the construction costs, thus reducing some of the property owner's financial burden. Further, it is recommended that the County will amortize the total construction costs of the E&I projects, minus the ACLS charges, over a 20-year period at no interest for each property owner in the sanitary district.

The Sanitary Districts will be established based on a construction cost estimate at the initial engineering evaluation of each E&I project. As a result, the property owners in the proposed Sanitary District will be advised at the outset of the estimated cost of the E&I project. Should the actual construction costs be less than the estimated cost, then the amortization schedule for the property owners' payments will be adjusted to reflect the reduced cost. However, should the actual construction costs be higher than the estimate, the County's Sewer Fund will finance the difference, not the property owners. For example, at an average cost of \$46,000 per connection minus the current Availability, Connection and Lateral Spur Charges of \$8,950, the annual payment per property in the Sanitary District will be \$1,852.50 for 20 years. This additional assessment will be included on the property owners' annual assessment notice provided by the Department of Tax Administration. The annual payment will be paid to the County in two installments of \$926.25 along with the real estate property tax. With the Sanitary District cost recovery mechanism in place, the County's Sewer fund will front the cost of extending the public sewers and recover the cost over 20 years.

Under the current Policy, 50% of the property owners in the E&I project boundary must pay the ACLS charges before the project can be advertised for construction. Many of the current 13 E&I projects are progressing slowly because not all of the required number of property owners have paid these charges or the necessary easements have not been granted. Staff recommends that the property owners within the current E&I projects areas be notified that if the required payments are not paid or the necessary easements are not granted within four months of the effective date of the proposed amendments, then the new amended funding method by creation of Sanitary district will be applied to those E&I projects. Those projects that comply with the requirement for payments of ACLS charges and granting of the required easements within four months of the effective date of the proposed amendments will be grandfathered under the current funding method, where all the costs are paid by the Sewer Fund. The grandfathered projects will be prioritized by the Health Department on the basis of

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potential health hazard in accordance with Sections C-3 and C-3.1 of the Policy. The Health Department's prioritization will be used to fund the projects based on the availability of funds in the Sewer Fund.

Attachment II is the proposed amendment to Section C-2.3 of the Policy, and replacing the Department of Public Works with the Department of Public Works and Environmental Services throughout the Policy.

FISCAL IMPACT:

Adoption of the proposed amendment to the Policy could result in an estimated annual average cost recovery of \$100,000 during the first year up to \$2 million per year during the last year of a 20-year amortization period and beyond. This estimate is based on an annual construction spending budget of \$2 million amortized over 20 years at no interest. Appropriate funding adjustments to recognize and account for the annual revenue and expenditure requirements will be included in a regularly scheduled quarterly review.

ENCLOSED DOCUMENTS:

Attachment I: Memorandum dated June 21, 2010 from County Executive to the Board of Supervisors

Attachment II: Copy of the proposed amendment to the Statement of Policy Regarding Sewage Disposal

STAFF:

Robert A. Stalzer, Deputy County Executive

James W. Patteson, Director, Department of Public Works and Environmental Services (DPWES)

Randy Bartlett, Deputy Director, DPWES



# County of Fairfax, Virginia

## MEMORANDUM

**DATE:** JUN 21 2010

**TO:** Board of Supervisors

**FROM:** Anthony H. Griffin *AHG*  
County Executive

**SUBJECT:** Recommended Funding for Extension and Improvement (E&I) Program

At the March 16, 2010, meeting of the Board's Environmental Committee the attached presentation was made to the Board regarding the E&I program. Staff was directed by the Board to provide a comparative matrix outlining the practices by other jurisdictions regarding the funding of such projects.

### **Background:**

When the septic tank and drain field systems of residential properties experience irreparable failures, the property owners within the approved sewer service area can petition the County to extend public sanitary sewer to their properties. The Board's current policy allows the Sewer Fund to cover the cost of such extensions only after all the sewer system financial needs are met. As the Board knows, the recent downturn in new residential construction has considerably reduced the amount of revenue from new customers, which pays for the E&I projects among other system needs. Based on current fund levels and trends, the sewer service rate for the existing rate payers will have to be increased to make up for the loss of new customer revenues in order to pay for the E&I projects and other system needs. This creates two issues:

1. Inequity among the existing and new customers.
2. Affordability.

Since the new customer revenues are not sufficient to meet the sewer system needs, the Sewer Fund can no longer afford paying for the E&I projects under the current E&I policy. In order to allow for continuation of the E&I program, several funding alternatives were presented to the Board as shown in the attached presentation.

Traditionally, the Sewer Fund has paid 100% of all the costs for E&I projects including: planning, engineering, land acquisition and construction. On average, the cost per property has been about \$46,000, ranging from \$20,000 to \$105,000. The property owners have been responsible for the payment of connection charges to the County and plumbing costs to extend the sewer

lateral from their property lines to the building plumbing system. But they have not been required to connect. Generally, less than 50% of the homes served by the E&I projects have connected to the sewer system. This more than doubles the net cost per connection to the County to an average of \$92,000.

**How Do Other Jurisdictions Fund E&I Projects**

The following table summarizes our findings when we surveyed other jurisdictions on how they finance projects similar to our E&I program. We reached out to the other jurisdictions in Virginia via the Virginia Association of Municipal Wastewater Agencies and Virginia Institute of Government. Among those who responded, Internet research and further telephone follow ups, Stafford County is the only other jurisdiction that pays for 100% of extending sewer lines to properties with failed septic systems. However, Stafford County limits its annual budget for such projects to \$500,000 and maintains a revolving fund of \$5M supported by a \$500 allocation to this fund from each connection charge collected from new customers.

<b>Jurisdiction</b>	<b>Funding Mechanism</b>	<b>Property Owners' Responsibility</b>
Arlington County, VA	Not applicable. All properties are served by public sewer.	Not applicable. All properties are served by public sewer.
Prince William County, VA	No E&I program or funding mechanism in place.	The property owners pay all costs to extend sewer plus Availability fee of \$9,500.
Hanover County, VA	Service District The County funds the total cost upfront and recovers it all through assessment. Cost ~ \$20,000 to \$25,000 /lot.	The property owners are assessed 100% of the cost to extend sewer plus interest over 20 years. Also, they pay the Availability fees of \$7,838 and plumber costs to connect to the public sewer.
Stafford County, VA	The County funds the total cost via a revolving fund of \$5,000,000 with an annual budget of \$500,000. The County allocates \$500.00 of Availability fee to the revolving fund.	Property owners do not pay for sewer extension. They only pay Availability /connection fees of \$5,600.
Henrico County, VA	No funding mechanism in place.	According to the staff they are not aware of any irreparable systems.

City of Chesapeake, VA	Assessment District The City funds the total cost upfront and recovers a portion of it through assessment. Cost ~ \$21,000 to \$25,000 /lot.	The property owners pay a fixed assessment, currently \$5,200. This assessment can be paid in full or monthly payments over 20 years. Also, they pay Availability fees of \$3,519 and plumber costs to connect to the public sewer.
Town of Vienna and City of Falls Church, VA	No E&I program. Few septic systems in town /city limits.	The property owners pay all costs for sewer extension plus Availability fee.
Cities of Manassas, Manassas Park and Danville, VA	Not applicable. All properties are served by public sewer.	Not applicable. All properties are served by public sewer.
Counties of Montgomery and Prince Georges, MD	No E&I program or funding mechanism in place.	The property owners pay all costs for sewer extension plus Availability fee
Fairfax County, VA:  Fairfax Water	Sanitary District  Fairfax Water funds the total cost upfront and recovers it all through assessment.	The property owners are assessed 100% of the cost for water extension plus interest over 20 years. Also, they pay Availability fee of \$4,000 and plumber costs to connect to the public water.
Wastewater Management	Excess Funds in Sewer Fund  100% of the costs are paid from the Sewer Fund after all of the sewer system needs are met.	Property owners do not pay for sewer extension. They pay Availability fee and other connection charges of \$8,950 and plumber costs to connect to the public sewer.

**Recommended Funding for E&I Program in Fairfax County:**

Because of the current economic conditions combined with the sewer system needs for repair and rehabilitation and required upgrades to comply with the new more stringent Chesapeake Bay requirements, the Sewer Fund can no longer afford to fund 100% of the E&I projects.

Staff recommends that the cost of constructing E&I projects be shared by the property owners who receive the direct benefit from the project instead of sewer rate increases that are paid by all rate payers, whether they benefit from the project or not. Generally, one percent rate increase will generate approximately \$1M on an annual basis. The cost of E&I project expenses have averaged approximately \$2M /year. This would mean that the rates would need to be increased by 2% over and above the proposed rate increases in order to continue funding the E&I projects by the existing rate payers. Staff recommends creation of Sanitary Districts for E&I projects to recover a significant portion of the costs. This form of cost recovery has been utilized by many jurisdictions including Fairfax County Water Authority (Fairfax Water) for recovering the costs associated with extension of drinking water to areas with failing drinking water wells. To implement such a cost recovery, staff recommends the following approach:

- **Cost Share:**
  - Recover only the construction cost of the project based on the lesser of actual or final estimated construction cost, which will be used to establish the Sanitary District. The existing rate payers will continue to fund the planning, engineering, and project and construction management costs, which amount to approximately 15% to 30% of the total construction cost.
  - Credit the cost of Availability /connection fees towards the construction cost of E&I projects. Currently this amounts to \$8,950. Effectively, the construction cost to be paid by the property owners will be reduced by this amount.
  - Amortize the construction cost less Availability /connection fees over 20 years with no interest.
- **Budget:**
  - Establish a \$2M /year budget for E&I projects to eliminate the uncertainty around what should be the annual budget amount as the E&I projects can be petitioned by the County residents at any time without advance notice. Should the projects' costs exceed the available funds, and then prioritize projects based on public health hazard as determined by the Health Department.
  - Create an E&I Reserve Fund not to exceed \$5M. Funding for this reserve fund will come from the unencumbered balance of the annual \$2M budget. The Reserve Fund will be used to pay for projects exceeding the \$2M /year budget.
- **New and On-going E&I Projects:**
  - For new projects, require a minimum of 51% of the property owners in a potential Sanitary District to petition the County in order to establish the Sanitary District.
  - For the ongoing projects, the current E&I policy requires payment of Availability /connection fees by 50% of the property owners before a project can proceed to construction. Often time projects are delayed because of lack of

participation. Should the recommended funding be adopted by the Board, allow three months from the date of adoption of the new funding mechanism for payment of the required charges by 50% of the property owners. If this requirement is not met, then require them to comply with the above recommended funding for these projects.

**Other Alternatives for Funding the E&I Projects:**

1. Enforce the existing policy by delaying all E&I projects until funds beyond the needs of the sewer system are available in the Sewer Fund to pay for the projects.
2. Increase sanitary sewer rates by an additional 2% to support an annual \$2M budget for the E&I projects.
3. Consider variations of the recommended funding such as percent recovery of costs, percent of property owners petitioning the County, etc.
4. Consider a reduced percent recovery of costs due to age and income level.

Attachment: As Stated

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

# **Funding Alternatives for Sewer Extension and Improvement (E&I) Projects**

**Presented to the Environmental Committee of the  
Fairfax County Board of Supervisors  
March 16, 2010**

**Presented by:  
Shahram Mohsenin, Director  
Wastewater Planning and Monitoring Division**

# Background

- **E&I projects extend public sewer to areas with failed septic tank and drain field systems**
  - septic systems last 25 to 30 years
  - public and environmental health concerns
  - 5,100 homes on septic systems in the Approved Sewer Service Area
  - 3,800 > 25 yrs old, and 3,600 > 30 yrs old
- **Current E&I Policy**
  - projects are funded by Sewer Fund only after system needs are met
  - General Fund may contribute if health concerns, and funds available

# Background Cont'd.

- **Current Practice**
  - total cost funded by the “New Customer” revenues
  - Enterprise Fund not supported by tax dollars
  - average cost \$46,228, range \$20,000 - \$105,000 /connection
  - net cost \$92K - \$138K /connection
  - average fees collected \$5,900 /connection
  - only 50% required to pay the fees up front

Project	Date Completed	Total # of Lots in Project	# of Lots Connected to Date
River Oaks	February 2010	114	20
Alps Drive	May 2007	11	6
Roso Street	July 2004	6	4
Shirley Acres	September 2004	81	35
<b>Total</b>		<b>212</b>	<b>65</b>
<b>% Connected</b>		<b>65 / 212 = 30.7</b> <b>Range 17 - 66</b>	

# Why Alternative funding for E&I Projects?

- New Customer revenues cannot support it
  - New Customer revenue ~ \$10M /yr (was ~ \$30M /yr)
  - does not support New Customer expenses ~ \$20M
- Existing customers should not pay – inequity
  - substantial increase of Sewer Service Charge
  - 12 on-going E&I projects totaling \$15M
- E&I projects often result in redevelopment
- Property owners benefit from increased property values
- General Fund benefits from higher assessed values

# What Do Other Jurisdictions Do?

- No other jurisdiction pays 100% of the cost
- Most jurisdictions recover the costs via Tax Districts, Service Districts, or Assessment Districts
- Some jurisdictions have cost sharing up to 50%

# Alternatives Considered

- Create Sanitary Districts for E&I Projects
  - Precedent set by Fairfax Water
  - Sewer Fund pays the cost initially
  - Sewer Fund recovers the cost over 20 years at no interest (average annual surcharge ~ \$1,875)
- General Fund covers the cost
- Property owners cover the cost
- Property owners pay for permanent pump and haul
- Share the Cost - Credit Availability Charges to the cost, absorb design and management costs, and amortize balance with no interest

# Alternatives Cont'd

- Tax Increment Financing - Increased taxes are applied toward recovering the cost
- Create Service District for the entire Approved Sewer Service Area, use assessments (~ \$400 /yr) to fund all projects
- Budget \$2M /yr. for E&I projects, prioritize projects based on health impacts
- Create E&I Reserve Fund capped at \$5M, funded with balance of annual budget

# Staff Recommendation

- **Cost Share**
  - Create a Sanitary District, recover only the construction cost (lesser of actual or estimate)
  - Credit hook up fees towards the cost of E&I projects
  - Amortize the balance over 20 years with no interest
- **Budget**
  - Budget \$2M /yr. for E&I projects and prioritize projects based on health hazard
  - Create E&I Reserve Fund capped at \$5M and funded with the unencumbered balance of the annual \$2M budget
- **Implementation**
  - At least 51% of the homes in Sanitary District must petition the County
  - For on-going E&I projects allow three months for payment of required charges by 50% of the property owners. If not complied, apply the recommended funding to these projects.

~~OFFICE OF WASTE MANAGEMENT~~  
DEPARTMENT OF PUBLIC WORKS AND ENVIRONMENTAL SERVICES  
FAIRFAX COUNTY, VIRGINIA

STATEMENT OF POLICY REGARDING SEWAGE DISPOSAL

Adopted by the Board of Supervisors June 16, 1980

Revised February 2, 1981

Revised April 30, 2001

Revised June 17, 2002

Revised September 12, 2005

Revised September 14, 2010

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## SECTION A -GENERAL

A-1 The County Integrated Sewage System is operated and maintained by the Department of Public Works and Environmental Services, as established by the Board of Supervisors, for the purpose of ultimately providing public sewer service to Fairfax County in accordance with adopted plan.

A-2 The immediate policy, to bridge the gap between present development and ultimate complete system development, is to provide service to areas as designated by the Board to encourage the orderly growth of the County.

## SECTION B - POLICY REGARDING DEVELOPMENT AREAS

B-1 Development areas shall be defined as those areas (a) that are within the sewer service areas as designated by the formal action of the Board of Supervisors; (b) that are undeveloped; and (c) that are being subdivided at time of application for service for residential, industrial, commercial, and/or public use requiring public sewerage service.

B-2 The delineation of the sewer service area boundary is to include the immediately adjacent area which can be served by the smallest allowable gravity lines installed in accord with normal engineering practices which will result in the safest and most cost-effective operation. Any extension of a sewer line across the surface drainage divide of an approved sewer service area shall not exceed a distance of 400 feet nor a manhole depth of 12 feet without the approval of the Board of Supervisors. Notwithstanding the above, an ejector pump may be used to pump sewage from one basement level in a structure to a gravity-flow lateral line, provided that the other floor(s) of the structure are served by a gravity-flow lateral line and the ejector pump is used to pump the sewage to such gravity-flow lateral line.

Notwithstanding the foregoing requirement specifying that only gravity lines can be installed in the area immediately adjacent to the approved sewer service area under the 400-foot rule, a limited exception to that rule will be allowed under specified circumstances so as to allow the utilization of a sewage pump when gravity lines cannot be utilized. Such extensions of sewer lines across the surface drainage divide of an approved sewer service area may be allowed to pump the sewage generated by that property, even in those areas where the Board has determined that the 400-foot rule does not apply, if all of the following requirements set forth in either Paragraph 1 (subparagraphs 1(a) through 1(l) below) or Paragraph 2 (subparagraphs 2(a) through 2(r) below) are satisfied:

### PARAGRAPH 1 REQUIREMENTS:

1(a) the parcel in question must have been developed with an existing residential structure served by an onsite sewage disposal system;

1(b) the residence on the parcel in question must have been used for human habitation for more than 75% of the time during the three years immediately preceding the request for the sewer line extension;

1(c) in the event the residence on the parcel in question was constructed pursuant to a

building permit approved no more than 20 years before the request for the sewer line extension is made, the onsite sewage disposal system serving that residence must have been approved by the Fairfax County Health Department in accordance with all requirements set forth in the statutes, ordinances, and regulations of the Commonwealth of Virginia and/or Fairfax County;

1(d) the Fairfax County Health Department must have concluded that the onsite sewage disposal system on the parcel in question is failing, constitutes a health hazard, and cannot reasonably be repaired or replaced;

1(e) the Fairfax County Health Department, in consultation with the Department of Public Works and Environmental Services, must have determined that, other than a connection to the public sewer with the use of a sewer pump, there is no reasonable alternative method of sewage disposal available to the parcel with the failing onsite sewage disposal system;

1(f) the parcel to be served by the proposed sewer line cannot be located any more than 400 feet from the boundary of the existing approved sewer service area;

1(g) the lateral to be used by the parcel to be served by the proposed sewer line cannot extend any more than 300 feet from the connection to the public sewer;

1(h) the lateral and the sewage pump to be used by the property in question shall be owned, maintained by, and remain the sole responsibility of the owner of the property proposed to be served by such lateral and pump;

1(i) the sewage pump to be used by the parcel to be served by the proposed sewer line shall be located on that property;

1(j) none of the cost of extending the County sewer line to such a parcel, including the cost of installing the sewage pump, laterals and any other appurtenant devices, shall be borne by the County;

1(k) the extension of the County sewer line, any laterals and all appurtenant devices necessary to provide sewer service to the parcel must be built and/or installed by the property owner in accordance with all of the applicable requirements of the Fairfax County Department of Public Works and Environmental Services and the Fairfax County Health Department; and

1(l) the extension of the County sewer line must be dedicated to and accepted by Fairfax County for ownership and maintenance.

#### PARAGRAPH 2 REQUIREMENTS:

2(a) the parcel in question must have been developed with an existing residential structure served by an onsite sewage disposal system;

2(b) the residence on the parcel in question must have been used for human habitation for more than 75% of the time during the three years immediately preceding the request for the sewer line extension;

2(c) in the event the residence on the parcel in question was constructed pursuant to a building permit approved no more than 20 years before the request for the sewer line extension is

made, the onsite sewage disposal system serving that residence must have been approved by the Fairfax County Health Department in accordance with all requirements set forth in the statutes, ordinances, and regulations of the Commonwealth of Virginia and/or Fairfax County;

2(d) the Virginia Department of Transportation (VDOT) and/or the Board of Supervisors of Fairfax County must have concluded that a portion of the parcel in question is needed for the construction of a public road project and must be acquired by eminent domain or other means for use in that public road project;

2(e) that the acquisition by eminent domain or other means by VDOT and/or the Board of Supervisors of Fairfax County of a portion of the parcel in question and the construction of the public road project would necessarily result in the incapacitation of the onsite sewage disposal system serving the residence on the parcel in question;

2(f) that the Fairfax County Health Department must have determined that the residence on the parcel in question at the time a portion of said parcel is acquired by VDOT and/or the Board of Supervisors of Fairfax County could no longer be served by the existing onsite sewage disposal system and that the incapacitation of the existing onsite sewage disposal system could not reasonably be repaired or replaced on the remaining portion of the parcel in question;

2(g) that the provision of sanitary sewer to the parcel in question cannot and will not be used for the purpose of constructing any additional residences on the parcel in question;

2(h) that the Fairfax County Health Department must have concluded that the existing onsite sewage disposal system on the parcel in question would constitute a health hazard in the event the existing onsite sewage disposal system would be incapacitated by the public road project;

2(i) the Fairfax County Health Department, in consultation with the Department of Public Works and Environmental Services, must have determined that, other than a connection to the public sewer with the use of a sewer pump, there is no reasonable alternative method of sewage disposal available to the parcel with the onsite sewage disposal system that would be incapacitated by the public road project;

2(j) the parcel to be served by the proposed sewer line cannot be located any more than 400 feet from the boundary of the existing approved sewer service area;

2(k) the lateral to be used by the parcel to be served by the proposed sewer line cannot extend any more than 300 feet from the connection to the public sewer;

2(l) the lateral and the sewage pump to be used by the property in question shall be owned, maintained by, and remain the sole responsibility of the owner of the property proposed to be served by such lateral and pump;

2(m) the sewage pump to be used by the parcel to be served by the proposed sewer line shall be located on that property;

2(n) none of the cost of extending the County sewer line to such a parcel, including the cost of installing the sewage pump, laterals and any other appurtenant devices, shall be borne by the County unless the County is solely responsible for designing, funding, and constructing the

public road project that caused the incapacitation of the onsite sewage disposal system on such parcel;

2(o) the extension of the County sewer line, any laterals and all appurtenant devices necessary to provide sewer service to the parcel must be built and/or installed by or on behalf of the owner of the parcel in question in accordance with all of the applicable requirements of the Fairfax County Department of Public Works and Environmental Services and the Fairfax County Health Department;

2(p) the extension of the County sewer line must be dedicated to and accepted by Fairfax County for ownership and maintenance;

2(q) in the event of a VDOT public road project, a parcel that satisfies all of the foregoing Paragraph 2 requirements will be allowed to connect to the public sewer before the actual incapacitation of the onsite sewage disposal system on that parcel in the event VDOT certifies in writing to the Fairfax County Department of Public Works and Environmental Services that the Commonwealth Transportation Board has taken formal action to award a construction contract for the work that is anticipated to incapacitate that system; and

2(r) in the event of a public road project of the Board of Supervisors of Fairfax County, a parcel that satisfies all of the foregoing applicable Paragraph 2 requirements (2(a) through 2(p)) will be allowed to connect to the public sewer before the actual incapacitation of the onsite sewage disposal system on that parcel in the event the Fairfax County Department of Public Works and Environmental Services certifies in writing to the Board of Supervisors that there is full funding for the public road project that is anticipated to incapacitate that system.

B-3 Development should be encouraged to seek areas already provided with basic sewerage facilities, such as trunk sewers and treatment plants.

B-4 Developers desiring sewerage service, for certain specified areas shall make application to the Department of Public Works and Environmental Services Management and agree to perform all construction in accordance with plans and specifications approved by the Department and in accordance with all current standards of design and construction.

B-5 Developers will be required to provide enlarged sewers within the area developed when required by the Department of Public Works and Environmental Services to service adjacent and/or upstream areas in accordance with general plans promulgated from time to time. An agreement to provide for reimbursing a portion of the increased cost to the developer, as set forth in Section E-2, may be executed prior to construction.

B-6 All sewerage facilities constructed by developers shall be a minimum of 8 inches inside diameter, be constructed in public rights-of-way or upon private land with recorded perpetual easements, free of cost to the County, providing free unobstructed, uninterrupted rights-of-way with provisions for ingress and egress for inspection, operation, maintenance, enlargement, replacement, alteration and extension of the facility.

## SECTION C - POLICY REGARDING DEVELOPED COMMUNITIES

C-1 Developed communities which may be served by the County are defined as those areas within the service area (as designated by the Board of Supervisors) already populated by separate owners and/or renters, including commercial, industrial, and/or public use establishments, not provided with public sewerage facilities.

