

**FAIRFAX COUNTY  
BOARD OF SUPERVISORS  
JULY 13, 2010**

**AGENDA**

9:30                    **Done**                    Presentations

10:30                  **Done**                    Items Presented by the County Executive

**ADMINISTRATIVE ITEMS**

- |    |                 |  |
|----|-----------------|--|
| 1  | <b>Approved</b> | Authorization to Advertise a Public Hearing on Spot Blight Abatement Ordinance for 7717 Beulah Street (Lee District)                             |
| 2  | <b>Approved</b> | Authorization to Advertise a Public Hearing on Spot Blight Abatement Ordinance for 12224 Braddock Road (Springfield District)                    |
| 3  | <b>Approved</b> | Authorization to Advertise a Public Hearing on Spot Blight Abatement Ordinance for 6206 Colchester Road (Springfield District)                   |
| 4  | <b>Approved</b> | Authorization to Advertise a Public Hearing on Spot Blight Abatement Ordinance for 5901 Columbia Pike (Mason District)                           |
| 5  | <b>Approved</b> | Authorization to Advertise a Public Hearing on Spot Blight Abatement Ordinance for 12612 Harper Drive (Springfield District)                     |
| 6  | <b>Approved</b> | Authorization to Advertise a Public Hearing on Spot Blight Abatement Ordinance for 6133 Marshall Drive (Mason District)                          |
| 7  | <b>Approved</b> | Authorization to Advertise a Public Hearing on Spot Blight Abatement Ordinance for 3236 Peace Valley Lane (Mason District)                       |
| 8  | <b>Approved</b> | Authorization to Advertise a Public Hearing on Spot Blight Abatement Ordinance for 6418 Potomac Avenue (Mount Vernon District)                   |
| 9  | <b>Approved</b> | Authorization to Advertise a Public Hearing to Consider an Ordinance Amending County Code Relating to Election Precincts (Mount Vernon District) |
| 10 | <b>Approved</b> | Extension of Review Periods for 2232 Review Applications (Braddock, Dranesville, Lee, and Mason Districts)                                       |

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

(continued)

- |    |                 |   |
|----|-----------------|---|
| 11 | <b>Approved</b> | Authorization to Advertise a 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                             |
| 12 | <b>Approved</b> | Authorization for the Department of Family Services to Apply for and Accept Grant Funding from the U.S. Department of Health and Human Services for the Second Year of the Early Head Start Expansion     |
| 13 | <b>Approved</b> | Approval of Installation of "\$200 Additional Fine for Speeding" Signs as Part of the Residential Traffic Administration Program (Springfield District)   |
| 14 | <b>Approved</b> | Streets into the Secondary System (Hunter Mill District)  |
| 15 | <b>Approved</b> | Authorization for the Department of Transportation to Apply For and Accept Funding for the National Infrastructure Investment Program (TIGER II) Funds; and Support for the Regional TIGER II Application |

**ACTION ITEMS**

- |   |                 |  |
|---|-----------------|--|
| 1 | <b>Approved</b> | Designation of Virginia Department of Transportation FY 2011 Revenue Sharing Program Funds and Matching Fairfax County Funds (Springfield and Sully Districts) |
| 2 | <b>Approved</b> | Approval of Bond Underwriter Pool  |
| 3 | <b>Approved</b> | Changes to the Fairfax County Purchasing Resolution  |

**INFORMATION ITEMS**

- |   |              |   |
|---|--------------|---|
| 1 | <b>Noted</b> | Project Agreement Between the Natural Resources Conservation Service, the Northern Virginia Soil and Water Conservation District, and Fairfax County for the Rehabilitation of Pohick Creek Damsite Number 2, Lake Barton (Braddock District) |
| 2 | <b>Noted</b> | Contract Award - Fairfax County Parkway/West Ox Road Intersection Improvement (Sully and Hunter Mill Districts)   |

**FAIRFAX COUNTY  
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**INFORMATION ITEMS**

(continued)

3	<b>Noted</b>	Contract Award – West Ox Animal Shelter Renovation and Expansion (Springfield District)
4	<b>Noted</b>	Contract Award – Pharmacy Services & Pharmaceuticals
5	<b>Noted</b>	Contract Award – Tertiary Clarifier Rehabilitation at Noman M. Cole, Jr., Pollution Control Plant (Mount Vernon District)
10:45	<b>Done</b>	Matters Presented by Board Members
11:35	<b>Done</b>	Closed Session