C-2 Developed communities may receive public sewerage facilities from the County by one of the following methods:

C-2.1 Bond Program based upon engineering and financial feasibility reports with a County-wide referendum to permit the County to issue sewer bonds to finance the recommended program.

C-2.2 Fund Advancement by the community and/or individuals upon execution of agreement and deposit of sufficient funds to construct the facilities. Such funds shall be subject to partial reimbursement as provided in Section E-2.

C-2.3 Extension and Improvement (E&I) Funds.

i. After all requirements of the system have been met (i.e., Operation and Maintenance, Debt Service and required reserve), funds may be budgeted for construction of extensions, providing (a) the project is justifiable for the health and welfare of the area; (b) the finances of the system are such as to warrant the necessary expenditures; ~~(c) at least one half of the potential users of the facilities agree to connect immediately upon completion of the facility, and to pay in cash in advance, the applicable availability charges.~~

ii. Based on availability of funds, an E&I Fund with a budget of \$2 million per year for the design and construction of E&I projects may be established;

iii. The unencumbered balance of the E&I budget may be carried forward to the future fiscal years to fund a new E&I Reserve Fund. The E&I Reserve Fund balance may not exceed \$5 million. The E&I Reserve Fund will supplement the E&I Fund for projects exceeding the annual budget of \$2 million;

iv. Qualified projects will be prioritized as outlined in subsection C-3 and C3.1.

v. Upon receipt of a petition by the County from property owners interested in public sewer due to failed or failing on-site sewage disposal systems, County staff will delineate a boundary for creation of a Sanitary District. This boundary will be determined based on the location of the failed systems, location of the systems with history of problems, location of the existing public sewer and principles of engineering for extension of public sewer to the area. If at least 51% of the property owners in the delineated area petition the County for the extension of public sewer to the area, and the petition otherwise complies with all applicable requirements, then County staff will initiate the process for creation of a Sanitary District for the delineated area for the purpose of extending public sewer to the area.

vi. Upon holding a public hearing and action by the Board of Supervisors to create the Sanitary District, all property owners will be required to reimburse the County for the lesser of the actual cost of construction (including easement acquisition) or the initial construction cost estimate

(including easement(s) acquisition) by the County staff. The required Availability, Connection and Lateral Spur Charges will be credited towards this cost.

vii. Upon completion of the construction, property owners in the Sanitary District will reimburse the County for the construction cost as determined in subsection C-2.3(vi) above, less the Availability, Connection, and Lateral Spur Charges. The reimbursement to the County will be in installments based upon a 20-year amortization schedule with no interest. The amount of these installments will be included as a Sewer Service Assessment on the bi-annual real estate property tax bills beginning on either the first of July or the first of January, whichever comes first after the substantial completion of the construction. The Sewer Service Assessment will stay with the property until it is paid in full. Should there be a change in property ownership, the balance of the assessment may be paid in full at the time of change in ownership. Otherwise the sewer service assessment will be continued under the new ownership until it is paid in full. Any owner of a property in a Sanitary District may pay in full the balance of the Sewer Service Assessment on the property at any time during the amortized period to avoid the future installments.

C-2.4 County General Fund Contributions. If the purpose of the project is to abate a public health hazard, the General Fund of the County may, to the extent that the financial condition of the General Fund permits, contribute to the capital cost of such project in amounts up to a fraction thereof, the numerator of which being the number of potential users contributing to the public health hazard and the denominator of which being the total potential users of the project.

C-3 All properties within E&I project area will be evaluated by the Division of Environmental Health, Fairfax County Health Department and assigned into one of the following classes which are used in establishing the priority rating of a project.

Class I - Properties in this class are presently served by on site sewage disposal systems that are malfunctioning and creating an immediate hazard to the community.

Class II - Properties in this class are served by on site sewage disposal systems that have a history of problems, occasionally malfunction, are installed in poor soil conditions, or are otherwise not expected to function satisfactorily for any length of time. Sand filter systems are also included in this class since they do discharge effluent into streams and must be abandoned when public sewer is made available. Properties in this class are a potential hazard to the community.

Class III - Properties in this class are served by pit privies and pose no serious hazard to the community if maintained properly. However, the minimum Housing Hygiene Code of Fairfax County requires that basic facilities be provided to all dwellings. These properties cannot comply with these requirements without the availability of public sewer.

C-3.1 All projects will be installed in order of their priority rating. The Division of Environmental Health assigns preliminary priorities on the basis of potential health hazards. These priorities are then reviewed jointly with the Department of Public Works and Environmental Services and adjustments are made taking into consideration the economic feasibility of the preliminary list.

## SECTION D - POLICY REGARDING REVENUES AND CHARGES

D-1 The system is organized and must operate on a basis designed to raise sufficient revenue to pay all costs and provide all appropriate reserves.

D-2 Sources or revenue of the sewer facilities of the County are (1) Availability Charges; (2) Connection Charges; (3) Lateral Spur Charges; (4) Service Charges; and (5) Account Charges.

D-2.1 Availability Charge is a one time charge collected from all users prior to connection to the system to cover in part the applicant's proportional share of the cost of facilities required beyond the collector system. Such facilities beyond the collector system include subtrunk sewers, trunk sewers, pumping stations and treatment facilities.

D-2.2 The fundamental principle in determining the availability fee shall be that:

The needed total annual revenue requirements of sewage works shall be contributed by users and non-users (or by users and properties) for whose use, need and benefit the facilities of the works are provided, approximately in proportion to the cost of providing the use and the benefits of the works.

D-2.3 Availability fee revenues may be used for construction of new capital facilities to the extent such facilities will benefit new subscribers to the system ("new customers"). Availability fee revenues will not be used for improvements to the extent such improvements will only "benefit" "existing" or "current" users of the system. Availability fee revenues may be used to meet the cost of remedying significant operational emergencies, and provision will be made for the timing of reimbursement of the capital for any such emergency disbursements.

D-2.4 Separate accountability for availability fee revenues and capital expenditures will be maintained.

D-2.5 Review of the availability fee consistent with the principles set forth herein will occur annually and will coincide with the County's budget cycle at which time the availability fee schedule for the ensuing year will be set by the Board of Supervisors.

D-2.6 Connection Charge (Front Footage Charge) is a one-time charge collected from all users prior to connection to the system in those cases where service can be obtained from facilities provided by and at the expense of the County, or persons, firms, or corporations other than the applicant. It is levied as a partial repayment of the costs of collector sewers.

D-2.7 Lateral Spur Charge is a one-time charge collected from all users who connect to the lateral spur. This charge must be paid prior to connection to the system and is levied as a partial repayment of the cost of a lateral spur, pursuant to VDH&T requirements that all sanitary sewer facilities to be located within the right-of-way of public highways be installed at one time, under a single permit.

D-2.8 Service Charges are continuing charges based upon water consumption at a cost per 1,000 gallons as established by the rate ordinance.

D-2.9 Account Charges are to defray the cost incurred by reason of special services rendered (repair of developer constructed facilities, temporary treatment, etc.) and agreements or regulatory requirements for which costs are not covered by other charges.

SECTION E - POLICY REGARDING REIMBURSEMENT AND FUNDS ADVANCED TO COUNTY

E-1 Facilities will be constructed only after sufficient funds are advanced by others to finance said construction, or after the reserves of the system are adequate to finance said construction, or after the issue and sale of revenue bonds.

E-1.1 Investments by developers in local collector and lateral facilities in their respective development areas will not be refunded by, or become an obligation of, the County, as such investments are considered as accrued benefits to the improved property and will be recovered through the increase in value of the property.

E-1.2 Individual owners located adjacent to or within reach of service by sewers installed by and at the expense of the County, or by persons, firms or corporations other than the individual owner, will be required to pay the applicable Availability and Connection charges upon application for service.

E-2 Enlarged Sewers within the area under development as required by paragraph B-5 which are greater than required for the facilities being developed and/or off-site sewers constructed by agreement may be reimbursed for the cost differential as set forth in the agreement according to the following policy:

E-2.1 The amount to be reimbursed shall not exceed the original cost of the enlarged facility multiplied by the quotient obtained by dividing the total acreage and/or units served less the development acreage and/or units served by the total acreage and/or units served by said enlarged facility. This amount is subject to the interest rate of paragraph E-2.3.

E-2.2 Only sewers with an internal diameter exceeding ten (10) inches will be considered as enlarged sewers.

E-2.3 Reimbursement payments will be made as provided in the agreement, subject to the following limitations:

- A. The funds and interest for aforesaid payment shall be collected from other users and an Account Charge as provided in paragraph D-2.4.
- B. The interest rate shall not exceed 10% per annum for a period of time longer than fifteen (15) years from the date of completion and acceptance of the facility.
- C. Annual payments to the developer, his assignee or successor, will be made annually in January for not more than twenty (20) consecutive years.

- D. While it is generally believed that a substantial portion of the additional cost will be reimbursed in the twenty (20) year period, the County shall incur no liabilities for failure to collect aforesaid sums of money. Any loss of anticipated reimbursement is considered fully compensated by accrued benefits to the improved property resulting from advancement of the date when sewage service would have become available.

E-3 Extensions of sewers to the development boundary of single family subdivisions to facilitate service to adjoining properties will generally be constructed concurrent with the construction of facilities within the subdivision. Costs incurred by developer will be reimbursed from available E&I funds, which will be replenished by an Account Charge to adjoining property.

E-4 Direct connections to a development's sewers installed along the boundary, serving the development on one side and available to serve the adjoining property will be reimbursed if applied for according to the following policy:

- A. Reimbursement to be made only for connection made within 5 years after completion of sewer.
- B. No interest or handling charges will be paid.
- C. Payments will be made annually in January from revenue collected from Connection charges of connections made directly to said sewer. The percentage of said charges refunded will be set forth in an agreement with the developer, but shall not exceed the cost of the sewer multiplied by the quotient obtained by dividing the front footage of property other than that for which the extension was made by the total front footage served by the said sewer.

#### SECTION F – LIMITATION OF STATEMENT OF POLICY

F-1 This statement of policy is published for the information of developers and the general public as a guide to understanding the policy of the Department of Public Works and Environmental Services in its administration of the Integrated Sewerage System of Fairfax County. As such, no statement herein contained should be construed as binding upon the County.

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ACTION - 4

Approval of County Comments on Transportation-Related Administrative Initiatives That May Be Considered by the Commission on Government Reform and Restructuring

ISSUE:

Board approval of Fairfax County comments on transportation-related administrative initiatives that may be considered by the Governor's Commission on Government Reform and Restructuring.

RECOMMENDATION:

The County Executive recommends that the Board approve the attached list of comments on transportation-related administrative initiatives that might be considered by the Government Reform Commission.

TIMING:

The Board should act on this item on September 14, 2010, because the Commission is currently conducting its review and deciding upon its recommendations. Full Commission and individual Committee hearings have already been held. The Commission should be presenting its initial report on October 15, 2010, and its final report for the year is due December 1, 2010.

BACKGROUND:

On January 16, 2010, Governor Robert McDonnell established the Government Reform and Restructuring Commission to conduct a thorough review of Virginia state government. He charged the Commission to:

- Identify opportunities for creating efficiencies in state government, including streamlining, consolidating, or eliminating redundant and unnecessary agency services, governing bodies, regulations and programs;
- Explore innovative ways to deliver state services at the lowest cost and best value to Virginia taxpayers;
- Seek out means to more effectively and efficiently perform core state functions, including potential privatization of government operations where appropriate, and restore focus on core mission oriented service; and
- Examine ways for state government to be more transparent, user friendly and accountable to the citizens of the Commonwealth.

Board Agenda Item  
September 14, 2010

The Commission has established four committees:

- Customer Service / Transparency / Performance / Accountability Committee
- Consolidation of Shared Services Committee
- Intergovernmental Relations Committee
- Simplification and Operations Committee

The majority of the suggested transportation initiatives will be handled by the Simplification and Operations Committee. This Committee has met several times, including once in Richmond on August 4, 2010, where Assistant Secretary of Transportation Matt Strader presented a list of seventeen proposed reforms for the Commission's consideration and reform. This included several the Board of Supervisors had commented on, amongst them the proposed consolidation of three Northern Virginia transportation agencies – the Northern Virginia Transportation Commission, the Potomac Rappahannock Transportation Commission, and the Northern Virginia Transportation Authority. All three agencies are on record as being opposed to this recommendation and are in the process of discussing this recommendation with Secretary Connaughton.

The full Commission has also met several times, the most recent being September 13, 2010. It is anticipated that the Interim Commission Report will be submitted to the Governor, October 15, 2010. Additionally, the Governor and the Commission have held Town Hall meetings throughout the Commonwealth, two, of which, were in Northern Virginia. One took place on July 8, 2010, in McLean, during which Supervisor McKay presented the Board of Supervisors comments on larger policy issues. The other took place on August 25, 2010, in Herndon.

On July 27, 2010, the Board approved a list of comments for several statutory initiatives that had been submitted to the Commission, which has since been sent. On August 5, 2010, a list of 56 administrative initiatives submitted by numerous organizations and individuals was released. The submitter for each individual item has not been identified. The "justification for change" column represents the submitter's justification. County staff reviewed the suggestions and believes there are several that the Board should consider commenting upon (see Attachment I).

FISCAL IMPACT:

There is no direct fiscal impact on Fairfax County as a result of commenting on the suggestions that might be considered by the Commission on Government Reform. However, the Commission may recommend changes that could impact transportation funding and service delivery in the future.

Board Agenda Item  
September 14, 2010

ENCLOSED DOCUMENTS:

Attachment I: Fairfax County Comments on Transportation-Related Administrative Initiatives That May Be Considered by the Commission on Government Reform and Restructuring

STAFF:

Robert A. Stalzer, Deputy County Executive

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

Tom Biesiadny, Chief, Coordination and Funding Division, FCDOT

Noelle Dominguez, Coordination and Funding Division, FCDOT

**Fairfax County Comments on Transportation-Related Administrative Initiatives That May Be Considered by the Commission on Government Reform and Restructuring**

Subject	Statute/Regulation	How Administered Today	Proposed Change	Justification for the Change
<p>6. Idea Title: Fill gap in procedural framework concerning development of environmental review process for non-VDOT funded locally administered transportation projects</p>	<p>§ 10.1-1188(A),(B)</p>	<p>Legislation from 2007 requires local government to prepare and submit an environmental impact report on transportation projects estimated to cost greater than \$500,000 (Code of Virginia 10.1-1188(A)). These are non-VDOT funded transportation projects undertaken by localities funded by bonds or some other non-VDOT related revenue. This section of the Code does not cover VDOT transportation projects, but describes a review process managed by the Department of Environmental Quality (DEQ). Code of Virginia § 10.1-1188(B) addresses VDOT transportation projects and established the State Environmental Review Process, memorialized in a MOA between the Secretary of Transportation and Secretary of Natural Resources. Because there is no nexus between VDOT and the local transportation projects covered in Code of Virginia § 10.1-1188(A), and because the process described in that section is managed by DEQ, DEQ is responsible for the environmental review of local transportation projects as they are for the review of other projects covered by this Code section. VDOT has no role. In October of 2007 the Secretary of Transportation and the Secretary of Natural Resources sent a memo to local government providing interim guidance for compliance with the new legislation. The interim guidance was to be in effect until new procedures were developed by December 2007, but new procedures have not been developed. Under the direction of the previous Secretary of Transportation, VDOT created several products to assist DEQ in their effort to develop environmental review procedures for local transportation projects.</p>	<p>Finish drafting procedures implied in 2007 memorandum to local governments.</p>	<p>Implementation would close gap in procedures, and establish clear rules of authority and accountability among local governments, DEQ, and VDOT. VDOT should not be responsible for this review process for the following reasons: 1) VDOT becomes accountable for the results of the Locality Environmental Review Process (LERP): VDOT is challenged on a daily basis to ensure the implementation of commitments on our own projects. With ownership of the LERP would likely come accountability for making sure commitments are implemented by local government. We have no process in place to ensure that happens, but the agencies would expect us to accept accountability for implementation. 2) VDOT becomes an environmental regulator: We have no experience as a regulator of environmental issues. We police ourselves on environmental issues, but we have no experience policing others. We can enforce SERP by withholding money to local government. We are not aware of anything we can do to enforce LERP. As regulators, the resource agencies will expect us to make sure the LERP gets done and commitments are implemented. Local government will have different expectations. We can't withhold money that is not ours. We will be placed in a lose-lose position between agencies wanting enforcement and local government wanting flexibility. 3) Manpower: We have no way to determine the workload associated with non-VDOT local transportation projects. We would be unable to accurately staff the LERP program, but minimally we would need a LERP program manager in the Central Office along with an unknown number of LERP implementers in the field. 4) Funding: If VDOT performs the LERP, we will need funding to support the work. It will be difficult for us to negotiate with local government the need to use their money to pay our staff to work on their projects. Local government will be inclined to question our charges and not understand the</p>

**Fairfax County Comments on Transportation-Related Administrative Initiatives That May Be Considered by the Commission on Government Reform and Restructuring**

				scope of LERP related activities. We will be criticized for perceived overcharges. If local government is responsible for part of the LERP, funding for training local government will be necessary. 5) Lack of local support: Some localities may be in favor of VDOT doing the LERP, but just as many may be opposed. Some local governments will not want VDOT's involvement and will get upset with the results of the LERP on some projects.
Comment:	Fairfax County supports the Commonwealth working to finish drafting the environmental review process for non-VDOT funded locally administered transportation projects. The County understands, from ongoing correspondence with the Department of Transportation, that the \$500,000 requirement pertains to construction costs, not total project costs. Fairfax County supports this definition and requests that it be specified within the process description.			
10. Idea Title: MPO and Transportation Board Representation	Administrative Policy Change	DRPT lacks representation on many transportation- related boards. For example, DRPT is only on three of 14 MPO policy boards. DRPT is also on a limited number of transit operator boards.	Establish consistent criteria for state agency representation on MPOs and other transportation-related boards.	<u>Establish consistent criteria for state agency representation on MPO and other transportation-related boards:</u> To ensure that rail and transit are adequately represented on transportation boards in Virginia, and to ensure that the state has a consistent role on transit operator boards.
Comment:	Fairfax County believes that rather than focus on placing one member on every transportation-related board within the Commonwealth, VDOT and DRPT should instead have a periodic review of these boards to see what amount of participation is needed. Since MPO board membership is largely determined at the MPO level, discussions with each MPO should occur individually. Additionally, transit needs differ across the Commonwealth, so a consistent criteria may not be appropriate.			
14. Idea Title: Improving Passenger Rail Program Delivery		The delivery of passenger rail programs in Virginia is currently divided into commuter rail and intercity passenger rail programs. There are numerous inconsistencies between the two programs.	Evaluate the delivery of passenger rail programs and recommend improvements to resolve inconsistencies between intercity and commuter rail programs.	<u>Improving Passenger Rail Program Delivery:</u> This analysis will provide the Commonwealth with a consistent policy and approach for delivering passenger rail service in Virginia, for both commuter and intercity rail programs.
Comment:	While Fairfax County believes that these two services should be analyzed for better operations and delivery. However, the County believes it is important to understand that the two programs are inherently different. They must work together to operate efficiently and effectively. Due to their inherent differences, a consistent policy is not appropriate.			
15. Idea Title: Tax Exempt Passenger Rail Improvements		In some cases it is challenging to reach agreement with freight railroads on infrastructure improvements that benefit passenger rail due to the tax liability associated with capital improvements.	Evaluate the impact of introducing tax exemptions for rail capital improvements that benefit passenger rail service.	<u>Tax Exempt Passenger Rail Improvements:</u> This analysis will provide the Commonwealth with an important passenger rail development incentive for capital improvements and clout to negotiate with railroads.

Attachment 1

Comment:	While it is important to improve rail infrastructure, especially in regards to the safety of both passenger and freight rail, Fairfax County believes that this should be done in a manner that will not adversely impact Commonwealth funding that is needed for other transportation projects or government services. Additionally, it is important that all strategies for improving passenger rail be considered.			
16. Idea Title: Reduce Spending on Reports and Printing	Administrative Policy Change	DRPT spends significant state funds to develop required reports and to print items for board meetings.	Revamp the VTRANS planning process to reduce the development of a policy plan and specific modal plans. Eliminate large quantity printing of planning documents and reports. Eliminate board meeting material printing except for materials used on the day of board meetings (do not print materials for advance mailings to board members). Provide board members with secure access to an online location where they can view materials in advance.	<u>Reduce Spending on Reports and Printing</u> : These measures will help save state funds currently used to develop required reports and to print reports and board meeting materials.
Comment:	As part of VTRANS 2035, a comprehensive surface transportation plan - including highways, public transit, and rail was created, as opposed to three individual plans for the three transportation modes. This consolidation has already facilitated the reduction of documents and materials. Fairfax County supports other meeting efficiencies.			
19. Idea Title: Advance Rail Projects Without Federal Funds When Possible.	Administrative Policy Change	Rail construction projects tend to be complicated and involve improvements to railroad right of way.	Recommend that the Commonwealth Transportation Board adopt a policy or practice for advancing rail projects achievable with state funds.	<u>Increase effectiveness of project delivery</u> : CTB adoption of a policy or practice for advancing rail projects with state funds where possible will expedite project delivery by reducing federal restrictions and environmental review.

Comment:	Fairfax County believes this is a good idea, if the Commonwealth is able to fully fund the program. This would streamline project implementation and decrease delivery schedules. Additionally, the same approach should be considered for the highway, pedestrian, and bike programs.			
23. Idea Title: Exempt Bus Shelters from General Service Permits	Ch. 12, Section 1204.0 of the DGS Construction and Professional Services Manual	Policy requires permits and approvals for the installation of industrialized buildings, which DGS interprets to include bus shelters.	Declare bus shelters as exceptions to any required building, structure and occupancy permits or amend Chapter 12 to include an expedited process for bus shelter installation.	Bus shelters, small structures designed to provide protection from the elements for transit patrons, are much less complex than other industrialized/modular buildings and should be subject to less rigorous application and permit requirements. Shelter manufacturers are customarily well established businesses that have long produced these structures. Additionally, localities have staff engineers and contractors with experience installing the shelters safely and appropriately. Since shelters rarely have load bearing roofs or significant structures above the heads of passengers using them, the likelihood of collapse is minimal. The current permit process for bus shelter installation, including time consuming DGS mandated building inspections, can take months to complete. Revising installation requirements will remove bureaucratic layers, save months of time for completion, and reduce costs.
Comment:	Fairfax County supports the creation of an expedited state process for bus shelter permitting and installation to reduce costs and improve completion times.			

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ACTION - 5

Approval of Conditions Necessary for Fairfax County to Apply for and Accept a Federal Transit Administration Grant for the Richmond Highway Public Transportation Initiative (Lee and Mount Vernon Districts)

ISSUE:

Board approval of conditions necessary for Fairfax County to apply for and accept, if received, a Federal Transit Administration (FTA) grant for the Richmond Highway Public Transportation Initiative (RHPTI). The total funding for the grant of \$3,065,200 consists of \$2,452,160 in FTA Bus/Bus Facilities Grant funding and a required 20 percent Local Cash Match of \$613,040. The Local Cash Match requirement for the grant will be met using \$200,000 in general obligation bonds approved by the voters for transportation purposes and \$413,040 in funds available in Fund 124, County and Regional Transportation Projects, Richmond Highway Public Transportation Initiative Project. This project is included in the Board's Four-Year Transportation Program.

If the actual award received or required Local Cash Match are significantly different from the application amount, another item will be submitted to the Board requesting appropriation of grant funds. Otherwise, staff will process the awards administratively as per Board policy.

RECOMMENDATION:

The County Executive recommends that the Board:

- 1) Approve an amendment (Attachment I) to the County's agreement with the Fairfax County Economic Development Authority (EDA), specifically related to labor protection requirements associated with FTA grants (also known as the 1990 Fairfax County/Fairfax EDA, Park-and-Ride Lots Arrangements) for the projects to be funded by grant # VA-04-0031-01; and ask the EDA to approve the amendment at its next meeting.
- 2) Authorize the Department of Transportation to apply for, execute grant agreements for, and accept funding, if received, from the FTA for the RHPTI. The total funding of \$3,065,200 for the RHPTI consists of \$2,452,160 in FTA funding and a required 20 percent Local Cash Match of \$613,040. The Local Cash Match requirement will be met using \$200,000 in general obligation bonds approved by the voters for transportation purposes and \$413,040 in funds available in Fund 124, County and Regional Transportation Projects.

- 3) Authorize staff to take all necessary measures to ensure County compliance with the conditions of the FTA grant, as authorized by Virginia law.

TIMING:

Board approval is requested on September 14, 2010, so that the EDA may consider the amendments at their September 21, 2010, scheduled meeting, and the grant applications can be approved by FTA prior to the September 30, 2010, deadline.

BACKGROUND:

The RHPTI is part of the County's Four-Year Transportation Plan adopted by the Board on February 9, 2004. The Four-Year Transportation Plan identified \$215 million to improve major highway and transit projects, spot capacity, safety intersection improvements, and pedestrian improvements throughout the County. This plan expedites a number of delayed projects and focuses on relieving bottlenecks around the County.

The RHPTI was developed based on a Route 1 Corridor Bus Study that was conducted by the Northern Virginia Transportation Commission (NVTC). Fairfax County staff refined the study's recommendations and expanded on them. The RHPTI is a \$55 million program to upgrade transit services and facilities in the Richmond Highway Corridor. It includes establishing a new transit center(s) and/or park-and-ride lots, upgrading bus stops and crosswalks, increasing bus service, and implementing an intelligent transportation system to increase service reliability. A summary of the program is included as Attachment II.

In federal Fiscal Years 2008, 2009 and 2010, Congress appropriated \$2,452,160 in funding for the RHPTI, which requires a 20 percent Local Cash Match. A copy of the County's FTA grant application is included as Attachment III. If approved, this funding will provide an additional \$3,065,200 for the RHPTI.

FTA grant applications require that applicants comply with the labor protection provisions of the Urban Mass Transportation Act of 1964, as amended, often known as "13(c) Provisions." Virginia's localities are authorized to seek FTA grants requiring 13 (c) Labor Protection Arrangements in situations where funds for the local match are derived from general obligation bond funds.

Previously, Fairfax County negotiated 13(c) Labor Protection Arrangements to allow the County to receive \$43 million in Suburban Mobility funds from the FTA for park-and-ride lot construction. These 13(c) arrangements were negotiated and executed between the Fairfax County Economic Development Authority (EDA) and the local transit and

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mechanics unions. Fairfax County backed these arrangements, subject to annual appropriations. The agreement between Fairfax County and the EDA was amended in October 2003, to accept Job Access and Reverse Commute (JARC) funds for the HJR-276 projects in the Tysons Corner area; in October 2005 and July 2006, to accept FTA funds for the RHPTI; in September 2006 to accept funds for the Burke Centre Virginia Railway Express (VRE) station garage; and most recently in August 2008, to accept additional funds for the RHPTI and the Springfield Park-and-Ride facility.

In order for the County to accept the FTA Grants for the RHPTI, the EDA and the County need to amend their separate agreement, whereby the County has agreed to fund any valid 13(c) claims the EDA receives, subject to annual appropriations. Upon County approval of the amendment, the EDA will consider this item on September 21, 2010. To date, the EDA has received no valid claims associated with its 13(c) Labor Protection Arrangements.

FISCAL IMPACT:

The total project cost for this grant is \$3,065,200, including \$2,452,160 requested in this FTA grant application and the 20 percent Local Cash Match of \$613,040. Fund 102, Federal/State Grant Fund, will reflect the FTA grant funds. This action does not increase the expenditure level in Fund 102, Federal/State Grant Fund, as funds are held in reserve for anticipated grant awards in FY 2011. Partial funding of \$200,000 for the Local Cash Match is available from bond funds approved by the voters on November 6, 2007, for transportation purposes and available in Project 4YP216, November 2007 Bond Referendum Transit. The \$413,040 remainder of the Local Cash Match is available in commercial and industrial tax funding for Local Cash Match for Transportation Projects, as approved by the Board in July 2009, and appropriated to the Construction Reserve in Fund 124, County and Regional Transportation Projects. None of these funds will be used for bus purchases or operation.

CREATION OF NEW POSITIONS:

No positions will be created by this grant.

ENCLOSED DOCUMENTS:

Attachment I: Sixth Supplemental Amendment to 1991 Fairfax County and Fairfax County Economic Development Authority Transportation and Cooperation Agreement  
Attachment II: Richmond Highway Public Transportation Initiative Summary  
Attachment III: Fairfax County's FTA Grant Application for Richmond Highway Bus Shelters/Access

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STAFF:

Robert A. Stalzer, Deputy County Executive

Ellen F. M. Posner, Assistant County Attorney

Len Wales, County Debt Manager

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

Tom Biesiadny, Chief, Coordination and Funding Division, FCDOT

Jay Guy, Coordination and Funding Division, FCDOT

**Sixth Supplemental Amendment to 1991 Fairfax County and Fairfax County Economic Development Authority Transportation and Cooperation Agreement**

This Sixth Supplemental Amendment to the “Fairfax County (the County) and the Fairfax County Economic Development Authority (the EDA) 1991 Transportation and Cooperation Agreement” as supplemented (Composite Attachment I, Composite Attachment II, Composite Attachment III and Composite Attachment IV) is made between the named parties this \_\_\_\_ day of \_\_\_\_\_ 2010.

Whereas, in 1991, the County and the EDA entered into Composite Attachment I in order to satisfy jointly the requirements of the County’s “1991 Suburban Mobility Grant” and of Section 13(C) of the Urban Mass Transportation Act of 1964, as amended, so as to obtain federal assistance for certain transportation projects that would promote economic development in the County, as well as enhance the overall health, safety, and welfare of the County’s citizens;

Whereas, in 2003, the County and the EDA entered into Composite Attachment II in order to satisfy jointly the requirements of the County’s “2003 Job Access Reverse Commute (JARC) Grant” and of Section 13 (C) of the Urban Mass Transportation Act of 1964, as amended, so as to obtain federal assistance for certain transportation projects that would promote economic development in the County, as well as enhance the overall health, safety, and welfare of the County’s citizens;

Whereas, in 2005, the County and the EDA entered into Composite Attachment III in order to satisfy jointly the requirements of the County’s “2005 Job Access Reverse Commute (JARC) Grant” and of Section 13 (C) of the Urban Mass Transportation Act of 1964, as amended, so as to obtain federal assistance for certain transportation projects

that would promote economic development in the County, as well as enhance the overall health, safety, and welfare of the County's citizens;

Whereas, in 2006, the County and the EDA entered into Composite Attachment IV in order to satisfy jointly the requirements of the County's "The 2006 FTA Grants" and of Section 13 (C) of the Urban Mass Transportation Act of 1964, as amended, so as to obtain federal assistance for certain transportation projects that would promote economic development in the County, as well as enhance the overall health, safety, and welfare of the County's citizens;

Whereas, in 2008, the County and the EDA entered into Composite Attachment V in order to satisfy jointly the requirements of the County's "The 2008 FTA Grants" and of Section 13 (C) of the Urban Mass Transportation Act of 1964, as amended, so as to obtain federal assistance for certain transportation projects that would promote economic development in the County, as well as enhance the overall health, safety, and welfare of the County's citizens;

Whereas the County and the EDA have determined that the economic growth and development of the County, as well as the health, safety, and welfare of its citizens, would be further enhanced and promoted by securing and receiving additional federal assistance for the transportation projects set forth in the United States of America Department of Transportation, Federal Transit Administration (FTA) Bus and Bus Facilities Grants, E-2008-BUSP-0608, E-2008-BUSP-0609, E-2009-BUSP-886, E-2009-BUSP-887, and E-2010-BUSP-205; from henceforth collectively known as "The 2010 FTA Grants";

Whereas, as a prerequisite to awarding the federal assistance authorized by "The 2010 FTA Grants," the United States Department of Labor (DOL) and FTA

recommended that the Labor Protection Arrangements previously entered into by the County and the EDA in accordance with the County's "1991 Suburban Mobility Grant," "The 2003 JARC Grant," "The 2005 JARC Grant," "The 2006 FTA Grants," and "The 2008 FTA Grants," be extended to those projects to be funded by "The 2010 FTA Grants;"

Whereas, at a meeting held on September 14, 2010, the Fairfax County Board of Supervisors approved extending the referenced Labor Protection Arrangements in the manner recommended by FTA and DOL;

Whereas, at a meeting held on September 21, 2010, the EDA approved extending the referenced Labor Protection Arrangements in the manner recommended by FTA and DOL;

It is therefore, agreed to by the parties herein:

- 1) The Labor Protection Arrangements previously authorized and executed by the County and the EDA in accordance with Fairfax County's "1991 Suburban Mobility Grant," "The 2003 JARC Grant," "The 2005 JARC Grant," "The 2006 FTA Grants," "The 2008 FTA Grants," and Section 13(C) of the Urban Mass Transportation Act of 1964, as amended, are hereby made expressly applicable to those projects funded by "The 2008 FTA Grants."
- 2) All terms, conditions, and obligations of the parties set forth in Composite Attachment I, Composite Attachment II, Composite Attachment III, Composite Attachment IV, and Composite Attachment V are hereby made expressly applicable to those projects funded by "The 2010 FTA Grants."

- 3) All other terms, conditions, and obligations of the parties as set forth in Composite Attachment I, Composite Attachment II, Composite Attachment III, and Composite Attachment IV continue to remain in full force and effect.

\_\_\_\_\_  
By: Anthony H. Griffin, County Executive  
Fairfax County, Virginia

Date: \_\_\_\_\_

\_\_\_\_\_  
By: Gerald L. Gordon, President and CEO  
Fairfax County Economic Development  
Authority

Date: \_\_\_\_\_

## **Richmond Highway Public Transportation Initiative**

### **Goals**

- ❑ Increase transit ridership in Richmond Highway Corridor in Fairfax County
- ❑ Improve pedestrian safety in Corridor
- ❑ Improve effectiveness and efficiency of bus operations in Corridor
- ❑ Complement Community Development and Highway Initiatives in Corridor

### **Background**

- ❑ Based on Route 1 Corridor Study
- ❑ Part of the County's Four-Year Transportation Plan
- ❑ \$55 Million Program to Upgrade Transit Services and Facilities along Richmond Highway
- ❑ Multi-Year Project Starting in 2004

### **Specific Projects**

- ❑ REX (Richmond Highway Express) Bus Service – September 2004
  - Limited Stops, Compliments Fairfax Connector Service
  - Restructured almost all existing bus service
  - Prototype bus stop constructed at South County Center and Mohawk Lane
  - Old Mill pedestrian improvements constructed
  - Signal Priority System implemented
  
- ❑ Fairfax Connector South County Bus Plan – September 2004
  - Added 40% more service
  - Provides more weekday and midday service
  - Extended hours of operations
  - Enhances weekend/holiday operations
  - Increase of 14% in Ridership (from 2005 to 2006)
  
- ❑ Pedestrian, Transit Passenger and Intersection Improvements
  - Design and construction of 31 bus stop intersection improvements including sidewalks, crosswalks, median refuges, bus shelters, pedestrian signals and lighting to improve safety and access at the bus stops and nearby intersections
    - Phase I – 11 REX stop intersection locations
    - Phase II – 20 additional high priority intersections
  - 6.94 miles of sidewalk gaps identified for construction (provides for a walkway on both sides of Route 1)
    - Phase I – Approximately 2.5 miles, 15 walkway segments. Provides a pedestrian walkway along the entire Route 1 Corridor on at least one side.
  
- ❑ Transit Center(s) with Parking - Transit Center(s) with up to 1,500 parking spaces

### **Current Status**

- ❑ Survey completed for 11 REX stop intersections and 2.5 miles of missing sidewalk segments - Right of way will be required for intersection improvements and most sidewalk segments
- ❑ Three intersection designs submitted to VDOT for review (Route 1 at Old Mill Road, Belford Drive, and Mohawk Lane)
- ❑ Environmental clearance documents under development for entire corridor
- ❑ Construction on Phase I REX and Pedestrian Improvements began in Spring 2006
- ❑ Transit Center location review is underway
- ❑ Funded through various federal, state, and local sources. Over half the funding for the initiative has been identified, though the project is not fully funded.
- ❑ Design work on Phase 2 intersection improvements is being finalized. Design modifications on the traffic/pedestrian signals and sidewalks are also being completed. Preliminary right-of-way acquisition activities are underway.
- ❑ As previously reported, a design public hearing was held on September 25, 2007. The public hearing covered design concepts for the entire corridor as well as design plans for several of the intersections.
- ❑ Approximately 3,000 linear feet of sidewalk has been installed to access REX bus stop locations along Route 1.
- ❑ This is a multimodal, multi-site project. It encompasses pedestrian and transit access improvements, bus shelters, pads, and benches, and is part of a corridor-wide public transportation improvement initiative along Richmond Highway/US Route 1. This is a transit dependent corridor and a comprehensive look has been taken to see what improvements are needed. This corridor has been studied numerous times for all transportation needs. This corridor is still currently under study for long-term transit needs, and has been impacted by the BRAC relocation to Ft. Belvoir.
- ❑ The right-of-way impacts are numerous. Solutions that once appeared feasible have been revisited due to an identified need for retaining walls, additional right-of-way, developer requests, etc. Projects have been designed to accommodate short-term and long-term goals for the corridor. Pilot bus stops and pedestrian improvements have been constructed, but the majority of the improvements remain. Staff from VDOT and the County are continuously monitoring this project and working on right-of-way needs. The Richmond Highway Express (REX) bus service was implemented in 2005, and these projects are part of the plan for the continued success of this service.
- ❑ The milestone completion dates for the design RFP and contract issuance have been updated to reflect current estimates. The contracts for these phases are not complete. The project is currently in the design and right-of-way phases.

### **Project Schedule:**

Additional construction of bus shelters and pedestrian improvements to begin in 2011.  
Location and preliminary scoping of transit center underway.

**DOT****FTA**

U.S. Department of Transportation

Federal Transit Administration

## Application

Recipient ID:	5349
Recipient Name:	COUNTY OF FAIRFAX
Project ID:	VA-04-0031-01
Budget Number:	2 - Budget Pending Approval
Project Information:	Richmond Hwy Bus Shelters/Access

### Part 1: Recipient Information

Project Number:	VA-04-0031-01
Recipient ID:	5349
Recipient Name:	COUNTY OF FAIRFAX
Address:	4050 Legato Road Suite 400, 4th Floor, FAIRFAX, VA 22033 2895
Telephone:	(703) 877-5600
Facsimile:	(703) 877-5723

### Part 2: Project Information

Project Type:	Grant	Gross Project Cost:	\$6,130,400
Project Number:	VA-04-0031-01	Adjustment Amt:	\$3,065,200
Project Description:	Richmond Hwy Bus Shelters/Access	Total Eligible Cost:	\$3,065,200
Recipient Type:	County Agency	Total FTA Amt:	\$2,452,160
FTA Project Mgr:	Melissa Barlow/B.Glenn 215-656-7100	Total State Amt:	\$0
Recipient Contact:	Jay Guy 703-324-1163	Total Local Amt:	\$613,040
New/Amendment:	None Specified	Other Federal Amt:	\$0
Amend Reason:	Initial Application	Special Cond Amt:	\$0
		Special Condition:	None Specified
Fed Dom Asst. #:	20500	S.C. Tgt. Date:	None Specified
Sec. of Statute:	5309-2	S.C. Eff. Date:	None Specified
State Appl. ID:	None Specified	Est. Oblig Date:	15-Sep-2010

Start/End Date:	May. 01, 2006 - Sep. 30, 2013	Pre-Award Authority?:	Yes
Recvd. By State:	Aug. 04, 2010	Fed. Debt Authority?:	No
EO 12372 Rev:	Not Applicable	Final Budget?:	No
Review Date:	None Specified		
Planning Grant?:	NO		
Program Date (STIP/UPWP/FTA Prm Plan) :	Nov. 30, 2009		
Program Page:	STIP Pg Attached		
Application Type:	Electronic		
Supp. Agreement?:	No		
Debt. Delinq. Details:			

### Urbanized Areas

UZA ID	UZA Name
510080	WASHINGTON, DC-VA-MD

### Congressional Districts

State ID	District Code	District Official
51	8	James P Moran
51	10	Frank R Wolf
51	11	Gerald E Connolly

### Project Details

#### AMENDMENT 1:

Fairfax County, VA intends to add \$3,065,200 (\$2,452,160 federal) in additional funds to this multi-phased project to continue design, procurement of right of way, and construction of access improvements for transit patrons and pedestrians along the Richmond Highway between Fort Belvoir and I-495, the Capital Beltway. The proposed improvements will include bus stop improvements (including installation of bus shelters, trash cans, bicycle racks, lighting, and other amenities as required, including retaining walls), sidewalks, curb ramps, pedestrian signals, crosswalks and in some cases, intersection reconfiguration to provide a median refuge. This grant amendment adds the following earmarks to this project, and the local match will be provided by Fairfax County.

Earmark	Amount	Match	Total
E-2008-BUSP-0608	\$ 434,720	\$108,680	\$ 543,400
E-2008-BUSP-0609	\$ 517,000	\$129,250	\$ 646,250
E-2009-BUSP-886	\$ 451,440	\$112,860	\$ 564,300
E-2009-BUSP-887	\$ 549,000	\$137,250	\$ 686,250
E-2010-BUSP-205	\$ 500,000	\$125,000	\$ 625,000
<b>TOTAL</b>	<b>\$2,452,160</b>	<b>\$613,040</b>	<b>\$3,065,200</b>

This amendment also revises the scope of the original grant to only include the next phase of Bus Intersection Improvements and Passenger Access Sidewalks (See attached project and funding summary) . The construction of the current phase of Bus Intersection Improvements and Passenger Access Sidewalks will be funded with VA-37-X012. Also associated with this initiative is the construction of a transit center, which will be funded with VA-03-0111. The scope, schedule and budget for each improvement in this grant is attached in TEAM.

## Earmarks

### Earmark Details

Earmark ID	Earmark Name	Orig. Balance	Amount Applied
E2008-BUSP-0608	Fairfax County, VA Richmond	\$434,720	\$434,720
E2008-BUSP-0609	Fairfax County, Virginia-Ric	\$517,000	\$517,000
E2009-BUSP-886	Fairfax County, VA Richmond	\$451,440	\$451,440
E2009-BUSP-887	Fairfax County, Virginia-Ric	\$549,000	\$549,000
E2010-BUSP-205	Richmond Express (REX) Trans	\$500,000	\$500,000

Number of Earmarks: 5

Total Amount Applied: \$2,452,160

## **Part 3: Budget**

### Project Budget

	<u>Quantity</u>	<u>FTA Amount</u>	<u>Tot. Elig. Cost</u>
<u>SCOPE</u>			
<b>113-00</b> BUS STOP AND INTERSECTION IMPROVEMENTS	0	\$1,850,000.00	\$2,312,500.00
<u>ACTIVITY</u>			
<b>11.32.10</b> PURCHASE/INSTALL - BUS PASSENGER SHELTERS	0	\$400,000.00	\$500,000.00
<b>11.75.91</b> RIGHT-OF-WAY ACQUISITION	0	\$1,450,000.00	\$1,812,500.00
<u>SCOPE</u>			
<b>113-01</b> BUS STOP PASSENGER ACCESS - CURRENT PHASE	0	\$1,877,774.00	\$2,347,217.00
<u>ACTIVITY</u>			
<b>11.75.91</b> RIGHT-OF-WAY ACQUISITION	0	\$719,280.00	\$899,100.00
<b>11.33.10</b> CONSTRUCT - BUS PASSENGER ACCESS	0	\$1,158,494.00	\$1,448,117.00

- CURRENT PHASE			
<u>SCOPE</u>			
113-02 BUS STOP PASSENGER ACCESS - NEXT PHASE	0	\$2,811,800.00	\$3,514,751.00
<u>ACTIVITY</u>			
11.75.91 RIGHT-OF-WAY ACQUISITION	0	\$1,151,800.00	\$1,439,751.00
11.33.10 CONSTRUCT - BUS PASSENGER ACCESS - NEXT PHASE	0	\$1,660,000.00	\$2,075,000.00
<b>Estimated Total Eligible Cost:</b>			<b>\$8,174,468.00</b>
<b>Federal Share:</b>			<b>\$6,539,574.00</b>
<b>Local Share:</b>			<b>\$1,634,894.00</b>

OTHER (Scopes and Activities not included in Project Budget Totals)

**None**

SOURCES OF FEDERAL FINANCIAL ASSISTANCE

<u>UZA ID</u>	<u>Accounting Classification</u>	<u>FPC</u>	<u>FY</u>	<u>SEC</u>	<u>Previously Approved</u>	<u>Amendment Amount</u>	<u>Total</u>
510080	2006.25.04.31.2	00	2010	04	\$3,210,134.00	\$0.00	\$3,210,134.00
510080	2007.25.04.31.2	00	2010	04	\$877,280.00	\$0.00	\$877,280.00
<b>Total Previously Approved:</b>							<b>\$4,087,414.00</b>
<b>Total Amendment Amount:</b>							<b>\$0.00</b>
<b>Total from all Funding Sources:</b>							<b>\$4,087,414.00</b>

Board Agenda Item  
September 14, 2010

ACTION – 6

Approval of a Draft Board of Supervisors' Meeting Schedule for Calendar Year 2011

ISSUE:

Board approval of a draft meeting schedule for January through December, 2011.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors approve the draft meeting schedule for January through December, 2011.

TIMING:

The Board should take action on September 14, 2010, in order that accommodations to implement this calendar can proceed in advance of January.

BACKGROUND:

The *Code of Virginia*, Section 15.2-1416, requires the governing body to establish the days, times and places of its regular meetings at the annual meeting, which is the first meeting of the year. Therefore, the schedule for the entire 2011 calendar is presented for Board approval. The section further states that “meetings shall be held on such days as may be prescribed by resolution of the governing body but in no event shall less than six meetings be held in each fiscal year.”

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

At the first meeting of the Board of Supervisors in January, staff will bring the 2011 meeting calendar to the Board for formal adoption.

ENCLOSED DOCUMENTS:

January-December, 2011 Schedule for Board of Supervisors' Meetings

STAFF:

Catherine A. Chianese, Assistant County Executive

## 2011 Board of Supervisors Meeting Schedule

**DRAFT**

January 11, 2011
January 25, 2011
February 8, 2011
February 22, 2011 Public Comment
March 8, 2011
March 29, 2011 9:30 to 6:00 pm Board Meeting 6:00 pm – Budget Public Hearings
March 30-March 31, 2011 3:00 pm Budget Public Hearings
April 12 2011 Budget Markup
April 26, 2011 Budget Adoption/ Public Comment
May 10, 2011
May 24, 2011

June 7, 2011
June 21, 2011 Public Comment
July 12, 2011
July 26, 2011 Public Comment
August 2, 2011 No Afternoon Public Hearings
September 13, 2011
September 27, 2011
October 18, 2011 Public Comment
November 15, 2011
December 6, 2011 Public Comment

Please note that Board Meeting dates are on Tuesdays

Board Agenda Item  
September 14, 2010

INFORMATION - 1

Planning Commission Action on Application 2232-H10-1, Fairfax County Park Authority  
(Hunter Mill District)

On Thursday, July 22, 2010, the Planning Commission voted 7-0-1 (Commissioner Donahue abstaining; Commissioners Alcorn and Hall not present for the vote; Commissioners Harsel and Sargeant absent from the meeting) to approve 2232-H10-1 for the Stratton Woods Park modifications.

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-H10-1 sought approval to modify park facilities at Stratton Woods Park, located at 2431 Fox Mill Road, Reston. The modifications include the addition of lights to the 90' diamond field, tennis courts and parking area, relocation of the sand volleyball court and picnic shelter, and the addition of a lighted racquet court complex. (Tax Map 25-2 ((1)) 4, 5, 6, 7, 8, 9, 10).