**PUBLIC HEARINGS**

3:30	<b>Board Decision deferred to 7/27/10 at 3:30 p.m.</b>	Board Decision on Proposed Area Plans Review Items 08-III-7UP, 08-III-11UP, and 08-III-12UP Located North of the Dulles Toll Road and East of the Fairfax County and Loudoun County Boundary (Dranesville District)
3:30	<b>Approved</b>	Public Hearing on RZ 2009-SU-024 (Sully East L.C.) (Sully District)
3:30	<b>Approved</b>	Public Hearing on PCA 2003-SU-035 (Sully East L.C.) (Sully District)
3:30	<b>Approved</b>	Public Hearing on SEA 2003-SU-023 (Sully East L.C.) (Sully District)
3:30	<b>Approved</b>	Public Hearing on PCA 95-V-013 (Fairfax County Park Authority) (Mount Vernon District)
3:30	<b>Approved</b>	Public Hearing on SE 2009-MA-023 (CVS 2003 VA, L.L.C.) (Mason District)
4:00	<b>Approved</b>	Public Hearing on Proposed Amendment to Article 1 of Chapter 61 (Building Provisions) of <i>The Code of the County of Fairfax, Virginia</i> , Re: Property Maintenance Provisions

**FAIRFAX COUNTY  
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**PUBLIC HEARINGS**

(continued)

4:00	<b>Approved</b>	Public Hearing on Proposed Comprehensive Plan Amendment ST10-CW-2CP, Annandale Community Business Center (Mason and Braddock Districts)
4:00	<b>Approved</b>	Public Hearing on Proposed Comprehensive Plan Amendment ST10-CW-3CP, Baileys Crossroads Community Business Center (Mason District)
4:00	<b>Approved</b>	Public Hearing to Continue to Lease County-Owned Property at the Lewinsville Facility to the McNair Child Development Center, Inc. d/b/a Fun and Friends Child Development Center (Dranesville District)
4:00	<b>Approved</b>	Public Hearing to Lease County-Owned Property to Cellco Partnership d/b/a Verizon Wireless (Lee District)



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

**Tuesday**  
**July 13, 2010**

---

9:30 a.m.

**PRESENTATIONS:**

1. **CERTIFICATE** – To recognize students from Thomas Jefferson High School for Science and Technology for their accomplishments in the U.S. Olympiad competitions in biology, chemistry, computational linguistics, computer, math and physics. Requested by Chairman Bulova.
2. **RESOLUTION** – To congratulate the Boy Scouts of America for its 100th anniversary and its efforts with youth to build a conscientious, responsible and productive society. Requested by Supervisor Cook.
3. **CERTIFICATE** – To recognize the McLean High School Girls Softball Team for winning the 2010 Virginia High School League AAA State Championship. Requested by Supervisor Foust.
4. **RESOLUTION** – To recognize Ben Peck for his years of service on the Friends of Frying Pan Farm Park board. Requested by Supervisor Hudgins.
5. **RESOLUTION** – To recognize Howard Guba for his years of service to Fairfax County. Requested by Chairman Bulova.
6. **PROCLAMATION** – To designate September 2010 as Direct Support Professionals Appreciation Month in Fairfax County. Requested by Chairman Bulova.

**STAFF:**

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

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Board Agenda Item  
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10:30 a.m.

Items Presented by the County Executive

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Board Agenda Item  
July 13, 2010

ADMINISTRATIVE - 1

Authorization to Advertise a Public Hearing on Spot Blight Abatement Ordinance for 7717 Beulah Street (Lee District)

ISSUE:

Board authorization to advertise a public hearing to consider adoption of a Spot Blight Abatement Ordinance for 7717 Beulah Street, Alexandria, VA 22315 (Tax Map No. 099-2-((01))-0045).

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, September 14, 2010, at 4:30 p.m.

BACKGROUND:

Va. Code Ann. § 36-49.1:1 (Supp. 2009) (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. 2009) 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. 2009) 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.

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.

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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 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 \$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

STAFF:

Robert A. Stalzer, Deputy County Executive

Jeff Blackford, Director, Department of Code Compliance

Captain K.R. McClellan, Department of Code Compliance, Sheriff's Office

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

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Board Agenda Item  
July 13, 2010

ADMINISTRATIVE - 2

Authorization to Advertise a Public Hearing on Spot Blight Abatement Ordinance for 12224 Braddock Road (Springfield District)

ISSUE:

Board authorization to advertise a public hearing to consider adoption of a Spot Blight Abatement Ordinance for 12224 Braddock Road, Fairfax, VA 22030 (Tax Map No. 067-1-((01))-0005.