ENCLOSED DOCUMENTS:

Attachment 1: Verbatim excerpts from 7/22/10 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. Lipka, Executive Director, Planning Commission Office

2232-H10-1 - FAIRFAX COUNTY PARK AUTHORITY (Stratton Woods Park)

Decision Only During Commission Matters  
(Public Hearing held on July 15, 2010)

Commissioner de la Fe: Two down. Okay. The third one, Mr. Chairman, relates to the Master Plan Amendment to the Fairfax County Park Authority's Stratton Woods Park. The public hearing for this case was held on July 15, 2010. At that hearing, three speakers spoke; two opposed and one was in favor. The concerns expressed at the public hearing related primarily to lighting the 90-foot diamond field and the resultant negative effects of doing so, especially related to noise and traffic. As documented in the staff report and the Park's Master Plan, the issues raised at our public hearing and subsequently, had been raised during the Park Authority's own process for amending the Park's Master Plan. Although the Park Authority's approved Master Plan reflects many of the community's concerns, including not lighting the rectangular field which is much closer to the residences, issues related to lights and noise continue to be raised. Although the Master Plan responses to issues raised at the public hearing and at the Land Use Committee address the issues, the Park Authority's Park Planning Manager, Sandy Stallman, has submitted for the record responses to the issues as enumerated by Supervisor Hudgins in a memo to me that I received today. I believe that the Park Authority's responses are satisfactory in that they in effect put down on paper everything that has been said in response to the issues. As part of its recommendation for approval, the Hunter Mill Land Use Committee requested that the 90-foot diamond lights be turned off earlier than the 11 p.m. requirements of the Ordinance. The Committee recommended 10 p.m. as the cut-off time. The Park Authority agreed to work with all involved in assuring that there is an earlier than 11 p.m. cut-off time. The Park Authority has a number of similar facilities that have a 10 or 10:30 p.m. cut-off. There is one issue that was raised in an e-mail concerning lighting athletic facilities in Reston. Contrary to what was stated in that e-mail, there are numerous lighted facilities within the formal boundaries of Reston, including numerous tennis courts and, of course, the various fields at South Lakes High School and a diamond field at Baron Cameron Park. Lake Fairfax Park, which abuts the formal Reston boundaries, has numerous lighted sports fields. Mr. Chairman, as with all 2232 applications, the Planning Commission is asked to determine whether the proposal is substantially in accord with the provisions of the adopted Comprehensive Plan with respect to location, character, and extent. We cannot impose development conditions with our decision. However, I expect that the Park Authority will work with everyone concerned to satisfy the concerns of the neighbors as it moves to implement its Master Plan and as it has testified, not only here but in the formal written response to Supervisor Hudgins' questions. Therefore, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION, IN ACCORDANCE WITH *VIRGINIA CODE* SECTION 15.2-2232, FIND THE PROPOSAL FROM THE FAIRFAX COUNTY PARK AUTHORITY, 2232-H10-1 CONCERNING STRATTON WOODS PARK, IS IN ACCORD WITH THE PROVISIONS OF THE ADOPTED COMPREHENSIVE PLAN AND SHOULD BE APPROVED.

Commissioner Hart: Second.

Chairman Murphy: Seconded by Mr. Hart. Is there a discussion of the motion? All those in favor of the motion to approve 2232-H10-1, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Mr. Donahue abstains. Ms. Hall is now out of the room.

//

(The motion carried by a vote of 7-0-1 with Commissioner Donahue abstaining; Commissioners Alcorn and Hall not present for the vote; Commissioners Harsel and Sargeant absent from the meeting.)

KAD

# PLANNING DETERMINATION



Section 15.2 -2232 of the Code of Virginia

**Number:** 2232-H10-1

**District:** Hunter Mill

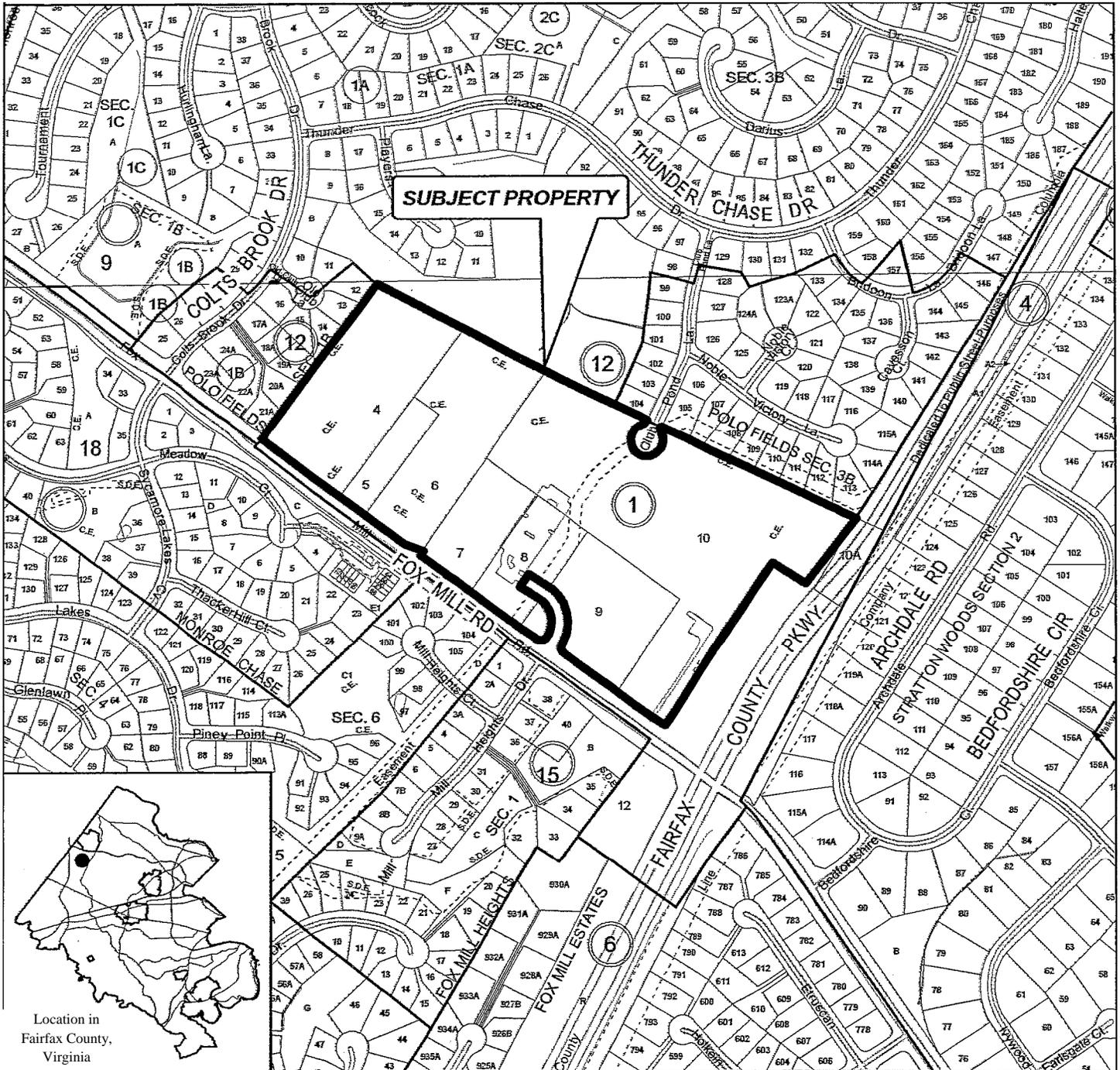
**Acreage:** 30 Ac. Planned

**Subject Property:** 25-2 ((1)) 4, 5, 6, 7, 8, 9, 10 **Applicant:** Fairfax

**Use:** Public Park

County Park Authority

**Proposed Use:** Additional Park Facilities Including Lighting, Tennis Courts and a Parking Area



500 FEET

PREPARED BY THE DEPARTMENT OF PLANNING AND ZONING  
USING FAIRFAX COUNTY 6IS



Board Agenda Item  
September 14, 2010

INFORMATION – 2

County Holiday Schedule – Calendar Year 2011

A proposed calendar year 2011 Holiday Schedule for Fairfax County Government has been prepared. County employees are authorized 11 ½ holidays in each calendar year (12 ½ every fourth year for Inauguration Day).

The proposed holiday schedule for 2011 lists the Federal Government holidays as well as those of the Fairfax County Public Schools. State employees and the Courts observe the Commonwealth of Virginia designated holidays; however at present, the Commonwealth's holiday schedule is not yet approved. Once approved, the state holidays will be added and a revised chart will be posted on the County's intranet.

Unless otherwise directed by the Board of Supervisors, the enclosed will be adopted as the holiday schedule for calendar year 2011.

ENCLOSED DOCUMENTS:

Attachment 1 – Proposed Holiday Schedule – 2011

STAFF:

Anthony H. Griffin, County Executive  
Susan Woodruff, Human Resources Director

**Proposed Holiday Schedules – Calendar Year 2011**

<b>HOLIDAY</b>	<b>OBSERVED DAY - DATE</b>	<b>FAIRFAX COUNTY GOVERNMENT</b>	<b>FAIRFAX COUNTY PUBLIC SCHOOLS*</b>	<b>FEDERAL GOVERNMENT</b>
New Year's Day	Friday Dec 31 2010	X	X	X
Lee-Jackson Day	Friday Jan 14	regular work day	regular work day	regular work day
Martin Luther King, Jr. Day	Monday Jan 17	X	X	X
George Washington's Day	Monday Feb 21	X	X	X
Memorial Day	Monday May 30	X	X	X
Independence Day	Monday July 4	X	X	X
Labor Day	Monday Sept 5	X	X	X
Columbus Day	Monday Oct 10	X	X	X
Veterans Day	Friday Nov 11	X	regular work day	X
Thanksgiving Day	Thursday Nov 24	X	X	X
Day after Thanksgiving	Friday Nov 25	X	X	regular work day
Christmas Eve Day	Friday Dec 23	X (half day)	X	regular work day
Christmas Day	Monday Dec 26	X	X	X
Floating Holiday/Additional Time Off	Thursday Dec 30	regular work day	X	regular work day
Total Holidays		11½	12	10

\* Holidays for the FY2012 school calendar that fall in calendar year 2011 (July 1, 2011 – December 31, 2011) have not been finalized. The actual date of some holidays may change to accommodate the student calendar.

INFORMATION - 3

Fairfax-Falls Church Community Services Board FY 2011 Fee Schedule

Since its establishment in 1969, the Fairfax-Falls Church Community Services Board (CSB) has complied with Section 37.1-197(B) (7) of the Code of Virginia, which states that the CSB shall prescribe a reasonable schedule of fees for services provided by personnel or facilities under the jurisdiction or supervision of the Board and establish procedures for the collection of the same.

The CSB ensures compliance with the Code of Virginia in four ways: (1) conducts a review of fee related materials by the CSB's Fee Policy Committee comprised of CSB Board members; (2) posts a Notice of Public Comment and accepts written comments regarding Proposed Fees for the next fiscal year; (3) distributes copies of the proposed fee changes to Board of Supervisors' District Offices, the Fairfax County Regional Libraries, the Fairfax County Government Center main lobby, CSB service sites, the Cities of Fairfax and Falls Church, consumers, and advocates; and (4) accepts comments during the July CSB Board meeting during the agenda item matters of the public.

In accordance with the CSB's Memorandum of Agreement with the Board of Supervisors, and State regulations, on July 28, 2010, the CSB Board approved the following recommendations for FY 2011 collection of fees:

- Rewrote Fee Policy #2120 as *Reimbursement for Services, vs. current title Reimbursement Policy* to ensure every service has a cost and funding source
- Revised Current Schedule of fees to list the Cost of Service, with staff informing consumers the fee they pay is based on their ability to pay if they do not have Medicaid or other insurance
- Implement as soon as possible Financial Assessment & Screening Team (FAST) to research, assess and educate consumers and staff about health access and available federal, state and local assistance programs
- Reinstate charges for missed appointments, no shows
- Initiate use of County's Collection Agency

Unless otherwise directed by the Board of Supervisors, the CSB will direct staff to proceed with the implementation of the FY 2011 Cost of Service Fee Schedule on October 4, 2010. New fees are scheduled to become effective October 4, 2010. Sufficient advance notice of fee changes must be given to consumers.

Board Agenda Item  
September 14, 2010

FISCAL IMPACT:

The FY 2011 Adopted Budget Plan for the CSB includes \$19.9 million in fees. The Cost of Service Fee Schedule is an essential part of the CSB's plan to collect these fees. Throughout FY 2011, the CSB will review and document the CSB's consumers' ability to pay for services received and closely monitor any associated impact on fee revenue.

ENCLOSED DOCUMENT:

Attachment 1 - Fairfax-Falls Church Community Services Board Cost of Service, with consumer self pay based on their ability to pay and the FY 2011 Ability to Pay Scale

STAFF:

Patricia Harrison, Deputy County Executive  
George Braunstein, Executive Director, CSB  
James P. Stratoudakis, Ph.D., Director Quality Management/Emergency Preparedness  
Ginny McKernan, Chief Financial Officer, CSB

# CSB Board Summary of Approved Fees, Billing and Collections Recommendations for FY 2011

Attachment 1

## **Key Influences on CSB Billing and Collections**

- Beeman Implementation Plan: Recommended Fiscal Strategies
- Little or no growth in local and state budget allocations
- Approx 3,500 annual financial intakes and fee-setting events should have occurred: only 44% did
- Income levels of consumers served: 84% make \$25K or less
- BOS initiative to reduce delinquent accounts County-wide. CSB carries \$3.5 mil aged receivables over 120 days old of which 57% or approximately \$1.8 mil is associated with closed consumer cases.

## **Improvement Initiatives for CSB Billing and Collections FY 2010-2011**

- Rewrite CSB Reimbursement Policy to ensure every service has a cost and funding source
- Maximize billing and collection efforts: In FY 2010 CSB at 91.6% of target using Consumer Account Statements, Virginia Debt Set-Off Program, Site Based Pay As You Go
- *New*: Use of Collection Agency to augment existing collection efforts for closed cases (June/July)
- *New*: Financial Assessment & Screening Team (FAST) to conduct comprehensive interviews with consumers about private health insurance coverage and assistance programs (July-Sept)
- *New*: Introduce online payment option to provide ease in making payment (Fall)
- *Revise* Brochure for Consumers: Learn About Our Services, Setting Fees, Available Subsidies, Billing and Insurance Information

## **CSB Board Recommendations for CSB FY 2011 Reimbursement for Services Policy (to take effect 10/4/10)**

- Rewrite Fee Policy #2120 as *Reimbursement for Services, vs. current title Reimbursement Policy*
- Revise Current Schedule of fees to read as and list Cost of Service
- Implement as soon as possible Financial Assessment & Screening Team (FAST)
- Reinstate charges for missed appointments, no shows
- Initiate Use of County's Collection Agency
- Publish Revised Brochure for consumers: To learn about CSB Services, Setting Fees, Available Subsidies and Insurance Information



**FY2011 COST OF SERVICE**  
**Consumer Responsibility,**  
**Subject to Ability to Pay**

Effective October 4, 2010

**PROPOSED 6-17-10**

Service		Cost
---------	--	------

**Admissions, Evaluations & Screenings**

ACCESS Brief Services	Flat Rate	\$25.00 one time fee at second visit and \$5.00 per follow up visit, not subject to ability to pay
Detox Admission (Fairfax Detox/Hospital Detox)	Event	\$30.00 one time fee
Initial Evaluation/Assessment <sup>(c)</sup>	Event	\$150.00
Neurological Testing	Event	\$1,168.00
Other Evaluation/Report	1/4 Hour	\$50.00
Psychiatric Evaluations	1/4 Hour	\$50.00
Psychological Testing	Flat Rate <sup>(b)</sup>	\$150.00
Psychological Testing Battery	Event	\$851.00
Substance Abuse Screening	Flat Rate <sup>(b)</sup>	\$25.00 one time fee

**Outpatient**

Crisis Services/Intervention	1/4 Hour	\$36.00
Family Counseling	Event	\$100.00
Multi-Family Counseling	Event	\$60.00
Group Counseling	Event	\$30.00
Individual Counseling	1/4 Hour	\$30.00
Medication Management	Event	\$62.00
Prevention-Consultation and Education	1/4 Hour	\$25.00
Procedure for Injection	Event	\$20.00
Transportation	Monthly	\$100.00
Case Management	Monthly	\$326.50
Support Services	Units	\$91.00
Urine Collection/Drug Screening	Event	\$25.00
Substance Abuse Intensive Outpatient	1/4 Hour	\$31.59

**Day Treatment**

MH Adult Day Treatment	Day Units	\$47.14
MH Adolescent Day Treatment	Day Units	\$47.14
SA Adult Day Treatment	Day Units	\$76.80
SA Adolescent Day Treatment	Day	\$76.80
Psychosocial Rehabilitation	Day Units	\$24.38



**FY2011 COST OF SERVICE**  
**Consumer Responsibility,**  
**Subject to Ability to Pay**

Effective October 4, 2010

**PROPOSED 6-17-10**

Service		Cost
---------	--	------

**Residential**

A New Beginning ADS Residential Contract Program	Bed Day	\$224.55
Steps to Recovery	Monthly	\$260-\$410
Crisis Care Youth	Bed Day	\$655.47
Crossroads (Youth)	Bed Day	\$331.62
Crossroads (Adult)	Bed Day	\$156.96
Drop-In Support Services	<i>Hourly</i>	Not to exceed 10% of gross income
Intensive Residential Support Services	Monthly	75% of monthly gross income
HUD Res. Support Services	Monthly	30% of monthly gross income
New Generations	Bed Day	\$130.00
Re-entry Apartments	Monthly	\$104-\$210
Residential Waiver Services	Hourly	\$17.63
Woodburn Place-Crisis Stabilization Service	Hourly	\$123.41

**Ancillary Charges**

Lab Tests	Flat Rate <sup>(b)</sup>	Actual Cost
Legal Testimony	1/4 Hour	\$25.00
Release of Information:		
Copying	Per Page - Up to 50 Pages	50¢
	Per Page - 51 Pages and Up	25¢
Research	Event	\$10.00
Workman's Compensation	Event	\$15.00
Returned Check	Flat Rate <sup>(b)</sup>	\$25.00
Missed Appointment	Flat Rate <sup>(b)</sup>	\$25.00

<sup>(b)</sup> Flat rate charges not subject to subsidy.

<sup>(c)</sup> School and Juvenile Court referrals for initial evaluation and assessment are not charged a fee.

**FY2011 ABILITY-TO-PAY SCALE: Updated with 2009 Poverty Guidelines and Median Household Income**  
**FOR DIRECT CLIENT PAYMENT**  
**Fairfax-Falls Church Communtiy Services Board**

Percent Client Responsibility	Gross Annual Income and Number of Dependents - Including client(s) and responsible party(ies)					
	1	2	3	4	5	6 or more
100	\$61,597 - and Over	\$72,467 - and Over	<b>\$85,255</b> - and Over	\$106,569 - and Over	\$122,554 - and Over	\$140,937 - and Over
90	\$58,000 - \$61,596	\$68,500 - \$72,466	\$80,800 - \$85,254	\$100,900 - \$106,568	\$116,100 - \$122,553	\$133,500 - \$140,936
80	\$54,400 - \$57,999	\$64,600 - \$68,499	\$76,400 - \$80,799	\$95,200 - \$100,899	\$109,600 - \$116,099	\$126,100 - \$133,499
70	\$50,800 - \$54,399	\$60,700 - \$64,599	\$72,000 - \$76,399	\$89,500 - \$95,199	\$103,100 - \$109,599	\$118,700 - \$126,099
60	\$47,200 - \$50,799	\$56,800 - \$60,699	\$67,600 - \$71,999	\$83,800 - \$89,499	\$96,600 - \$103,099	\$111,300 - \$118,699
50	\$43,600 - \$47,199	\$52,900 - \$56,799	\$63,200 - \$67,599	\$78,100 - \$83,799	\$90,100 - \$96,599	\$103,900 - \$111,299
40	\$36,300 - \$43,599	\$45,000 - \$52,899	\$54,400 - \$63,199	\$66,700 - \$78,099	\$77,200 - \$90,099	\$89,000 - \$103,899
30	\$29,000 - \$36,299	\$37,100 - \$44,999	\$45,600 - \$54,399	\$55,300 - \$66,699	\$64,300 - \$77,199	\$74,100 - \$88,999
20	\$21,700 - \$28,999	\$29,200 - \$37,099	\$36,800 - \$45,599	\$43,900 - \$55,299	\$51,400 - \$64,299	\$59,200 - \$74,099
10	\$16,300 - \$21,699	\$21,900 - \$29,199	\$27,600 - \$36,799	\$33,000 - \$43,899	\$38,600 - \$51,399	\$44,400 - \$59,199
5	<b>\$10,830</b> - \$16,299	<b>\$14,570</b> - \$21,899	<b>\$18,310</b> - \$27,599	<b>\$22,050</b> - \$32,999	<b>\$25,790</b> - \$38,599	<b>\$29,530</b> - \$44,399
Minimum	\$0 - \$10,829	\$0 - \$14,569	\$0 - \$18,309	\$0 - \$22,049	\$0 - \$25,789	\$0 - \$29,529
0	<b>APPROVED THROUGH FEE REVISION ONLY</b>					

Note: The amount of client responsibility for clients with incomes at the minimum level on the scale according to their number of dependents, will be 1% or \$2.00, whichever is higher.

This may be waived only in extreme cases.

08/16/10

Board Agenda Item  
September 14, 2010

11:30 a.m.