RECOMMENDATION:

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

TIMING:

Board authorization to advertise the public hearing to be held Tuesday, September 14, 2010, at 4:00 p.m.

BACKGROUND:

Va. Code Ann. § 36-49.1:1 (Supp. 2009) (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. 2009) 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. 2009) 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. 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.

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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.

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 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 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 \$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.

ENCLOSED DOCUMENTS:

Attachment 1: Property Photographs

STAFF:

Robert A. Stalzer, Deputy County Executive

Jeff Blackford, Director, Department of Code Compliance

Captain K.R. McClellan, Department of Code Compliance, Sheriff's Office

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

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Board Agenda Item  
July 13, 2010

ADMINISTRATIVE - 3

Authorization to Advertise a Public Hearing on Spot Blight Abatement Ordinance for 6206 Colchester Road (Springfield District)

ISSUE:

Board authorization to advertise a public hearing to consider adoption of a Spot Blight Abatement Ordinance for 6206 Colchester Road, Fairfax, VA 22030 (Tax Map No. 076-1-((01))-0003).

RECOMMENDATION:

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

TIMING:

Board authorization to advertise the public hearing to be held Tuesday, September 14, 2010, at 4:30 p.m.

BACKGROUND:

Va. Code Ann. § 36-49.1:1 (Supp. 2009) (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. 2009) 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. 2009) 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 and 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 contact 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.

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,

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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 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 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 \$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

STAFF:

Robert A. Stalzer, Deputy County Executive

Jeff Blackford, Director, Department of Code Compliance

Captain K.R. McClellan, Department of Code Compliance, Sheriff's Office

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

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Board Agenda Item  
July 13, 2010

ADMINISTRATIVE - 4

Authorization to Advertise a Public Hearing on Spot Blight Abatement Ordinance for 5901 Columbia Pike (Mason District)

ISSUE:

Board authorization to advertise a public hearing to consider adoption of a Spot Blight Abatement Ordinance for 5901 Columbia Pike, Falls Church, VA 22041 (Tax Map No. 061-2-((01))-0117).

RECOMMENDATION:

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

TIMING:

Board authorization to advertise the public hearing to be held Tuesday, September 14, 2010, at 4:30 p.m.

BACKGROUND:

Va. Code Ann. § 36-49.1:1 (Supp. 2009) (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. 2009) 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. 2009) 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 5901 Columbia Pike was referred to the Blight Abatement Program (BAP) on April 4, 2009. Located on the subject property is a vacant, one and a half story dwelling. The residential structure was constructed in 1930 according to Fairfax County Tax Records. The single family dwelling has been vacant since August 2, 2008, when the dwelling caught fire. The fire report estimated the damage at approximately \$63,000 dollars. Due to the extensive fire damage the single family dwelling is not economically feasible to repair and needs to be demolished. The owner has stated that he wants to demolish the structure but to date has not submitted any plans to the County for the demolition permit. BAP staff continue to receive complaints reference this property and its condition.

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 owner advising them of this determination. The owner responded that he wanted to redevelop the property and demolish the structure but to date he has not followed through. The structure poses an attractive nuisance to the surrounding community and all attempts by BAP staff to achieve voluntary compliance from the property owner has been unsuccessful.

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 structure 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 structure.

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July 13, 2010

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.

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

Captain K.R. McClellan, Department of Code Compliance, Sheriff's Office

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

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Board Agenda Item  
July 13, 2010

ADMINISTRATIVE - 5

Authorization to Advertise a Public Hearing on Spot Blight Abatement Ordinance for 12612 Harper Drive (Springfield District)

ISSUE:

Board authorization to advertise a public hearing to consider adoption of a Spot Blight Abatement Ordinance for 12612 Harper Drive, Fairfax, VA 22030 (Tax Map No. 066-4-((04))-0040).

RECOMMENDATION:

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

TIMING:

Board authorization to advertise the public hearing to be held Tuesday, September 14, 2010, at 4:00 p.m.

BACKGROUND:

Va. Code Ann. § 36-49.1:1 (Supp. 2009) (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. 2009) 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. 2009) 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 12612 Harper Drive was referred to the Blight Abatement Program (BAP) on January 2, 2008. Located on the subject property are a vacant, one -story, dwelling that is dilapidated and several outbuildings in various stages of disrepair. The residential structure was constructed in 1945 according to Fairfax County Tax Records and has been vacant since at least February 27, 2008, when BAP staff conducted their initial inspection of the property. 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 stating that they purchased the property for the purpose of demolishing the existing structures and building a new house. They stated that they hired an architect and were revising their home plan to fit the property. They hoped to start construction Spring 2010. To date the owners have abandoned their plan to redevelop the property and advised staff that they changed their mind and now plan to sell the property. Staff advised the owners that this was not an acceptable 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.