Matters Presented by Board Members

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12:20 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. Notice of Claim of Ian Smith and His Family (Hunter Mill District)
  - 2. *Louise Root v. County of Fairfax, et al.*, Case No. 2008-1735 (U.S. Ct. of App. for the Fourth Cir.)
  - 3. *Eugenia B. White v. Fairfax County Government*, Case No. 09-8700 (United States Supreme Court) (White I)
  - 4. *Eugenia B. White v. Fairfax County Government*, Case No. 09A1091 (United States Supreme Court) (White III)
  - 5. *Keisha Carr v. Fairfax County Department of Family Services*, Record No. 0351-10-4 (Va. Ct. App.); *Linda Saifi v. Fairfax County Department of Family Services*, Record No. 0736-10-4 (Va. Ct. App.)
  - 6. *Kathryn T. Hollis, et al. v. Schaefer Pyrotechnics, Inc., et al.*, Case No. CL-2009-0002346 (Fx. Co. Cir. Ct.)
  - 7. *In re Grievance of Eric P. Leeds*, Case No. 1012 (Fx. Co. Civil Serv. Comm'n)

8. *Dr. Rose C. Merchant v. Fairfax County, Virginia, Sharon Bulova, Officer Robert M. Bauer, Officer Jonathan Nytes, Lieutenant Gervais Reed and John Doe 1 Through John Doe 20*, Case No. 1:10-cv-00376-TSE-TRJ (E.D. Va.)
9. *Linda A. Eberhardt v. Fairfax County Employees' Retirement System Board of Trustees*, Court No. 2010-7441 (Fx. Co. Cir. Ct.) (Eberhardt I)
10. *Linda A. Eberhardt v. Fairfax County Employees' Retirement System Board of Trustees*, Case No. 1:10-cv-771 (E.D. Va.) (Eberhardt II)
11. Claim of Khadija Ahmed (Providence District)
12. *Dulles Suites, LLC, v. Virginia Department of Taxation, et al.*, Case No. CL-2010-0009815 (Fx. Co. Cir. Ct.) (Dranesville District)
13. *Bentley Properties, LLC, and Papermoon-Springfield, Inc. v. Board of Zoning Appeals of Fairfax County, Virginia, Board of Supervisors of Fairfax County, Virginia, and Eileen M. McLane, Fairfax County Zoning Administrator*, Case No. CL-2009-0006589 (Fx. Co. Cir. Ct.) (Lee District)
14. *Board of Supervisors of Fairfax County, Virginia v. Satish Abrol, Kiran Abrol, Varinder Abrol, Suman Abrol, and Guaranty Residential Lending, Inc.*, Case No. CL-2000-0189010 (Fx. Co. Cir. Ct.) (Dranesville District)
15. *Kenneth R. Andersen v. Zoning Administrator of Fairfax County*, Case No. CL-2010-0006912 (Fx. Co. Cir. Ct.) (Hunter Mill District)
16. *Board of Supervisors of Fairfax County, Virginia v. NewPath Networks, LLC*, Case No. CL-2010-0005141 (Fx. Co. Cir. Ct.) (Dranesville District)
17. *Craig J. Blakeley and Kathleen M. McDermott v. Board of Supervisors of Fairfax County, Virginia*, Case No. CL-2010-0005765 (Fx. Co. Cir. Ct.) (Mason District)
18. *SCI Virginia Funeral Services, Inc. v. Fairfax County Board of Zoning Appeals, et al.*, Case No. CL-2010-0000268 (Fx. Co. Cir. Ct.); *Eileen M. McLane, Fairfax County Zoning Administrator v. SCI Virginia Funeral Services, Inc.*, Case No. CL-2010-0004119 (Fx. Co. Cir. Ct.) (Providence District)

19. *LM 734 LC, trading as Comstock Tree Farm v. Board of Supervisors of Fairfax County, Virginia*, Case No. CL-2010-0011474 (Fx. Co. Cir. Ct.) (Dranesville District)
20. *Eileen M. McLane, Fairfax County Zoning Administrator v. Olumuyiwa Olaseinde and Wuraola Olaseinde*, Case No. CL-2009-0015549 (Fx. Co. Cir. Ct.) (Lee District)
21. *Eileen M. McLane, Fairfax County Zoning Administrator v. Yong Ho Kwon and Kristi L. Karls*, Case No. CL-2009-0010821 (Fx. Co. Cir. Ct.) (Mason District)
22. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Karla Soriagalvarro*, Case No. CL-2008-0004726 (Fx. Co. Cir. Ct.) (Lee District) (Strike Team Case)
23. *Eileen M. McLane, Fairfax County Zoning Administrator v. Judy Mark*, Case No. CL-2009-0010262 (Fx. Co. Cir. Ct.) (Braddock District)
24. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Edward L. Miller and Virginia P. Miller*, Case No. CL-2008-0010203 (Fx. Co. Cir. Ct.) (Lee District)
25. *Eileen M. McLane, Fairfax County Zoning Administrator v. Victor Veizaga and Benedicta Chambi*, Case No. CL-2010-0002571 (Fx. Co. Cir. Ct.) (Providence District)
26. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Peter L. Johnson, Lloyd K. Johnson, and Virginia M. Johnson*, Case No. CL-2009-0010551 (Fx. Co. Cir. Ct.) (Mount Vernon District)
27. *Eileen M. McLane, Fairfax County Zoning Administrator v. Arturo Castellon*, Case No. CL-2008-0004426 (Fx. Co. Cir. Ct.) (Springfield District)
28. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Wells Fargo Bank, N.A., Trustee for Carrington Mortgage Loan Trust*, Case No. CL-2010-0000347 (Fx. Co. Cir. Ct.) (Mount Vernon District) (Strike Team/BNV Case)

29. *Eileen M. McLane, Fairfax County Zoning Administrator v. Jaime R. Rueda*, Case No. CL-2009-0008709 (Fx. Co. Cir. Ct.) (Mason District)
30. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Norman Mesewicz*, Case No. CL-2007-0008884 (Fx. Co. Cir. Ct.) (Braddock District)
31. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Sonia Montecinos and Ruben Perez*, Case No. CL-2007-0007570 (Fx. Co. Cir. Ct.) (Lee District)
32. *Eileen M. McLane, Fairfax County Zoning Administrator v. Duane S. Whitney, Edward N. Whitney, Arthur M. Whitney, Pamela V. Whitney, Rhonda L. Whitney, Candace Alexander, and Jeanette Alexander*, Case No. CL-2007-0005644 (Fx. Co. Cir. Ct.) (Providence District)
33. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Adeeb S. Ibrahim, Jr.*, CL-2008-0005850 (Fx. Co. Cir. Ct.) (Lee District)
34. *Eileen M. McLane, Fairfax County Zoning Administrator v. Kyu H. Choe*, Case No. CL-2008-0014034 (Fx. Co. Cir. Ct.) (Lee District)
35. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Scott W. Pruitt*, Case No. CL-2009-0013751 (Fx. Co. Cir. Ct.) (Springfield District)
36. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Ronald Tonstad*, Case No. CL-2009-0013132 (Fx. Co. Cir. Ct.) (Mason District)
37. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Leo S. Morrison, Jr.*, Case No. CL-2008-0012787 (Fx. Co. Cir. Ct.) (Dranesville District)
38. *Eileen M. McLane, Fairfax County Zoning Administrator v. Patricio Paucar and Rafael A. Soler*, Case No. CL-2009-0010199 (Fx. Co. Cir. Ct.) (Mason District)

39. *Eileen M. McLane, Fairfax County Zoning Administrator v. Azhar Iqbal*, Case No. CL-2010-0001666 (Fx. Co. Cir. Ct.) (Sully District) (Strike Team Case)
40. *Eileen M. McLane, Fairfax County Zoning Administrator v. George T. West and Ingrid E. Gendell*, Case No. CL-2009-0014809 (Fx. Co. Cir. Ct.) (Mason District)
41. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Antonio Pereira*, Case No. CL-2009-0017509 (Fx. Co. Cir. Ct.) (Dranesville District) (Strike Team Case)
42. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Joshua James McKinney and Amanda Anne McKinney*, Case No. CL-2010-0002668 (Fx. Co. Cir. Ct.) (Dranesville District)
43. *Eileen M. McLane, Fairfax County Zoning Administrator v. Freddie L. Gaskins and Sandra M. Gaskins*, Case No. CL-2010-0002572 (Fx. Co. Cir. Ct.) (Providence District)
44. *Eileen M. McLane, Fairfax County Zoning Administrator v. Patricia Beatriz Medrano*, Case No. CL-2010-0006848 (Fx. Co. Cir. Ct.) (Springfield District) (Strike Team Case)
45. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Douglas E. Wood and Dena R. Bergstrom*, Case No. CL-2009-0016209 (Fx. Co. Cir. Ct.) (Dranesville District)
46. *Eileen M. McLane, Fairfax County Zoning Administrator v. David J. Moore, Jr., and Sterling Moore*, Case No. CL-2010-0004272 (Fx. Co. Cir. Ct.) (Mason District)
47. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Joseph J. Dunn*, Case No. CL-2010-0002477 (Fx. Co. Cir. Ct.) (Lee District)
48. *Eileen M. McLane, Fairfax County Zoning Administrator v. Ragnar Magnusson*, Case No. CL-2010-0002792 (Fx. Co. Cir. Ct.) (Providence District)

49. *Eileen M. McLane, Fairfax County Zoning Administrator v. Henry Wilson and Mary R. Wilson*, Case No. CL-2010-0007946 (Fx. Co. Cir. Ct.) (Mount Vernon District)
50. *Eileen M. McLane, Fairfax County Zoning Administrator v. Hyun B. Lee and Sook J. Lee*, Case No. CL-2010-0003306 (Fx. Co. Cir. Ct.) (Mason District)
51. *Eileen M. McLane, Fairfax County Zoning Administrator v. Winkal Holdings, L.L.C., d/b/a Max Cleaners*, Case No. CL-2010-0003572 (Fx. Co. Cir. Ct.) (Providence District)
52. *Eileen M. McLane, Fairfax County Zoning Administrator v. Kim-Dung Le and Sang V. Ha*, Case No. CL-2010-0009686 (Fx. Co. Cir. Ct.) (Mason District)
53. *Eileen M. McLane, Fairfax County Zoning Administrator v. Kingsway Limited Partnership and Miguelito Chicken, Inc.*, Case No. CL-2010-0001018 (Fx. Co. Cir. Ct.) (Lee District)
54. *Eileen M. McLane, Fairfax County Zoning Administrator v. Marcos C. Vieira and Maria Elena Vieira*, Case No. CL-2010-0005428 (Fx. Co. Cir. Ct.) (Mason District)
55. *Eileen M. McLane, Fairfax County Zoning Administrator v. Victor M. Valencia and Maria Palacios*, Case No. CL-2010-0002667 (Fx. Co. Cir. Ct.) (Providence District)
56. *Eileen M. McLane, Fairfax County Zoning Administrator v. Jong S. Kim and Myoung S. Kim*, Case No. CL-2010-0004488 (Fx. Co. Cir. Ct.) (Springfield District)
57. *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)
58. *Eileen M. McLane, Fairfax County Zoning Administrator v. Juan R. Chicas*, Case No. CL-2010-0005599 (Fx. Co. Cir. Ct.) (Lee District)

59. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Guillermo Renato Garcia and Lenny Quiroz, Case No. CL-2010-0007947 (Fx. Co. Cir. Ct.) (Lee District) (Strike Team/BNV Case)*
60. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Naomi E. Winkler, Case No. CL-2010-0007025 (Fx. Co. Cir. Ct.) (Braddock District)*
61. *Eileen M. McLane, Fairfax County Zoning Administrator v. Thinh V. Luong and Thuy T. Trinh, CL-2010-0008779 (Fx. Co. Cir. Ct.) (Mason District)*
62. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Toetie Jones, Case No. CL-2010-0010295 (Fx. Co. Cir. Ct.) (Braddock District)*
63. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Victor Dunbar, Case No. CL-2010-0010221 (Fx. Co. Cir. Ct.) (Dranesville District)*
64. *Eileen M. McLane, Fairfax County Zoning Administrator v. Mounir Badawy, Case No. CL-2010-0010675 (Fx. Co. Cir. Ct.) (Dranesville District)*
65. *Eileen M. McLane, Fairfax County Zoning Administrator v. Fleet Properties, Inc., and K&H Lawn Services, Inc., Case No. CL-2010-0010676 (Fx. Co. Cir. Ct.) (Providence District)*
66. *Eileen M. McLane, Fairfax County Zoning Administrator v. Miguel Angel Alvarez and Delmi Aurora Alvarez, Case No. CL-2010-0010724 (Fx. Co. Cir. Ct.) (Mount Vernon District)*
67. *Eileen M. McLane, Fairfax County Zoning Administrator v. Nowsherwan A. Davis and Karina Davis, Case No. CL-2010-0010033 (Mason District)*
68. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Ted J. Fares, Case No. CL-2010-0011113 (Fx. Co. Cir. Ct.) (Mason District)*
69. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Steven Sherman, Case No. CL-2010-0011269 (Fx. Co. Cir. Ct.) (Providence District)*

70. *Eileen M. McLane, Fairfax County Zoning Administrator v. Maria E. Alvarenga and Juan C. Abarca*, Case No. CL-2010-0011199 (Fx. Co. Cir. Ct.) (Mount Vernon District)
71. *Eileen M. McLane, Fairfax County Zoning Administrator v. Hiep V. Nguyen and Thu T. T. Nguyen*, Case No. CL-2010-0011200 (Fx. Co. Cir. Ct.) (Mason District)
72. *Eileen M. McLane, Fairfax County Zoning Administrator v. Suseon P. Lee*, Case No. CL-2010-0011224 (Fx. Co. Cir. Ct.) (Mason District)
73. *Eileen M. McLane, Fairfax County Zoning Administrator v. Rosa E. Martinez*, Case No. CL-2010-0011285 (Fx. Co. Cir. Ct.) (Mason District)
74. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Michel Vallet*, Case No. CL-2010-0011361 (Fx. Co. Cir. Ct.) (Dranesville District)
75. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Paul J. Gayet, Trustee of the Gayet Living Trust*, Case No. CL-2010-0011467 (Fx. Co. Cir. Ct.) (Mason District) (Strike Team Case)
76. *Eileen M. McLane, Fairfax County Zoning Administrator v. Jesus T. Vargas-Veizaga and Sdenka M. Valencia-Gutierrez*, Case No. CL-2010-0011734 (Fx. Co. Cir. Ct.) (Providence District)
77. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Bonnie June Speakman*, Case No. CL-2010-0011818 (Fx. Co. Cir. Ct.) (Dranesville District)
78. *Eileen M. McLane, Fairfax County Zoning Administrator v. Young Ja Joo*, Case No. CL-2010-0011817 (Fx. Co. Cir. Ct.) (Mason District)
79. *Eileen M. McLane, Fairfax County Zoning Administrator v. Satish Amin*, Case No. CL-2010-0011816 (Fx. Co. Cir. Ct.) (Mason District)
80. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Patricia A. Snyder*, Case No. CL-2010-0011971 (Fx. Co. Cir. Ct.) (Hunter Mill District)

81. *Eileen M. McLane, Fairfax County Zoning Administrator v. Porter C. Lindsay*, Case No. CL-2010-0011929 (Fx. Co. Cir. Ct.) (Lee District)
82. *Eileen M. McLane, Fairfax County Zoning Administrator v. Santos E. Martinez*, Case No. CL-2010-0012138 (Fx. Co. Cir. Ct.) (Lee District)
83. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Laird Graham Minor*, Case No. CL-2010-0012137 (Fx. Co. Cir. Ct.) (Providence District) (Strike Team/BNV Case)
84. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Pauline Mock and William H. Mock*, Case Nos. 10-0020842 and 10-0020843 (Fx. Co. Gen. Dist. Ct.) (Springfield District)
85. *Eileen M. McLane, Fairfax County Zoning Administrator v. KLM and Mary Ellen Talbert*, Case Nos. 10-0020947 and 10-0020948 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
86. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Ena Moran-Palma*, Case Nos. 10-0021121 and 10-0021122 (Fx. Co. Gen. Dist. Ct.) (Lee District)
87. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Paul D. Robertson*, Case Nos. 10-0021259 and 10-0021260 (Fx. Co. Gen. Dist. Ct.) (Lee District)
88. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Laura E. Taylor*, Case Nos. 10-0015229 and 10-0015230 (Fx. Co. Gen. Dist. Ct.) (Lee District)
89. *Board of Supervisors of Fairfax County, Virginia v. TWG Ashton Commons, LLC*, Case No. CL-2010-0007201 (Fx. Co. Cir. Ct.) (Mason District)

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Board Agenda Item  
September 14, 2010

3:30 p.m.

Public Hearing on RZ 2009-MV-023 (INOVA Health Care Services) to Rezone from C-3 to PDC to Permit Commercial Development with an Overall Floor Area Ratio of 0.40, Located on Approximately 14.55 Acres, Mount Vernon District

The application property is located in the southeast quadrant of the intersection of Lorton Road and Sanger Street and west of I-95 Tax Map 107-4 ((1)) 75A, 77-82

PLANNING COMMISSION RECOMMENDATION:

On Thursday, July 22, 2010, the Planning Commission voted 7-0-2 (Commissioners Donahue and Hall abstaining; Commissioner Alcorn not present for the votes; Commissioners Harsel and Sargeant absent from the meeting) to recommend the following actions to the Board of Supervisors:

- Approval of RZ 2009-MV-023, subject to the execution of proffers consistent with those dated July 20, 2010;
- Approval of the variance of the requirement that secondary uses in a PDC District not exceed 25 percent of the gross floor area of the principal uses, to allow for a greater proportion of the medical care facility use on this site;
- Modification of the transitional screening requirement and waiver of the barrier requirements along the southern and western property lines, in favor of that shown on the CDP/FDP;
- Modification of the number of loading spaces required by the Zoning Ordinance; and
- Modification of the peripheral parking lot landscaping requirement and off-street parking setback requirement along the northern property line.

In a related action, the Planning Commission voted 7-0-2 (Commissioners Donahue and Hall abstaining; Commissioner Alcorn not present for the vote; Commissioners Harsel and Sargeant absent from the meeting) to approve FDP 2009-MV-023, subject to the Development Conditions dated July 13, 2010 and subject also to Board approval of RZ 2009-MV-023.

ENCLOSED DOCUMENTS:

Attachment 1: Planning Commission Verbatim  
(Staff Report previously furnished)

Board Agenda Item  
September 14, 2010

STAFF:

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

RZ 2009-MV-023 – INOVA HEALTH CARE SERVICES  
FDP 2009-MV-023 – INOVA HEALTH CARE SERVICES

Decision Only During Commission Matters  
(Public Hearing held on July 15, 2010)

Commissioner Flanagan: Thank you, Mr. Chairman. I have two decisions, actually six motions on the Inova Health Care Services application. The Rezoning and Final Development Plan RZ/FDP 2009-MV-023 was the subject of a public hearing held last Thursday, July 15. I deferred the decision to tonight to allow the applicant and the staff time to amend the proffers to take into consideration testimony by the South County Federation, staff, and a recommendation by Commissioner Lawrence. I am pleased to report that the proffers now comport to that testimony. Proffers Numbers 4A, 10B(ii)(c), and 13D(ii), and 14 are now so amended. The South County Land Use Committee and the Federation both in particular are pleased with the changes to Proffers 10 and 14, and that - - and these respond to their testimony. I myself appreciate the proffer that limits drive-through retail uses provided by staff. I, therefore, MOVE with great relief THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF RZ 2009-MV-023, SUBJECT TO THE PROFFERS CONSISTENT WITH THOSE DATED JULY 20, 2010.

Commissioner Litzenberger: Second.

Chairman Murphy: Seconded by Mr. Litzenberger. Is there a discussion of the motion? All those in favor of the motion to recommend to the Board of Supervisors that it approve RZ 2009-MV-023, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Donahue: Mr. Chairman?

Commissioner Hall: Abstain, not present for the public hearing.

Chairman Murphy: Okay, Mr. - - Ms. Hall abstains and Mr. - -

Commissioner Donahue: Abstain also.

Chairman Murphy: - - Donahue abstains. Not present for the public hearing. Mr. Flanagan.

Commissioner Flanagan: Yes. My second MOTION, Mr. Chairman, IS THAT THE PLANNING COMMISSION APPROVE FDP 2009-MV-023, SUBJECT TO THE BOARD OF

**SUPERVISORS' APPROVAL OF RZ 2009-MV-023 AND THE FDP DEVELOPMENT  
CONDITIONS DATED JULY 13, 2010.**

Commissioner Litzenberger: Second.

Chairman Murphy: Seconded by Mr. Litzenberger. Discussion? All those in favor of the motion to approve FDP 2009-MV-023, subject to the Board's approval of the Rezoning and the Conceptual Development Plan, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Flanagan: I next MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF THE VARIANCE OF THE REQUIREMENT THAT SECONDARY USES IN A PDC DISTRICT NOT TO EXCEED 25 PERCENT OF THE GROSS FLOOR AREA OF THE PRINCIPAL USES, TO ALLOW FOR A GREATER PROPORTION OF THE MEDICAL CARE FACILITY USE ON THIS SITE.

Commissioner Litzenberger: Second.

Chairman Murphy: Seconded by Mr. Litzenberger. Is there a discussion? All those in favor, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Flanagan: I MOVE THAT THE PLANNING COMMISSION also RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF THE MODIFICATION OF THE TRANSITIONAL SCREENING REQUIREMENT AND WAIVER OF THE BARRIER REQUIREMENTS ALONG THE SOUTHERN AND WESTERN PROPERTY LINES, IN FAVOR OF THAT SHOWN ON THE CDP/FDP.

Commissioner Litzenberger: Second.

Chairman Murphy: Seconded by Mr. Litzenberger. Is there a discussion? All those in favor, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Flanagan: I MOVE THAT THE PLANNING COMMISSION also RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF THE MODIFICATION OF THE REQUIRED NUMBER OF LOADING SPACES, AS REQUIRED BY THE ZONING ORDINANCE.

Commissioner Litzenberger: Second.

Chairman Murphy: Seconded by Mr. Litzenberger. Discussion? All those in favor, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Flanagan: And finally, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF THE MODIFICATION OF THE PERIPHERAL PARKING LOT LANDSCAPING REQUIREMENT AND OFF-STREET PARKING SETBACK REQUIREMENT ALONG THE NORTHERN PROPERTY LINE.

Commissioner Litzenberger: Second.

Chairman Murphy: Seconded by Mr. Litzenberger. Discussion? All those in favor of the motion, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. And Kara, those abstentions go all the way through.

Commissioner Flanagan: Mr. Chairman?

Chairman Murphy: Yes.

Commissioner Flanagan: Yes, I would also like to note that Dave Sittler and Sarah Hall are in the audience I see. And I want to commend them for the outstanding work that they did in addressing all the current concerns of the community to the fullest extent, and it required a lot of give and take, but we did finally have a clean decision this evening, and I know that that was Sarah's high priority and she's accomplished that. So, I think Inova owes her - - I think a compliment of thanks. Thank you, Mr. Chairman.

Chairman Murphy: Thank you.

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(The motions carried by votes of 7-0-2 with Commissioners Donahue and Hall abstaining; Commissioner Alcorn not present for the votes; Commissioners Harsel and Sargeant absent from the meeting.)

KAD

Board Agenda Item  
September 14, 2010

3:30 p.m.

Public Hearing on SE 2010-HM-008 (Trustees of the Mount Pleasant Baptist Church) to Permit Site Modifications to an Existing Church with Private School of General Education and Child Care Center with a Maximum Enrollment of 99 Children, Located on Approximately 6.62 Acres, Zoned R-1, Hunter Mill District

The application property is located at 2516, 2520, 2524 and 2525 Squirrel Hill Road, Tax Map 15-4 ((1)) 27, 28, 29 and 32.

PLANNING COMMISSION RECOMMENDATION:

On Thursday, July 29, 2010, the Planning Commission voted unanimously (Commissioner Alcorn not present for the vote; Commissioner Donahue absent from the meeting) to recommend that the Board of Supervisors approve SE 2010-HM-008, subject to the proposed Development Conditions dated July 14, 2010.

The Commission also voted unanimously (Commissioners Alcorn and Flanagan not present for the vote; Commissioner Donahue absent from the meeting) to recommend that the Board modify the transitional screening requirements and waive the barrier requirements along all lot lines in favor of the existing vegetation, as depicted on the SE Plat.

ENCLOSED DOCUMENTS:

Attachment 1: Planning Commission Verbatim  
(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

SE 2010-HM-008 – TRUSTEES OF THE MOUNT PLEASANT BAPTIST CHURCH

After the Close of the Public Hearing

Chairman Murphy: The public hearing is closed; recognize Commissioner de la Fe.

Commissioner de la Fe: Thank you very much, Mr. Chairman. I realize that it is difficult, particularly as it relates to what has been deemed a historic structure, to in effect allow its disappearance. However, given its condition the fundamental recommendation of the History Commission that it, you know, that it could be demolished, and the conditions that have been added as development conditions to attempt to preserve, you know, and recall what was here once – and I believe in reference to Commissioner Lawrence’s suggestions – those could be good. I also think that there already probably is some foundation for, you know, enhancing what already exists because I believe the Park Authority or Michael Rierson did do extensive, you know, photographic and other analysis of this as part of, you know, of their analysis. So, you know, I mean, the beginnings of the database exist already. So, Mr. Chairman, given all that, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF SE 2010-HM-008, SUBJECT TO THE PROPOSED DEVELOPMENT CONDITIONS DATED JULY 14<sup>TH</sup>, 2010.

Commissioners Lawrence and Sargeant: Second.

Chairman Murphy: Seconded by Mr. Lawrence and Mr. Sargeant. Is there a discussion of the motion? All those in favor of the motion to defer – oh, to approve – I’m so used to deferring everything – to approve SE 2010-HM-008, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner de la Fe: Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF A MODIFICATION OF THE TRANSITIONAL SCREENING YARD REQUIREMENTS AND A WAIVER OF THE BARRIER REQUIREMENTS ALONG ALL LOT LINES IN FAVOR OF THE EXISTING VEGETATION AS DEPICTED ON THE SE PLAT.

Commissioner Lawrence: Second.

Chairman Murphy: Seconded by Mr. Lawrence. Is there a discussion of that motion? All those in favor of the motion, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

//

(The first motion carried unanimously with Commissioner Alcorn not present for the vote; Commissioner Donahue absent from the meeting.)

(The second motion carried unanimously with Commissioners Alcorn and Flanagan not present for the vote; Commissioner Donahue absent from the meeting.)

JN

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Board Agenda Item  
September 14, 2010

3:30 p.m.

Public Hearing on SEA 98-P-030 (Appletree of Fairfax, Inc.) to Amend SE 98-P-030 Previously Approved for a Private School of General Education and Child Care Center to Permit Change in Development Conditions and Associated Modifications to Site Design and Development Conditions (with No Change in Enrollment), Located on Approximately 1.54 Acres Zoned R-2, Providence District

The application property is located at 9655 Blake Lane, Tax Map 48-3 ((19)) 2 and 3.

PLANNING COMMISSION RECOMMENDATION:

On Thursday, June 24, 2010, the Planning Commission voted unanimously to recommend the following actions to the Board of Supervisors:

- Approval of SEA 98-P-030, subject to the proposed Development Conditions dated June 23, 2010, as amended;
- Modification of the transitional screening and barrier requirements on the northwest periphery of the property, adjacent to Lot 15, in favor of that depicted on the SEA Plat; and
- Waiver of the transitional screening and barrier requirements on the northeast periphery of the property along Blake Lane.

The Commission voted 11-0-1 (Commissioner Harsel abstaining) to recommend that the Board of Supervisors waive the loading space requirement.

ENCLOSED DOCUMENTS:

Attachment 1: Planning Commission Verbatim  
(Staff Report previously furnished)

STAFF:

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

SEA 98-P-030 – APPLETREE OF FAIRFAX, INC.

After the Close of the Public Hearing

Chairman Murphy: Public hearing is closed. Mr. Lawrence, please.

Commissioner Lawrence: Thank you, Mr. Chairman. I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF SEA 98-P-030, SUBJECT TO THE PROPOSED DEVELOPMENT CONDITIONS DATED JUNE 23, 2010, AS AMENDED HERE THIS EVENING.

Commissioner Alcorn: Second.

Chairman Murphy: Seconded by Mr. Alcorn. Is there a discussion of the motion? All those in favor of the motion to recommend to the Board of Supervisors that it approve SEA 98-P-030, with the amended development conditions as articulated by Mr. Lawrence, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Lawrence: I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF A MODIFICATION OF THE TRANSITIONAL SCREENING AND BARRIER REQUIREMENTS ON THE NORTHWEST PERIPHERY, ADJACENT TO LOT 15, IN FAVOR OF THAT DEPICTED ON THE SEA PLAT.

Commissioner Lusk: Second.

Chairman Murphy: Seconded by Mr. Lusk. Is there a discussion? All those in favor, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Lawrence: I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF A WAIVER OF THE TRANSITIONAL SCREENING AND BARRIER REQUIREMENTS ON THE NORTHEAST PERIPHERY ON BLAKE LANE.

Commissioner Lusk: Second.

Chairman Murphy: Seconded by Mr. Lusk. Discussion? All those in favor, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Lawrence: Finally, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF A WAIVER OF THE LOADING SPACE REQUIREMENT.

Commissioner Lusk: Second.

Chairman Murphy: Seconded by Mr. Lusk. Discussion? All those in favor, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed?

Commissioner Harsel: Abstain.

Chairman Murphy: Motion carries. Ms. Harsel abstains.

Commissioner Lawrence: Thank you, Mr. Chairman.

Chairman Murphy: Thank you very much. I think we meet - -

Commissioner Lawrence: Thank you to the applicant. Thanks, Kelli, that was a great - - we had a straight-forward application in Providence.

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(The first, second, and third motions carried unanimously.)

(The fourth motion carried by a vote of 11-0-1 with Commissioner Harsel abstaining.)

KAD

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Board Agenda Item  
September 14, 2010

4:00 p.m.

Public Hearing on Spot Blight Abatement Ordinance for 12224 Braddock Road  
(Springfield District)

ISSUE:

Public hearing to adopt a Spot Blight Abatement Ordinance for 12224 Braddock Road (Tax Map No. 076-1-((01))-0005) (Property) and approval of a blight abatement plan for the Property.

RECOMMENDATION:

The County Executive recommends that the Board adopt an ordinance to declare 12224 Braddock Road blighted, constituting a nuisance, and approve the blight abatement plan for the Property.

TIMING:

On July 13, 2010, the Board authorized advertisement of this public hearing to be held Tuesday, September 14, 2010, at 4:00 p.m.

BACKGROUND:

Va. Code Ann. § 36.49.1:1 (Supp. 2010) (Spot Blight Abatement Statute) allows the Board, by ordinance, to declare a blighted property a nuisance, thereby enabling abatement in accordance with Va. Code Ann. § 15.2-900 (2008) or Va. Code Ann. § 15.2-1115 (2008) (Abatement of Nuisance Statutes). The Abatement of Nuisance Statutes permits the County to compel the abatement or removal of nuisances. If, after reasonable notice, the owner(s) fails to abate or obviate the nuisance, the County may abate the nuisance in which event the property owner(s) may then be charged for the costs of abatement, which may be collected from the property owner(s) in any manner provided by law for the collection of state or local taxes.

Properties are considered "blighted" under the Spot Blight Abatement Statute if they meet the definition for "Blighted property" established under Va. Code Ann. 36-3 (Supp. 2010) which defines a blighted property as "any individual commercial, industrial, or residential structure or improvement that endangers the public's health, safety, or welfare because the structure or improvement upon the property is dilapidated, deteriorated, or violates minimum health and safety standards, or any structure or improvement previously designated as blighted pursuant to § 36-49.1:1, under the process for determination of 'spot blight.'"

Board Agenda Item  
September 14, 2010

In November 1996, the Board authorized the implementation of a Blight Abatement Program using the Spot Blight Abatement Statute to address citizen concerns about specific properties in their communities which were abandoned, dilapidated, or otherwise kept in an unsafe state. Under guidelines established by the Board, a property can be considered "blighted" for purposes of a County Abatement Ordinance under the Spot Blight Abatement Statute if it meets the definition for of "Blighted property" under Va. Code Ann. 36-3 (Supp. 2010) and if it meets all of the following conditions:

1. It has been vacant and/or boarded up for at least one year.
2. It has been the subject of complaints.
3. It is no longer being maintained for useful occupancy.
4. It is in a dilapidated condition or lacks normal maintenance or upkeep.

The property located at 12224 Braddock Road was initially referred to the Blight Abatement Program (BAP) on October 22, 1998 and has had a history of partial attempts at compliance by the owner, in response to requests by county staff, followed by further decline over these intervening years. Located on the subject property are a vacant, one and a half story dwelling and at least one outbuilding. In addition, the property contains large amounts of storage of hoarded materials.

The residential structure was constructed in 1955 according to Fairfax County Tax Records and has been vacant since at least early 2002, when BAP staff determined that the dwelling lacked a potable water supply as a result of a failure of the well on the property. Although staff has been advised by the owner's attorney that a new well would be necessary to restore potable water to the dwelling, staff was further advised that conservation requirements in that area may be restricting the redrilling of the well. Public water is not currently available in this area.

The lack of potable water available to the dwelling is in addition to the numerous property maintenance deficiencies of the improvements on the property that BAP staff has requested correction from the owner. Records dating back to September 12, 1978 show that the dwelling was placarded unfit/unsafe for human habitation. BAP staff feel that the structures in their current condition are not economically feasible to repair and need to be demolished.

This property has been reviewed by the Neighborhood Enhancement Task Force (NETF) on December 17, 1998 and again on October 25, 2002. The NETF Committee found that the subject property met the blighted property guidelines both instances and the property received preliminary blight determinations. Notice was sent to the owner advising him of this determination. The owner acknowledged the Notices and responded through his attorney that repairs would be performed.

Board Agenda Item  
September 14, 2010

Minor repairs were performed along with minor cleanup of the property and compliance was deemed acceptable.

On October 21, 2009, the Neighborhood Enhancement Task Force (NETF) reviewed the subject property once again and the Committee found that the subject property met the blighted property guidelines, and the property received a preliminary blight determination. Certified and regular Notice were sent to the owner advising him of this determination. The owner responded with a plan requesting eight to twelve months to make repairs. The property was monitored by staff and to date the owner has not made any reasonable progress towards compliance. This property has a long history and poses an attractive nuisance to the surrounding community.

In accordance with the Spot Blight Abatement Statute, the Board, by ordinance, may declare the Property to be blighted, and to constitute a nuisance, and approve abatement of blight as allowed under the Va. Code Ann. § 15.2-1115 (2008). State code requires that the Board provide notice concerning adoption of such an ordinance. Notice was published on August 26, 2010 and September 2, 2010.

Although the County will continue to seek cooperation from the owner to eliminate the blighted conditions on the Property, it is requested that a public hearing, in accordance with the Spot Blight Abatement Statute, be held to adopt an Ordinance declaring the Property to be blighted and to constitute a nuisance. At the public hearing, the County will also request authorization to contract for demolition of the blighted structures on the site pursuant to Va. Code Ann. §15.2-1115 (2008) as authorized under the Spot Blight Abatement Statute. If the owner fails to abate the blighted conditions within thirty days after notification to the property owner of the Board's action, the County will proceed with the demolition process for the structures. The County will incur the cost, expending funds that are available in Fund 303, County Construction, Project 009801, Strike Force Blight Abatement. The County will then pursue reimbursement from the owner who is ultimately liable for all abatement costs incurred. A lien will be placed on the property and recorded in the County land and judgment records.

FISCAL IMPACT:

In the event that the blighted conditions are not eliminated by the owner, the County will fund the demolition in Fund 303, County Construction, Project 009801, Strike Force Blight Abatement. Funding is available in Project 009801 to proceed with the demolition estimated to cost approximately \$24,000.

It is anticipated that all of the costs (including direct County administrative costs) of the blight abatement will be recovered from the property owner. Funds recovered will be allocated to the Blight Abatement Program in order to carry out future blight abatement plans.

Board Agenda Item  
September 14, 2010

ENCLOSED DOCUMENTS:

Attachment 1: Property Photographs

Attachment 2: Ordinance for 12224 Braddock Road (Springfield District)

Attachment 3: Blighted Property Technical Report and Abatement Plan

STAFF:

Jeff Blackford, Director, Department of Code Compliance

David Ellis, Acting Deputy Chief Operations/Logistics, Department of Code Compliance

Christina M. Sadar, Blight Abatement Program Coordinator, Department of Code Compliance

**12224 Braddock Road, Fairfax, VA 22030  
Tax Map # 067-1-((01))-0005  
Springfield  
Attachment 1**



**12224 Braddock Road, Fairfax, VA 22030  
Tax Map # 067-1-((01))-0005  
Springfield  
Attachment 1**



**12224 Braddock Road, Fairfax, VA 22030  
Tax Map # 067-1-((01))-0005  
Springfield  
Attachment 1**



**12224 Braddock Road, Fairfax, VA 22030**  
**Tax Map # 067-1-((01))-0005**  
**Springfield**  
**Attachment 1**



12224 Braddock Road, Fairfax, VA 22030  
Tax Map # 067-1-((01))-0005  
Springfield  
Attachment 1



Debris piles in rear yard

**ORDINANCE FOR 12224 BRADDOCK STREET  
(SPRINGFIELD DISTRICT)**

WHEREAS, a goal of the Fairfax County Board of Supervisors ("Board") is the preservation and improvement of residential neighborhoods and commercial areas; and

WHEREAS, the Code of Virginia empowers localities, by ordinance to declare any blighted property as defined in the Va. Code Ann. § 36.3 (Supp. 2010) to constitute a nuisance and thereupon abate the nuisance pursuant to Va. Code Ann. § 15.2-900 (2008) or § 15.2-1115 (2008).

WHEREAS, the Board has approved the implementation of a blight abatement program authorized by State legislation; and

WHEREAS, citizens have expressed concern about specific properties in their communities which are abandoned, dilapidated or otherwise in an unsafe state; and

WHEREAS, it has been determined that the property located at 12224 Braddock Road (Springfield District) identified on the Fairfax County Tax Map as 067-1-((01))-0005 ("Property") meets the definition of blight as defined in Va. Code Ann. § 36.3 (Supp. 2010);

WHEREAS, the Board desires that the blight constituting a nuisance be abated in accordance with Va. Code Ann. §15.2-1115 (2008), as authorized by Va. Code Ann. § 36-49.1:1 (Supp. 2010);

NOW THEREFORE, BE IT RESOLVED, THAT BY ORDINANCE, the Property is deemed blighted as that term is defined in Va. Code Ann. § 36.3 (Supp. 2010) and the Board hereby determines that the Property constitutes a nuisance.

BE IT FURTHER RESOLVED; THAT BY ORDINANCE the Board hereby directs that the aforementioned nuisance be abated in accordance with the terms of Va. Code Ann. § 15.2-1115 (2008) as authorized by Va. Code Ann. § 36.49.1:1 (Supp. 2010), including without limitation that if the owner of the Property fails to abate or obviate the nuisance within thirty (30) days, Fairfax County may do so by demolishing the improvements on the Property and removing all debris from the site in which event the County may collect the costs thereof from the owner of the Property in any manner provided by law for the collection of state or local taxes.

Upon certification by the County Executive of Fairfax County or his designee that the nuisance has been abated and that all expenses of Fairfax County with respect thereto have been paid in full, this Ordinance shall be deemed of no further force or effect.

**PROPERTY ADDRESS (DISTRICT)**  
12224 Braddock Road (Springfield District)

**TAX MAP NUMBER**  
067-1-((01))-0005

**BLIGHTED PROPERTY TECHNICAL REPORT AND ABATEMENT PLAN**

**PROJECT TITLE (OWNER):** John Sasher    **CASE: #** 200800694/SR# 47972

**OWNER'S ADDRESS:** 5419 Sasher Lane, Fairfax, VA 22030

**ADDRESS OF BLIGHTED PROPERTY:** 12224 Braddock Road, Fairfax, VA 22030

**TAX MAP NO.:** 067-1-((01))-0005    **MAGISTERIAL DISTRICT:** Springfield

**2010 ASSESSED VALUE:** \$ 261,320 **LAND:** \$ 257,000 **IMPROVEMENTS:** \$ 4,320

**PROPERTY ZONING:** RC (Res Conservation 1DU/5AC)    **YEAR BUILT:** 1955

**TAX STATUS:** Current

**DESCRIPTION:**

Located on the subject property are a vacant, one and a half story dwelling and at least one outbuilding. In addition, the property contains large amounts of storage of hoarded materials. The residential structure was constructed in 1955 according to Fairfax County Tax Records and has been vacant since at least early 2002, when BAP staff determined that the dwelling lacked a potable water supply as a result of a failure of the well on the property. Records dating back to September 12, 1978 show that the dwelling was placarded unfit/unsafe for human habitation. The structures in their current condition are not economically feasible to repair and need to be demolished.

**IMPACT OF PROPERTY ON SURROUNDING USES:**

The property in its current state is an attractive nuisance and blight on the surrounding community.

**NATURE OF COMPLAINTS:**

On October 22, 1998, this property was referred to the blight program reference its condition.

**STAFF RECOMMENDATION:**

BAP recommends demolishing the dilapidated structure, outbuilding and removing all storage of materials and debris on the property in the event that the owner fails to cure the blighted conditions of the property after receiving written notice of the Board's adoption of the Blight Abatement Ordinance. Costs of blight abatement, including direct County administrative costs, would then be collected from the property owner.

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Board Agenda Item  
September 14, 2010

4:00 p.m.

Public Hearing on Spot Blight Abatement Ordinance for 3236 Peace Valley Lane  
(Mason District)

ISSUE:

Public hearing to adopt a Spot Blight Abatement Ordinance for 3236 Peace Valley Lane (Tax Map No. 061-1-((01))-0007) (Property) and approval of a blight abatement plan for the Property.

RECOMMENDATION:

The County Executive recommends that the Board adopt an ordinance to declare 3236 Peace Valley Lane blighted, constituting a nuisance, and approve the blight abatement plan for the Property.

TIMING:

On July 13, 2010, the Board authorized advertisement of this public hearing to be held Tuesday, September 14, 2010, at 4:00 p.m.

BACKGROUND:

Va. Code Ann. § 36.49.1:1 (Supp. 2010) (Spot Blight Abatement Statute) allows the Board, by ordinance, to declare a blighted property a nuisance, thereby enabling abatement in accordance with Va. Code Ann. § 15.2-900 (2008) or Va. Code Ann. § 15.2-1115 (2008) (Abatement of Nuisance Statutes). The Abatement of Nuisance Statutes permits the County to compel the abatement or removal of nuisances. If, after reasonable notice, the owner(s) fails to abate or obviate the nuisance, the County may abate the nuisance in which event the property owner(s) may then be charged for the costs of abatement, which may be collected from the property owner(s) in any manner provided by law for the collection of state or local taxes.

Properties are considered "blighted" under the Spot Blight Abatement Statute if they meet the definition for "Blighted property" established under Va. Code Ann. 36-3 (Supp. 2010) which defines a blighted property as "any individual commercial, industrial, or residential structure or improvement that endangers the public's health, safety, or welfare because the structure or improvement upon the property is dilapidated, deteriorated, or violates minimum health and safety standards, or any structure or improvement previously designated as blighted pursuant to § 36-49.1:1, under the process for determination of 'spot blight.'"

Board Agenda Item  
September 14, 2010

In November 1996, the Board authorized the implementation of a Blight Abatement Program using the Spot Blight Abatement Statute to address citizen concerns about specific properties in their communities which were abandoned, dilapidated, or otherwise kept in an unsafe state. Under guidelines established by the Board, a property can be considered "blighted" for purposes of a County Abatement Ordinance under the Spot Blight Abatement Statute if it meets the definition for of "Blighted property" under Va. Code Ann. 36-3 (Supp. 2010) and if it meets all of the following conditions:

1. It has been vacant and/or boarded up for at least one year.
2. It has been the subject of complaints.
3. It is no longer being maintained for useful occupancy.
4. It is in a dilapidated condition or lacks normal maintenance or upkeep.

The property located at 3236 Peace Valley Lane was referred to the Blight Abatement Program (BAP) on September 21, 2009. Located on the subject property is a vacant, dilapidated, two-story dwelling with a full basement. The property also contains a detached garage and several other accessory structures in various stages of disrepair. The residential structure was constructed in 1906 according to Fairfax County Tax Records. It has been vacant since at least December 21, 2006, when the property was purchased by the owners for redevelopment purposes. To date the owners has not submitted any plans to the County for redevelopment or maintained the property in any manner. When the initial complaint was received the structures were open and there was evidence of vandalism. The Property Maintenance Code Official ordered the structures secured and at present they are boarded. BAP staff continue to receive complaints reference this property and its condition. BAP staff feel the existing structures are not economically feasible to repair and need to be demolished.

On March 10, 2010, the Neighborhood Enhancement Task Force (NETF) found that the subject property met the blighted property guidelines, and the property received a preliminary blight determination. Certified notice and regular Notice were sent to the owners advising them of this determination. The owners never responded with a blight abatement plan. The structures pose an attractive nuisance to the surrounding community and all attempts by BAP staff to achieve voluntary compliance from the property owners have been unsuccessful.

In accordance with the Spot Blight Abatement Statute, the Board, by ordinance, may declare the Property to be blighted, and to constitute a nuisance, and approve abatement of blight as allowed under the Va. Code Ann. § 15.2-1115 (2008). State code requires that the Board provide notice concerning adoption of such an ordinance. Notice was published on August 26, 2010 and September 2, 2010.

Board Agenda Item  
September 14, 2010

Although the County will continue to seek cooperation from the owners to eliminate the blighted conditions on the Property, it is requested that a public hearing, in accordance with the Spot Blight Abatement Statute, be held to adopt an Ordinance declaring the Property to be blighted and to constitute a nuisance. At the public hearing, the County will also request authorization to contract for demolition of the blighted structures on the site pursuant to Va. Code Ann. §15.2-1115 (2008) as authorized under the Spot Blight Abatement Statute. If the owners fail to abate the blighted conditions within thirty days after notification to the property owners of the Board's action, the County will proceed with the demolition process for the structures. The County will incur the cost, expending funds that are available in Fund 303, County Construction, Project 009801, Strike Force Blight Abatement. The County will then pursue reimbursement from the owners who are ultimately liable for all abatement costs incurred. A lien will be placed on the property and recorded in the County land and judgment records.

FISCAL IMPACT:

In the event that the blighted conditions are not eliminated by the owners, the County will fund the demolition in Fund 303, County Construction, Project 009801, Strike Force Blight Abatement. Funding is available in Project 009801 to proceed with the demolition estimated to cost approximately \$50,000.

It is anticipated that all of the costs (including direct County administrative costs) of the blight abatement will be recovered from the property owners. Funds recovered will be allocated to the Blight Abatement Program in order to carry out future blight abatement plans.

ENCLOSED DOCUMENTS:

Attachment 1: Property Photographs

Attachment 2: Ordinance for 3236 Peace Valley Lane (Mason District)

Attachment 3: Blighted Property Technical Report and Abatement Plan

STAFF:

Jeff Blackford, Director, Department of Code Compliance

David Ellis, Acting Deputy Chief Operations/Logistics, Department of Code Compliance

Christina M. Sadar, Blight Abatement Program Coordinator, Department of Code Compliance

**3236 Peace Valley Lane, Falls Church VA 22044**  
**Tax Map # 061-1-((01))-0007**  
**Mason**  
**Attachment 1**



**3236 Peace Valley Lane, Falls Church VA 22044**  
**Tax Map # 061-1-((01))-0007**  
**Mason**  
**Attachment 1**



**3236 Peace Valley Lane, Falls Church VA 22044**  
**Tax Map # 061-1-((01))-0007**  
**Mason**  
**Attachment 1**



3236 Peace Valley Lane, Falls Church VA 22044  
Tax Map # 061-1-((01))-0007  
Mason  
Attachment 1



Detached garage (above)  
& dilapidated shed (right)

**ORDINANCE FOR 3236 PEACE VALLEY LANE  
(MASON DISTRICT)**

WHEREAS, a goal of the Fairfax County Board of Supervisors ("Board") is the preservation and improvement of residential neighborhoods and commercial areas; and

WHEREAS, the Code of Virginia empowers localities, by ordinance to declare any blighted property as defined in the Va. Code Ann. § 36.3 (Supp. 2010) to constitute a nuisance and thereupon abate the nuisance pursuant to Va. Code Ann. § 15.2-900 (2008) or § 15.2-1115 (2008).

WHEREAS, the Board has approved the implementation of a blight abatement program authorized by State legislation; and

WHEREAS, citizens have expressed concern about specific properties in their communities which are abandoned, dilapidated or otherwise in an unsafe state; and

WHEREAS, it has been determined that the property located at 3236 Peace Valley Lane (Mason District) identified on the Fairfax County Tax Map as 061-1-((01))-0007 ("Property") meets the definition of blight as defined in Va. Code Ann. § 36.3 (Supp. 2010);

WHEREAS, the Board desires that the blight constituting a nuisance be abated in accordance with Va. Code Ann. §15.2-1115 (2008), as authorized by Va. Code Ann. § 36-49.1:1 (Supp. 2010);

NOW THEREFORE, BE IT RESOLVED, THAT BY ORDINANCE, the Property is deemed blighted as that term is defined in Va. Code Ann. § 36.3 (Supp. 2010) and the Board hereby determines that the Property constitutes a nuisance.

BE IT FURTHER RESOLVED; THAT BY ORDINANCE the Board hereby directs that the aforementioned nuisance be abated in accordance with the terms of Va. Code Ann. § 15.2-1115 (2008) as authorized by Va. Code Ann. § 36.49.1:1 (Supp. 2010), including without limitation that if the owners of the Property fail to abate or obviate the nuisance within thirty (30) days, Fairfax County may do so by demolishing the improvements on the Property and removing all debris from the site in which event the County may collect the costs thereof from the owners of the Property in any manner provided by law for the collection of state or local taxes.

Upon certification by the County Executive of Fairfax County or his designee that the nuisance has been abated and that all expenses of Fairfax County with respect thereto have been paid in full, this Ordinance shall be deemed of no further force or effect.

**PROPERTY ADDRESS (DISTRICT)**  
3236 Peace Valley Lane (Mason District)

**TAX MAP NUMBER**  
061-1-((01))-0007

**BLIGHTED PROPERTY TECHNICAL REPORT AND ABATEMENT PLAN**

**PROJECT TITLE (OWNER):** Peace Valley Estates, LLC, Fred M. Margolis  
**CASE:** # 200906146 SR# 54803

**OWNER'S ADDRESS:** 10841 Spring Knoll Drive, Potomac, MD 20854

**ADDRESS OF BLIGHTED PROPERTY:** 3236 Peace Valley Lane, Falls Church, VA 22044

**TAX MAP NO.:** 061-1-((01))-0007      **MAGISTERIAL DISTRICT:** Mason

**2010 ASSESSED VALUE:** \$ 883,330    **LAND:** \$ 810,000    **IMPROVEMENTS:** \$ 73,330

**PROPERTY ZONING:** R-3 (Residential 3 DU/AC)    **YEAR BUILT:** 1906

**TAX STATUS:** Delinquent/\$4,951.07 + \$172.50 for trash removal

**DESCRIPTION:**

Located on the subject property is a vacant, dilapidated, two-story dwelling with a full basement. The property also contains a detached garage and several other accessory structures in disrepair. The residential structure was constructed in 1906 according to Fairfax County Tax Records. It has been vacant since at least December 21, 2006, when the property was purchased by the owner for redevelopment purposes. When the initial complaint was received the structures were open and vandalized. The Property Maintenance Code Official ordered the structures secured and at present they are boarded. The existing structures in their current condition are not economically feasible to repair and need to be demolished.

**IMPACT OF PROPERTY ON SURROUNDING USES:**

The property in its current state is an attractive nuisance and blight on the surrounding community.

**NATURE OF COMPLAINTS:**

On September 21, 2009, this property was referred to the blight program reference its condition.

**STAFF RECOMMENDATION:**

BAP recommends demolishing the dilapidated structure, outbuildings and removing all debris on the property in the event that the owners fail to cure the blighted conditions of the property after receiving written notice of the Board's adoption of the Blight Abatement Ordinance. Costs of blight abatement, including direct County administrative costs, would then be collected from the property owners.

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Board Agenda Item  
September 14, 2010

4:30 p.m.

Public Hearing on Spot Blight Abatement Ordinance for 7717 Beulah Street (Lee District)

ISSUE:

Public hearing to adopt a Spot Blight Abatement Ordinance for 7717 Beulah Street (Tax Map No. 099-2-((01))-0045) (Property) and approval of a blight abatement plan for the Property.

RECOMMENDATION:

The County Executive recommends that the Board adopt an ordinance to declare 7717 Beulah Street blighted, constituting a nuisance, and approve the blight abatement plan for the Property.

TIMING:

On July 13, 2010, the Board authorized advertisement of this public hearing to be held Tuesday, September 14, 2010, at 4:30 p.m.

BACKGROUND:

Va. Code Ann. § 36.49.1:1 (Supp. 2010) (Spot Blight Abatement Statute) allows the Board, by ordinance, to declare a blighted property a nuisance, thereby enabling abatement in accordance with Va. Code Ann. § 15.2-900 (2008) or Va. Code Ann. § 15.2-1115 (2008) (Abatement of Nuisance Statutes). The Abatement of Nuisance Statutes permits the County to compel the abatement or removal of nuisances. If, after reasonable notice, the owner(s) fails to abate or obviate the nuisance, the County may abate the nuisance in which event the property owner(s) may then be charged for the costs of abatement, which may be collected from the property owner(s) in any manner provided by law for the collection of state or local taxes.

Properties are considered "blighted" under the Spot Blight Abatement Statute if they meet the definition for "Blighted property" established under Va. Code Ann. 36-3 (Supp. 2010) which defines a blighted property as "any individual commercial, industrial, or residential structure or improvement that endangers the public's health, safety, or welfare because the structure or improvement upon the property is dilapidated, deteriorated, or violates minimum health and safety standards, or any structure or improvement previously designated as blighted pursuant to § 36-49.1:1, under the process for determination of 'spot blight.'"

Board Agenda Item  
September 14, 2010

In November 1996, the Board authorized the implementation of a Blight Abatement Program using the Spot Blight Abatement Statute to address citizen concerns about specific properties in their communities which were abandoned, dilapidated, or otherwise kept in an unsafe state. Under guidelines established by the Board, a property can be considered “blighted” for purposes of a County Abatement Ordinance under the Spot Blight Abatement Statute if it meets the definition for of “Blighted property” under Va. Code Ann. 36-3 (Supp. 2010) and if it meets all of the following conditions:

1. It has been vacant and/or boarded up for at least one year.
2. It has been the subject of complaints.
3. It is no longer being maintained for useful occupancy.
4. It is in a dilapidated condition or lacks normal maintenance or upkeep.

The property located at 7717 Beulah Street was referred to the Blight Abatement Program (BAP) on June 26, 2006. Located on the subject property are a vacant, one-story dwelling and two (2) outbuildings with one in partial collapse and the other in disrepair. According to Fairfax County Tax Records the residential structure was constructed in 1935 and has been vacant since at least June 26, 2006, when the first blight complaint was received. The dwelling was placarded unfit/unsafe for human habitation July 31, 2006, by the Property Maintenance Code Official and again on November 18, 2008, by the Property Maintenance Code Official. All of the structures on the property are in poor shape. After the owners were served Notice, they boarded the structures and advised that their intent was to demolish them. To date the owners have not followed through with their demolition plan and BAP staff feel that the existing structures are not economically feasible to repair and need to be demolished.

On October 21, 2009, the Neighborhood Enhancement Task Force (NETF) found that the subject property met the blighted property guidelines, and the property received a preliminary blight determination. Certified notice and regular Notice were sent to the owners advising them of this determination. The owners signed for the certified Notice and responded with a blight abatement plan of demolishing the structures. To date the owners have not followed through with this plan and these structures pose an attractive nuisance to the surrounding community. All attempts by BAP staff to achieve voluntary compliance from the property owners have been unsuccessful.

In accordance with the Spot Blight Abatement Statute, the Board, by ordinance, may declare the Property to be blighted, and to constitute a nuisance, and approve abatement of blight as allowed under the Va. Code Ann. § 15.2-1115 (2008). State code requires that the Board provide notice concerning adoption of such an ordinance. Notice was published on August 26, 2010 and September 2, 2010.

Board Agenda Item  
September 14, 2010

Although the County will continue to seek cooperation from the owners to eliminate the blighted conditions on the Property, it is requested that a public hearing, in accordance with the Spot Blight Abatement Statute, be held to adopt an Ordinance declaring the Property to be blighted and to constitute a nuisance. At the public hearing, the County will also request authorization to contract for demolition of the blighted structures on the site pursuant to Va. Code Ann. §15.2-1115 (2008) as authorized under the Spot Blight Abatement Statute. If the owners fail to abate the blighted conditions within thirty days after notification to the property owners of the Board's action, the County will proceed with the demolition process for the structures. The County will incur the cost, expending funds that are available in Fund 303, County Construction, Project 009801, Strike Force Blight Abatement. The County will then pursue reimbursement from the owners who are ultimately liable for all abatement costs incurred. A lien will be placed on the property and recorded in the County land and judgment records.

FISCAL IMPACT:

In the event that the blighted conditions are not eliminated by the owners, the County will fund the demolition in Fund 303, County Construction, Project 009801, Strike Force Blight Abatement. Funding is available in Project 009801 to proceed with the demolition estimated to cost approximately \$18,000.

It is anticipated that all of the costs (including direct County administrative costs) of the blight abatement will be recovered from the property owners. Funds recovered will be allocated to the Blight Abatement Program in order to carry out future blight abatement plans.

ENCLOSED DOCUMENTS:

Attachment 1: Property Photographs

Attachment 2: Ordinance for 7717 Beulah Street (Lee District)

Attachment 3: Blighted Property Technical Report and Abatement Plan

STAFF:

Jeff Blackford, Director, Department of Code Compliance

David Ellis, Acting Deputy Chief Operations/Logistics, Department of Code Compliance

Christina M. Sadar, Blight Abatement Program Coordinator, Department of Code Compliance

**7717 Beulah Street, Alexandria, VA 22315**  
**Tax Map # 099-2-((01))-0045**  
**Lee District**  
**Attachment 1**



**7717 Beulah Street, Alexandria, VA 22315**  
**Tax Map # 099-2-((01))-0045**  
**Lee District**  
**Attachment 1**





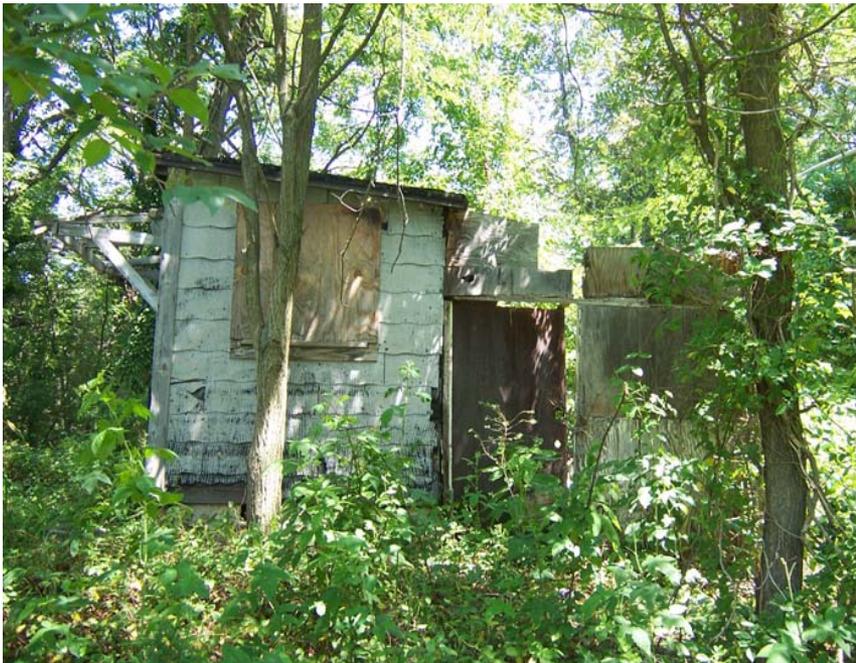
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7717 Beulah Street, Alexandria, VA 22315  
Tax Map # 099-2-((01))-0045  
Lee District  
Attachment 1





**7717 Beulah Street, Alexandria, VA 22315**  
**Tax Map # 099-2-((01))-0045**  
**Lee District**  
**Attachment 1**



**ORDINANCE FOR 7717 BEULAH STREET  
(LEE DISTRICT)**

WHEREAS, a goal of the Fairfax County Board of Supervisors ("Board") is the preservation and improvement of residential neighborhoods and commercial areas; and

WHEREAS, the Code of Virginia empowers localities, by ordinance to declare any blighted property as defined in the Va. Code Ann. § 36.3 (Supp. 2010) to constitute a nuisance and thereupon abate the nuisance pursuant to Va. Code Ann. § 15.2-900 (2008) or § 15.2-1115 (2008).

WHEREAS, the Board has approved the implementation of a blight abatement program authorized by State legislation; and

WHEREAS, citizens have expressed concern about specific properties in their communities which are abandoned, dilapidated or otherwise in an unsafe state; and

WHEREAS, it has been determined that the property located at 7717 Beulah Street (Lee District) identified on the Fairfax County Tax Map as 099-2-((01))-0045 ("Property") meets the definition of blight as defined in Va. Code Ann. § 36.3 (Supp. 2010);

WHEREAS, the Board desires that the blight constituting a nuisance be abated in accordance with Va. Code Ann. §15.2-1115 (2008), as authorized by Va. Code Ann. § 36-49.1:1 (Supp. 2010);

NOW THEREFORE, BE IT RESOLVED, THAT BY ORDINANCE, the Property is deemed blighted as that term is defined in Va. Code Ann. § 36.3 (Supp. 2010) and the Board hereby determines that the Property constitutes a nuisance.

BE IT FURTHER RESOLVED; THAT BY ORDINANCE the Board hereby directs that the aforementioned nuisance be abated in accordance with the terms of Va. Code Ann. § 15.2-1115 (2008) as authorized by Va. Code Ann. § 36.49.1:1 (Supp. 2010), including without limitation that if the owners of the Property fail to abate or obviate the nuisance within thirty (30) days, Fairfax County may do so by demolishing the improvements on the Property and removing all debris from the site in which event the County may collect the costs thereof from the owners of the Property in any manner provided by law for the collection of state or local taxes.

Upon certification by the County Executive of Fairfax County or his designee that the nuisance has been abated and that all expenses of Fairfax County with respect thereto have been paid in full, this Ordinance shall be deemed of no further force or effect.

**PROPERTY ADDRESS (DISTRICT)**

7717 Beulah Street (Lee District)

**TAX MAP NUMBER**

099-2-((01))-0045

**BLIGHTED PROPERTY TECHNICAL REPORT AND ABATEMENT PLAN**

**PROJECT TITLE (OWNER):** The United States Veterans of Foreign Wars, Inc.  
(Post 7327) **CASE:** # 200800696/SR# 47970

**OWNER'S ADDRESS:** P.O. Box 123 Springfield, VA 22150

**ADDRESS OF BLIGHTED PROPERTY:** 7717 Beulah Street, Alexandria, VA 22315

**TAX MAP NO.:** 099-2-((01))-0045      **MAGISTERIAL DISTRICT:** Lee

**2010 ASSESSED VALUE:** \$ 320,000    **LAND:** \$ 310,000    **IMPROVEMENTS:** \$10,000

**PROPERTY ZONING:** R-1 (Residential 1 DU/AC)    **YEAR BUILT:** 1935

**TAX STATUS:** Exempt

**DESCRIPTION:**

Located on the subject property are a vacant, one-story dwelling and two (2) outbuildings with one in partial collapse and the other in disrepair. According to Fairfax County Tax Records the residential structure was constructed in 1935. The structure has been vacant since at least June 26, 2006, when the first blight complaint was received. The dwelling was placarded unfit/unsafe for human habitation July 31, 2006, by the Property Maintenance Code Official and again on November 18, 2008, by the Property Maintenance Code Official. The structures in their current condition are not economically feasible to repair and need to be demolished.

**IMPACT OF PROPERTY ON SURROUNDING USES:**

The property in its current state is an attractive nuisance and blight on the surrounding community.

**NATURE OF COMPLAINTS:**

On June 26, 2006, this property was referred to the blight program reference its condition.

**STAFF RECOMMENDATION:**

BAP recommends demolishing the dilapidated structure, outbuildings and removing all debris on the property in the event that the owners fail to cure the blighted conditions of the property after receiving written notice of the Board's adoption of the Blight Abatement Ordinance. Costs of blight abatement, including direct County administrative costs, would then be collected from the property owners.

Board Agenda Item  
September 14, 2010

4:30 p.m.

Public Hearing on Spot Blight Abatement Ordinance for 6206 Colchester Road (Springfield District)

ISSUE:

Public hearing to adopt Spot Blight Abatement Ordinance for 6206 Colchester Road (Tax Map No. 076-1-((01))-0003) (Property) and approval of a blight abatement plan for the Property.

RECOMMENDATION:

The County Executive recommends that the Board adopt an ordinance to declare 6206 Colchester Road blighted, constituting a nuisance, and approve the blight abatement plan for the Property.

TIMING:

On July 13, 2010, the Board authorized advertisement of this public hearing to be held Tuesday, September 14, 2010, at 4:30 p.m.

BACKGROUND:

Va. Code Ann. § 36.49.1:1 (Supp. 2010) (Spot Blight Abatement Statute) allows the Board, by ordinance, to declare a blighted property a nuisance, thereby enabling abatement in accordance with Va. Code Ann. § 15.2-900 (2008) or Va. Code Ann. § 15.2-1115 (2008) (Abatement of Nuisance Statutes). The Abatement of Nuisance Statutes permits the County to compel the abatement or removal of nuisances. If after reasonable notice, the owner(s) fails to abate or obviate the nuisance, the County may abate the nuisance in which event the property owner(s) may then be charged for the costs of abatement, which may be collected from the property owner(s) in any manner provided by law for the collection of state or local taxes.

Properties are considered "blighted" under the Spot Blight Abatement Statute if they meet the definition for "Blighted property" established under Va. Code Ann. 36-3 (Supp. 2010) which defines a blighted property as "any individual commercial, industrial, or residential structure or improvement that endangers the public's health, safety, or welfare because the structure or improvement upon the property is dilapidated, deteriorated, or violates minimum health and safety standards, or any structure or improvement previously designated as blighted pursuant to § 36-49.1:1, under the process for determination of 'spot blight.'"

Board Agenda Item  
September 14, 2010

In November 1996, the Board authorized the implementation of a Blight Abatement Program using the Spot Blight Abatement Statute to address citizen concerns about specific properties in their communities which were abandoned, dilapidated, or otherwise kept in an unsafe state. Under guidelines established by the Board, a property can be considered "blighted" for purposes of a County Abatement Ordinance under the Spot Blight Abatement Statute if it meets the definition for of "Blighted property" under Va. Code Ann. 36-3 (Supp. 2010) and if it meets all of the following conditions:

1. It has been vacant and/or boarded up for at least one year.
2. It has been the subject of complaints.
3. It is no longer being maintained for useful occupancy.
4. It is in a dilapidated condition or lacks normal maintenance or upkeep.

The property located at 6206 Colchester Road was referred to the Blight Abatement Program (BAP) on July 19, 2009. Located on the subject property is a vacant, one and a half story, block dwelling with a full basement. The property also contains several outbuildings with broken windows that are in various stages of disrepair. The residential structure was constructed in 1943 according to Fairfax County Tax Records and has been vacant since at least November 2001. The main structure is in poor shape and has not been maintained for many years. Additionally it has not had active electrical service since September 24, 2008. Electrical power is needed to use the well. Since receiving Notice, the owners performed some exterior cleanup to the property by removing trash and debris along with fencing the entrance to the property. No repairs were made to the structure or to any of the outbuildings and the blighted conditions remain. BAP staff feel the existing structures are not economically feasible to repair and need to be demolished.

On October 21, 2009, the Neighborhood Enhancement Task Force (NETF) found that the subject property met the blighted property guidelines, and the property received a preliminary blight determination. Certified notice and regular Notice were sent to the owners advising them of this determination. The owners signed for the certified Notice and responded with a letter disputing that the property was blighted and what actions they would employ to maintain the property in the future. Their plan focused on the maintenance of the yard and grounds but did not address the blighted structures. At one point the owners contacted BAP staff and advised that they would demolish the main structure but wished to maintain the garage. BAP staff responded and advised the owners that this would then create a violation of the Zoning Ordinance as an accessory use was not allowed without a principle use. BAP staff advised the owners that this plan was also unacceptable. The structures pose an attractive nuisance to the surrounding community and all attempts by BAP staff to achieve voluntary compliance from the property owners have been unsuccessful.

In accordance with the Spot Blight Abatement Statute, the Board, by ordinance, may declare the Property to be blighted, and to constitute a nuisance, and approve abatement of blight as allowed under the Va. Code Ann. § 15.2-1115 (2008).

Board Agenda Item  
September 14, 2010

State code requires that the Board provide notice concerning adoption of such an ordinance. Notice was published on August 26, 2010 and September 2, 2010.

Although the County will continue to seek cooperation from the owners to eliminate the blighted conditions on the Property, it is requested that a public hearing, in accordance with the Spot Blight Abatement Statute, be held to adopt an Ordinance declaring the Property to be blighted and to constitute a nuisance. At the public hearing, the County will also request authorization to contract for demolition of the blighted structures on the site pursuant to Va. Code Ann. §15.2-1115 (2008) as authorized under the Spot Blight Abatement Statute. If the owners fail to abate the blighted conditions within thirty days after notification to the property owners of the Board's action, the County will proceed with the demolition process for the structures. The County will incur the cost, expending funds that are available in Fund 303, County Construction, Project 009801, Strike Force Blight Abatement. The County will then pursue reimbursement from the owners who are ultimately liable for all abatement costs incurred. A lien will be placed on the property and recorded in the County land and judgment records.

FISCAL IMPACT:

In the event that the blighted conditions are not eliminated by the owners, the County will fund the demolition in Fund 303, County Construction, Project 009801, Strike Force Blight Abatement. Funding is available in Project 009801 to proceed with the demolition estimated to cost approximately \$30,000.

It is anticipated that all of the costs (including direct County administrative costs) of the blight abatement will be recovered from the property owners. Funds recovered will be allocated to the Blight Abatement Program in order to carry out future blight abatement plans.

ENCLOSED DOCUMENTS:

- Attachment 1: Property Photographs
- Attachment 2: Ordinance for 6206 Colchester Road (Springfield District)
- Attachment 3: Blighted Property Technical Report and Abatement Plan

STAFF:

Jeff Blackford, Director, Department of Code Compliance  
David Ellis, Acting Deputy Chief Operations/Logistics, Department of Code Compliance  
Christina M. Sadar, Blight Abatement Program Coordinator, Department of Code Compliance



**6206 Colchester Road, Fairfax, VA 22030  
Tax Map # 076-1-((01))-0003  
Springfield  
Attachment 1**

**ORDINANCE FOR 6206 COLCHESTER ROAD  
(SPRINGFIELD DISTRICT)**

WHEREAS, a goal of the Fairfax County Board of Supervisors ("Board") is the preservation and improvement of residential neighborhoods and commercial areas; and

WHEREAS, the Code of Virginia empowers localities, by ordinance to declare any blighted property as defined in the Va. Code Ann. § 36.3 (Supp. 2010) to constitute a nuisance and thereupon abate the nuisance pursuant to Va. Code Ann. § 15.2-900 (2008) or § 15.2-1115 (2008).

WHEREAS, the Board has approved the implementation of a blight abatement program authorized by State legislation; and

WHEREAS, citizens have expressed concern about specific properties in their communities which are abandoned, dilapidated or otherwise in an unsafe state; and

WHEREAS, it has been determined that the property located at 6206 Colchester Road (Springfield District) identified on the Fairfax County Tax Map as 076-1-((01))-0003 ("Property") meets the definition of blight as defined in Va. Code Ann. § 36.3 (Supp. 2010);

WHEREAS, the Board desires that the blight constituting a nuisance be abated in accordance with Va. Code Ann. §15.2-1115 (2008), as authorized by Va. Code Ann. § 36-49.1:1 (Supp. 2010);

NOW THEREFORE, BE IT RESOLVED, THAT BY ORDINANCE, the Property is deemed blighted as that term is defined in Va. Code Ann. § 36.3 (Supp. 2010) and the Board hereby determines that the Property constitutes a nuisance.

BE IT FURTHER RESOLVED; THAT BY ORDINANCE the Board hereby directs that the aforementioned nuisance be abated in accordance with the terms of Va. Code Ann. § 15.2-1115 (2008) as authorized by Va. Code Ann. § 36.49.1:1 (Supp. 2010), including without limitation that if the owners of the Property fail to abate or obviate the nuisance within thirty (30) days, Fairfax County may do so by demolishing the improvements on the Property and removing all debris from the site in which event the County may collect the costs thereof from the owners of the Property in any manner provided by law for the collection of state or local taxes.

Upon certification by the County Executive of Fairfax County or his designee that the nuisance has been abated and that all expenses of Fairfax County with respect thereto have been paid in full, this Ordinance shall be deemed of no further force or effect.

**PROPERTY ADDRESS (DISTRICT)**  
6206 Colchester Road (Springfield District)

**TAX MAP NUMBER**  
076-1-((01))-0003

**BLIGHTED PROPERTY TECHNICAL REPORT AND ABATEMENT PLAN**

**PROJECT TITLE (OWNER):** John L. Hammerstrand TR & Beatrice Hammerstrand TR  
**CASE: #** 200904246/SR# 52309

**OWNER'S ADDRESS:** 1739 Roble Grande Road, Alpine, CA 91901

**ADDRESS OF BLIGHTED PROPERTY:** 6206 Colchester Road, Fairfax, VA 22030

**TAX MAP NO.:** 076-1-((01))-0003      **MAGISTERIAL DISTRICT:** Springfield

**2010 ASSESSED VALUE:** \$ 320,900    **LAND:** \$ 320,000    **IMPROVEMENTS:** \$ 900

**PROPERTY ZONING:** RC (Res Conservation 1DU/5AC)    **YEAR BUILT:** 1943

**TAX STATUS:** Current

**DESCRIPTION:**

Located on the subject property is a vacant, one and a half story, block dwelling with a full basement. The property also contains several outbuildings with broken windows and in disrepair. The residential structure was constructed in 1943 according to Fairfax County Tax Records and has been vacant since at least November 2001. The main structure is in poor shape and has not been maintained for many years. Additionally it has not had active electrical service since September 24, 2008. The structures in their current condition are not economically feasible to repair and need to be demolished.

**IMPACT OF PROPERTY ON SURROUNDING USES:**

The property in its current state is an attractive nuisance and blight on the surrounding community.

**NATURE OF COMPLAINTS:**

On July 19, 2009, this property was referred to the blight program reference its condition.

**STAFF RECOMMENDATION:**

BAP recommends demolishing the dilapidated structure, outbuildings and removing all debris on the property in the event that the owners fail to cure the blighted conditions of the property after receiving written notice of the Board's adoption of the Blight Abatement Ordinance. Costs of blight abatement, including direct County administrative costs, would then be collected from the property owners.

Board Agenda Item  
September 14, 2010

4:30 p.m.

Public Hearing on Spot Blight Abatement Ordinance for 6133 Marshall Drive (Mason District)

ISSUE:

Public hearing to adopt a Spot Blight Abatement Ordinance for 6133 Marshall Drive (Tax Map No. 061-4-((01))-0163) (Property) and approval of a blight abatement plan for the Property.

RECOMMENDATION:

The County Executive recommends that the Board adopt an ordinance to declare 6133 Marshall Drive blighted, constituting a nuisance, and approve the blight abatement plan for the Property.

TIMING:

On July 13, 2010, the Board authorized advertisement of this public hearing to be held Tuesday, September 14, 2010, at 4:30 P.M.

BACKGROUND:

Va. Code Ann. § 36.49.1:1 (Supp. 2010) (Spot Blight Abatement Statute) allows the Board, by ordinance, to declare a blighted property a nuisance, thereby enabling abatement in accordance with Va. Code Ann. § 15.2-900 (2008) or Va. Code Ann. § 15.2-1115 (2008) (Abatement of Nuisance Statutes). The Abatement of Nuisance Statutes permits the County to compel the abatement or removal of nuisances. If, after reasonable notice, the owner(s) fails to abate or obviate the nuisance, the County may abate the nuisance in which event the property owner(s) may then be charged for the costs of abatement, which may be collected from the property owner(s) in any manner provided by law for the collection of state or local taxes.

Properties are considered "blighted" under the Spot Blight Abatement Statute if they meet the definition for "Blighted property" established under Va. Code Ann. 36-3 (Supp. 2010) which defines a blighted property as "any individual commercial, industrial, or residential structure or improvement that endangers the public's health, safety, or welfare because the structure or improvement upon the property is dilapidated, deteriorated, or violates minimum health and safety standards, or any structure or improvement previously designated as blighted pursuant to § 36-49.1:1, under the process for determination of 'spot blight.'"

Board Agenda Item  
September 14, 2010

In November 1996, the Board authorized the implementation of a Blight Abatement Program using the Spot Blight Abatement Statute to address citizen concerns about specific properties in their communities which were abandoned, dilapidated, or otherwise kept in an unsafe state. Under guidelines established by the Board, a property can be considered “blighted” for purposes of a County Abatement Ordinance under the Spot Blight Abatement Statute if it meets the definition for of “Blighted property” under Va. Code Ann. 36-3 (Supp. 2010) and if it meets all of the following conditions:

1. It has been vacant and/or boarded up for at least one year.
2. It has been the subject of complaints.
3. It is no longer being maintained for useful occupancy.
4. It is in a dilapidated condition or lacks normal maintenance or upkeep.

The property located at 6133 Marshall Drive was referred to the Blight Abatement Program (BAP) on October 21, 2009. Located on the subject property is a vacant, dilapidated, one-story, block dwelling. The property also contains at least one outbuilding that is being used to store materials for a landscaping business. The residential structure was constructed in 1925 according to Fairfax County Tax Records. It has been vacant since at least January 29, 2009, when the property was placarded unfit/unsafe by the Property Maintenance Code Official. BAP staff feel the existing structures are not economically feasible to repair and need to be demolished.

On March 10, 2010, the Neighborhood Enhancement Task Force (NETF) found that the subject property met the blighted property guidelines, and the property received a preliminary blight determination. Certified notice and regular Notice were sent to the owners advising them of this determination. The owners responded by stating that they were trying to demolish the structures. Staff has been in touch with the owners on several occasions and tried to assist them with the demolition endeavor but to date significant progress has not been made.

In accordance with the Spot Blight Abatement Statute, the Board, by ordinance, may declare the Property to be blighted, and to constitute a nuisance, and approve abatement of blight as allowed under the Va. Code Ann. § 15.2-1115 (2008). State code requires that the Board provide notice concerning adoption of such an ordinance. Notice was published on August 26, 2010 and September 2, 2010.

Although the County will continue to seek cooperation from the owners to eliminate the blighted conditions on the Property, it is requested that a public hearing, in accordance with the Spot Blight Abatement Statute, be held to adopt an Ordinance declaring the Property to be blighted and to constitute a nuisance. At the public hearing, the County will also request authorization to contract for demolition of the blighted structures on the site pursuant to Va. Code Ann. §15.2-1115 (2008) as authorized under the Spot Blight

Board Agenda Item  
September 14, 2010

Abatement Statue. If the owners fail to abate the blighted conditions within thirty days after notification to the property owners of the Board's action, the County will proceed with the demolition process for the structures. The County will incur the cost, expending funds that are available in Fund 303, County Construction, Project 009801, Strike Force Blight Abatement. The County will then pursue reimbursement from the owners who are ultimately liable for all abatement costs incurred. A lien will be placed on the property and recorded in the County land and judgment records.

FISCAL IMPACT:

In the event that the blighted conditions are not eliminated by the owners, the County will fund the demolition in Fund 303, County Construction, Project 009801, Strike Force Blight Abatement. Funding is available in Project 009801 to proceed with the demolition estimated to cost approximately \$18,000.

It is anticipated that all of the costs (including direct County administrative costs) of the blight abatement will be recovered from the property owners. Funds recovered will be allocated to the Blight Abatement Program in order to carry out future blight abatement plans.

ENCLOSED DOCUMENTS:

Attachment 1: Property Photographs

Attachment 2: Ordinance for 6133 Marshall Drive (Mason District)

Attachment 3: Blighted Property Technical Report and Abatement Plan

STAFF:

Jeff Blackford, Director, Department of Code Compliance

David Ellis, Acting Deputy Chief Operations/Logistics, Department of Code Compliance

Christina M. Sadar, Blight Abatement Program Coordinator, Department of Code Compliance

6133 Marshall Drive, Falls Church, VA 22041  
Tax Map # 061-4-((01))-0163  
Mason  
Attachment 1



6133 Marshall Drive, Falls Church, VA 22041  
Tax Map # 061-4-((01))-0163  
Mason  
Attachment 1



6133 Marshall Drive, Falls Church, VA 22041  
Tax Map # 061-4-((01))-0163  
Mason  
Attachment 1



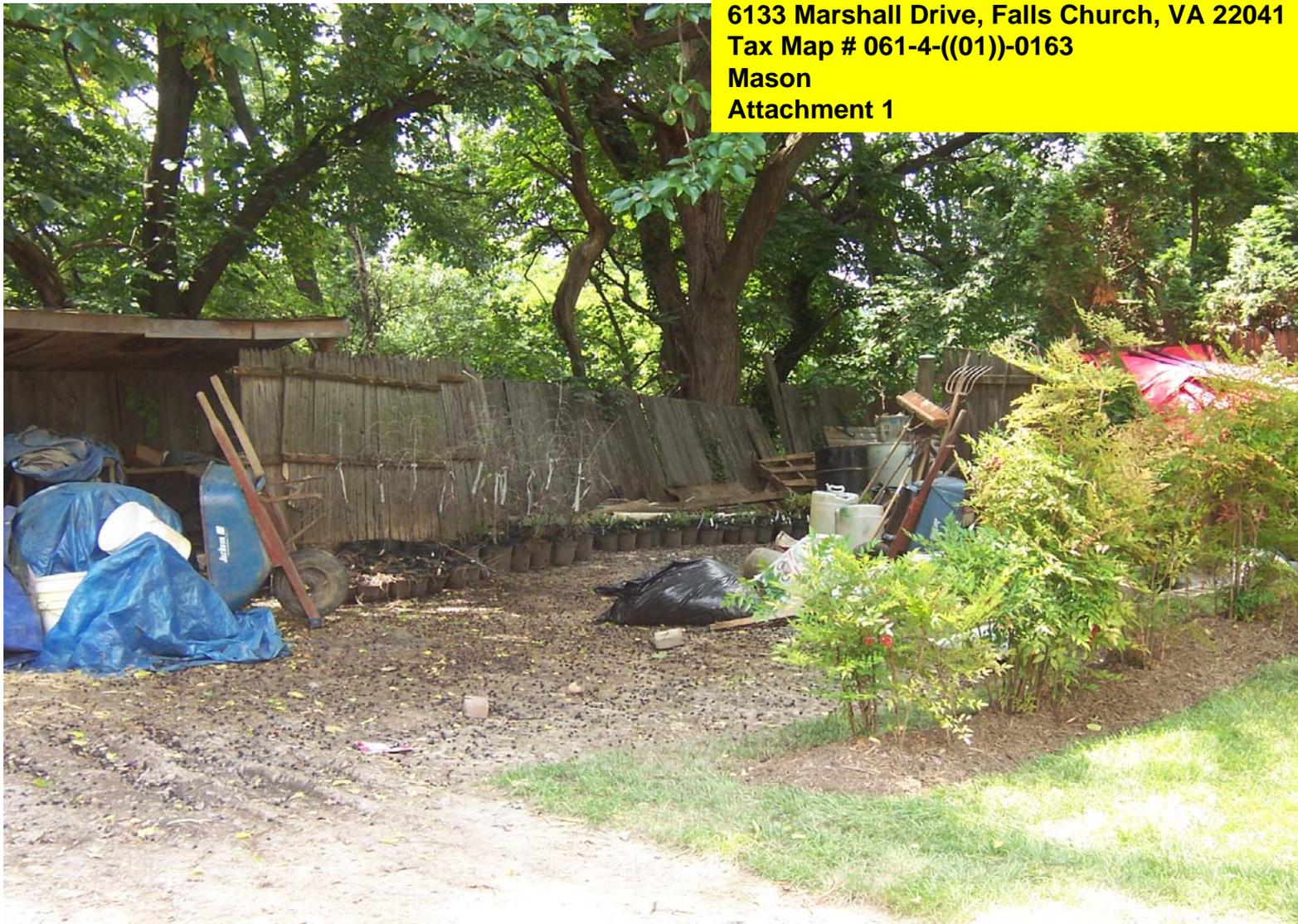
6133 Marshall Drive, Falls Church, VA 22041  
Tax Map # 061-4-((01))-0163  
Mason  
Attachment 1



**6133 Marshall Drive, Falls Church, VA 22041**  
**Tax Map # 061-4-((01))-0163**  
**Mason**  
**Attachment 1**



**6133 Marshall Drive, Falls Church, VA 22041**  
**Tax Map # 061-4-((01))-0163**  
**Mason**  
**Attachment 1**



**ORDINANCE FOR MARSHALL DRIVE  
(MASON DISTRICT)**

WHEREAS, a goal of the Fairfax County Board of Supervisors ("Board") is the preservation and improvement of residential neighborhoods and commercial areas; and

WHEREAS, the Code of Virginia empowers localities, by ordinance to declare any blighted property as defined in the Va. Code Ann. § 36.3 (Supp. 2010) to constitute a nuisance and thereupon abate the nuisance pursuant to Va. Code Ann. § 15.2-900 (2008) or § 15.2-1115 (2008).

WHEREAS, the Board has approved the implementation of a blight abatement program authorized by State legislation; and

WHEREAS, citizens have expressed concern about specific properties in their communities which are abandoned, dilapidated or otherwise in an unsafe state; and

WHEREAS, it has been determined that the property located at 6133 Marshall Drive (Mason District) identified on the Fairfax County Tax Map as 061-4-((01))-0163 ("Property") meets the definition of blight as defined in Va. Code Ann. § 36.3 (Supp. 2010);

WHEREAS, the Board desires that the blight constituting a nuisance be abated in accordance with Va. Code Ann. §15.2-1115 (2008), as authorized by Va. Code Ann. § 36-49.1:1 (Supp. 2010);

NOW THEREFORE, BE IT RESOLVED, THAT BY ORDINANCE, the Property is deemed blighted as that term is defined in Va. Code Ann. § 36.3 (Supp. 2010) and the Board hereby determines that the Property constitutes a nuisance.

BE IT FURTHER RESOLVED; THAT BY ORDINANCE the Board hereby directs that the aforementioned nuisance be abated in accordance with the terms of Va. Code Ann. § 15.2-1115 (2008) as authorized by Va. Code Ann. § 36.49.1:1 (Supp. 2010), including without limitation that if the owners of the Property fail to abate or obviate the nuisance within thirty (30) days, Fairfax County may do so by demolishing the improvements on the Property and removing all debris from the site in which event the County may collect the costs thereof from the owners of the Property in any manner provided by law for the collection of state or local taxes.

Upon certification by the County Executive of Fairfax County or his designee that the nuisance has been abated and that all expenses of Fairfax County with respect thereto have been paid in full, this Ordinance shall be deemed of no further force or effect.

**PROPERTY ADDRESS (DISTRICT)**  
6133 Marshall Drive (Mason District)

**TAX MAP NUMBER**  
061-4-((01))-0163

**BLIGHTED PROPERTY TECHNICAL REPORT AND ABATEMENT PLAN**

**PROJECT TITLE (OWNER):** Estate of George Banks, c/o Dorethea Sheppard  
**CASE: #** 200943240/SR# 55722

**OWNER'S ADDRESS:** 6132 Marshall Drive, Falls Church, VA 22041

**ADDRESS OF BLIGHTED PROPERTY:** 6133 Marshall Drive, Falls Church, VA 22041

**TAX MAP NO.:** 061-4-((01))-0163      **MAGISTERIAL DISTRICT:** Mason

**2010 ASSESSED VALUE:** \$ 369,000    **LAND:** \$ 359,000    **IMPROVEMENTS:** \$ 10,000

**PROPERTY ZONING:** R-3 (Residential 3 DU/AC)    **YEAR BUILT:** 1925

**TAX STATUS:** Current

**DESCRIPTION:**

Located on the subject property is a vacant, dilapidated, one-story, block dwelling. The property also contains at least one outbuilding that is being used to store materials for a landscaping business. The residential structure was constructed in 1925 according to Fairfax County Tax Records. It has been vacant since at least January 29, 2009, when the property was placarded unfit/unsafe by the Property Maintenance Code Official. The structures in their current condition are not economically feasible to repair and need to be demolished.

**IMPACT OF PROPERTY ON SURROUNDING USES:**

The property in its current state is an attractive nuisance and blight on the surrounding area.

**NATURE OF COMPLAINTS:**

On October 21, 2009, this property was referred to the blight program reference its condition.

**STAFF RECOMMENDATION:**

BAP recommends demolishing the dilapidated structure, outbuildings and removing all debris on the property in the event that the owners fail to cure the blighted conditions of the property after receiving written notice of the Board's adoption of the Blight Abatement Ordinance. Costs of blight abatement, including direct County administrative costs, would then be collected from the property owners.

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Board Agenda Item  
September 14, 2010

4:30 p.m.

Public Hearing on Amendments to the Code of the County of Fairfax, Chapter 82, Motor Vehicles and Traffic, Section 82-4-10, Maximum Speed Limits

ISSUE:

Public hearing to amend Chapter 82, Motor Vehicles and Traffic of the *Code of the County of Fairfax, Virginia*. This amendment would amend and readopt Section 82-4-10 with updated language dealing with maximum speed limits in posted zones.

RECOMMENDATION:

The County Executive recommends that the Board adopt the proposed amendment to Chapter 82.

TIMING:

Board of Supervisors authorized the advertisement of a public hearing on the proposed amendments on July 13, 2010; Board of Supervisors' public hearing scheduled for September 14, 2010 at 4:30 p.m. If approved, the provisions of this amendment will become effective immediately.

BACKGROUND:

County Code Section 82-4-10, "Maximum and minimum speed limits; posting of school zones", was a direct incorporation of language from sections of the *Code of Virginia's* Title 46.2, Motor Vehicles, Article 8 "Speed." Since its incorporation, this language has been changed in the state code many times, essentially rendering Section 82-4-10 obsolete and potentially problematic to prosecute in court. Additionally, all applicable subsections of Section 82-4-10 have since been adopted by reference into County Code Section 82-1-6 as authorized by Virginia Code Section 46.2-1313. The result is that the majority of Section 82-4-10, as it currently reads, is no longer necessary.

Because Virginia Code Section 46.2-878 deals with the authority to change speed limits, a responsibility of the Commonwealth Transportation Commissioner, it cannot be adopted by reference into County Code. But to ensure that violations of Virginia Code Section 46.2-878 - exceeding posted speed limits - can be charged under the County ordinance, it is proposed that Section 82-4-10 be amended and readopted with language incorporated from Section 46.2-878.

Board Agenda Item  
September 14, 2010

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

Attachment 1 – *Code of Virginia* Section 46.2-1313

Attachment 2 - Proposed Amendments to Chapter 82, Motor Vehicles and Traffic,  
Section 82-4-10

STAFF:

Colonel David M. Rohrer, Chief of Police

Karen L. Gibbons, Senior Assistant County Attorney

**CODE OF VIRGINIA**  
**SECTION 46.2-1313**

**§ 46.2-1313. Incorporation of provisions of this title, Article 9 (§ 16.1-278 et seq.) of Chapter 11 of Title 16.1 and Article 2 (§ 18.2-266 et seq.) of Chapter 7 of Title 18.2 in ordinances.**

Ordinances enacted by local authorities pursuant to this chapter may incorporate appropriate provisions of this title, of Article 9 (§ 16.1-278 et seq.) of Chapter 11 of Title 16.1, and of Article 2 (§ 18.2-266 et seq.) of Chapter 7 of Title 18.2 into such ordinances by reference. Nothing contained in this title shall require the re adoption of ordinances heretofore validly adopted. Local authorities may adopt ordinances incorporating by reference the appropriate provisions of state law before the effective date of such state law; provided that such local ordinances do not become effective before the effective date of the state law. The provisions of this section are declaratory of existing law.

(1958, c. 541, § 46.1-188; 1968, c. 243; 1972, c. 286; 1976, c. 396; 1989, c. 727; 1991, c. 224; 1993, c. 302; 1994, c. 264; 2000, c. 48.)

**AMEND AND READOPT SECTION 82-4-10 OF THE  
FAIRFAX COUNTY CODE RELATING TO SPEEDING VIOLATIONS**

AN ORDINANCE to amend and readopt Section 82-4-10 of the Fairfax County Code relating to speeding violations.

Draft of June 24, 2010

Be it ordained by the Board of Supervisors of Fairfax County:

**1. That Section 82-4-10 of the Fairfax County Code is amended and readopted:**

**Section 82-4-10. ~~Maximum and minimum Speed limits; posting of school zones.~~<sup>53</sup>**

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~~53. For similar state law, see Va. Code Ann., § 46.2-878.~~

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~~(a) The maximum and minimum speed limits on highways of this County shall be as hereinafter prescribed: Whenever the speed limits incorporated by reference pursuant to § 82-1-6 have been increased or decreased for any highway or portion thereof pursuant to Code of Virginia § 46.2-878 or § 46.2-1300, it shall be unlawful for any person to drive a motor vehicle at a speed in excess of such increased or decreased limits, when the same are properly indicated by signs on such highway. As provided for in Code of Virginia § 46.2-878, whenever the speed limit on any highway has been increased or decreased or a differential speed limit has been established and such speed limit is properly posted, there shall be a rebuttable presumption that the change in speed was properly established in accordance with the provisions of Code of Virginia § 46.2-878.~~

~~(b) It shall be unlawful for any person to drive or operate a motor vehicle upon the highways in the county at a speed in excess of the maximum limits established in Code of Virginia §§ 46.2-870 – 46.2-878.2.~~

~~(1) *Maximum limits.*~~

~~(A) Fifty five (55) miles per hour on the Interstate System of Highways or other limited access highways with divided roadways.~~

~~(B) Fifty-five (55) miles per hour on non-limited access highways having four (4) or more lanes, and on all State primary highways; provided, that for such highways such speed has been prescribed by the State Highway Commissioner, or other authority having jurisdiction over highways; after an engineering and traffic investigation. On any highway where such speed is prescribed, the speed shall be plainly indicated upon the highway by signs; and where the speed limit is indicated by posted signs, there shall be a prima facie presumption that such engineering and traffic investigation was made.~~

~~(C) Fifty-five (55) miles per hour on highways not included in (A) or (B) if the vehicle is a passenger motor vehicle, passenger bus, United States post-office bus, pickup or panel truck or a motorcycle; and forty-five (45) miles per hour on such highways if the vehicle is a truck, road tractor, tractor truck, or combination of vehicles designed to transport property, or is a motor vehicle being used to tow a vehicle designed for self-propulsion, or a house trailer.~~

~~(D) Thirty-five (35) miles per hour or the minimum speed allowable, whichever is greater, on any highway other than an interstate highway, if the vehicle is being used as a school bus carry children, and forty-five (45) miles per hour on interstate highways; provided, that for any such vehicle which neither takes on nor discharges children between its point of origin and point of destination, the speed limit shall be forty-five (45) miles per hour.~~

~~(E) Forty-five (45) miles per hour on any highway if the vehicle or combination of vehicles is operating under a special permit issued by the State Highway Commission in accordance with *Code of Virginia*, Sections 46.2-1112, 46.2-1113, 46.2-1139, 46.2-1153. The State Highway Commission may, however, prescribe a speed limit of less than forty-five (45) miles per hour on any permit issued in accordance with *Code of Virginia*, Sections 46.2-1112, 46.2-1113, 46.2-1139, 46.2-1153.~~

~~(F) Twenty-five (25) miles per hour between portable signs, tilt-over signs, or fixed blinking signs placed in or along any highway bearing the term "school" or "school crossing." Such word or words shall indicate that schoolchildren are present in the vicinity. Any signs erected under this Section shall be placed not more than six hundred (600) feet from the limits of~~

~~the school property or crossing in the vicinity of the school, which is used by children going to and from the school; provided, that "school crossing" signs may be placed in any location if the Department of Highways and Transportation or the Board of Supervisors of the County maintaining the system of secondary roads approves the crossing for such signs. It shall be the duty of the principal or chief administrative officer of each school or some responsible person designated by the school board, preferably not a classroom teacher, to place such portable signs in the highway at a point not more than six hundred (600) feet from the limits of the school property and remove such signs when their presence is no longer required by this Subsection. Such portable signs, tilt-over signs, or fixed blinking signs shall be placed in a position plainly visible to vehicular traffic approaching from either direction but shall not be placed so as to obstruct the roadway. Such portable signs, tilt-over signs, or blinking signals shall be in a position, or be turned on, for thirty (30) minutes preceding regular school hours and for thirty (30) minutes thereafter and during such other as the times as the presence of children on such school property or going to and from school reasonably requires a special warning to motorists.~~

~~(G) Twenty-five (25) miles per hour on highways in a business or residential district, except upon interstate or other limited access highways with divided roadways.~~

~~(H) Thirty-five (35) miles per hour on highways in any city or town, except upon interstate or other limited access highways with divided roadways and except in business or residence districts.~~

~~(I) Notwithstanding the provisions of Subsections (A), (B) and (C) of this Subsection, the speed limits for passenger motor vehicles while towing utility, camping or boat trailers not exceeding an actual gross weight of twenty-five hundred (2500) pounds shall be the same as that for passenger motor vehicles.~~

~~(2) Minimum speed limits.—~~

~~(A) No person shall drive a motor vehicle at such a slow speed as to impede the normal and reasonable movement of traffic except when reduced speed is necessary for safe operation or in compliance with law.~~

~~(B) Whenever the County determines on the basis of an engineering and traffic investigation that slow speeds on any part of a highway consistently impede the normal and reasonable movement of traffic, the County may determine and declare a minimum speed limit to be set forth on signs posted on such highway below which no person shall drive a vehicle except when necessary for safe operation or in compliance with law.~~

~~(3) Notwithstanding the foregoing provisions, the State Highway Commissioner or other authority having jurisdiction over highways may decrease the speed limits set forth in Subsections (1)(A) through (1)(C) of this Section and may increase or decrease the speed limits set forth in Subsections (1)(F) through (1)(H) of this Section on any highway under its jurisdiction; and may establish differentiated speed limits for daytime and nighttime by decreasing for nighttime driving the speed limits set forth in Subsections (1)(A) through (1)(C) of this Section and by increasing for daytime or decreasing for nighttime the speed limits set forth in Subsections (1)(F) through (1)(H) of this Section on any highway under its jurisdiction. Such increased or decreased speed limits and such differentiated speed limits for daytime and nighttime driving shall be effective only when prescribed after a traffic engineering and traffic investigation and when indicated upon the highway by signs; provided, the increased or decreased speed limits over highways under the control of the State Highway Commissioner shall be effective only when prescribed in writing by the Highway Commissioner and kept on file in the Central Office of the Department of Highways.~~

~~(4) Any person violating this Section shall be guilty of a misdemeanor unless otherwise provided by this Code or Code of Virginia, and upon conviction shall be punished as provided in Section 82-1-35. ((3-13-63; 1961 Code, § 16-71; 9-78-82; 26-81-82.)~~

**2. That this ordinance shall become effective upon adoption.**

GIVEN under my hand this \_\_\_\_ day of July 2010.

\_\_\_\_\_  
Nancy Vehrs  
Clerk to the Board of Supervisors

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