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 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

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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 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 \$28,000.

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

Captain K.R. McClellan, Department of Code Compliance, Sheriff's Office

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

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ADMINISTRATIVE - 6

Authorization to Advertise a Public Hearing on Spot Blight Abatement Ordinance for 6133 Marshall Drive (Mason District)

ISSUE:

Board authorization to advertise a public hearing to consider adoption of a Spot Blight Abatement Ordinance for 6133 Marshall Drive, Falls Church, VA 22041 (Tax Map No. 061-4-((01))-0163).

RECOMMENDATION:

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

TIMING:

Board authorization to advertise the public hearing to be held Tuesday, September 14, 2010, at 4:30 p.m.

BACKGROUND:

Va. Code Ann. § 36-49.1:1 (Supp. 2009) (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. 2009) 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. 2009) 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 and 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.

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 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

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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 \$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

STAFF:

Robert A. Stalzer, Deputy County Executive

Jeff Blackford, Director, Department of Code Compliance

Captain K.R. McClellan, Department of Code Compliance, Sheriff's Office

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

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ADMINISTRATIVE – 7

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

ISSUE:

Board authorization to advertise a public hearing to consider adoption of a Spot Blight Abatement Ordinance for 3236 Peace Valley Lane, Falls Church, VA 22044 (Tax Map No. 061-1-((01))-0007).

RECOMMENDATION:

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

TIMING:

Board authorization to advertise the public hearing to be held Tuesday, September 14, 2010, at 4:00 p.m.

BACKGROUND:

Va. Code Ann. § 36-49.1:1 (Supp. 2009) (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. 2009) 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. 2009) 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, 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 and has been vacant since at least December 21, 2006, when the property was purchased by the current owner for redevelopment purposes. To date the owner has not submitted any plans to the County for redevelopment or maintained the property in any manner. When the complaint was first received the owners were notified to secure the open, vandalized structures. They did not comply so the Property Maintenance Official ordered the structures secured by County staff. 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.

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 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

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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 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 \$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

STAFF:

Robert A. Stalzer, Deputy County Executive

Jeff Blackford, Director, Department of Code Compliance

Captain K.R. McClellan, Department of Code Compliance, Sheriff's Office

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

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ADMINISTRATIVE - 8

Authorization to Advertise a Public Hearing on Spot Blight Abatement Ordinance for 6418 Potomac Avenue (Mount Vernon District)

ISSUE:

Board authorization to advertise a public hearing to consider adoption of a Spot Blight Abatement Ordinance for 6418 Potomac Avenue, Alexandria, VA 22307 (Tax Map No. 093-2-((08))-(27)-0021, 0022).

RECOMMENDATION:

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

TIMING:

Board authorization to advertise the public hearing to be held Tuesday, September 14, 2010, at 4:00 p.m.

BACKGROUND:

Va. Code Ann. § 36-49.1:1 (Supp. 2009) (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. 2009) 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. 2009) 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 6418 Potomac Avenue was referred to the Blight Abatement Program (BAP) on May 24, 2004. Located on the subject property are a vacant, one-story brick dwelling and a small metal accessory structure. The dwelling has a six to eight 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. The residential structure was constructed in 1950 according to Fairfax County Tax Records and has been vacant since at least 2003, when it was flooded during Hurricane Isabel. The dwelling was placarded unfit/unsafe for human habitation by the Property Maintenance Code Official in 2002, and again after being flooded in the Summer of 2003. BAP staff feel that the structures in their current condition are not economically feasible to repair and needs to be demolished.

On March 24, 2005, 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 owner advising her of this determination. The owner acknowledged the Notice and responded through her attorney that repairs would be performed. During the next couple of months minor repairs to include exterior painting were completed on the property along with grass maintenance. Staff inspected the property on July 11, 2005, and verified the minor repairs and minimal blight abatement efforts.

In 2009, a new complaint was called in to the blight program reference the property's condition. 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 and regular Notice were sent to the owner advising her of this determination. To date the owner has not responded with a plan of action to abate the blighted conditions. BAP staff continue to receive complaints from the community reference the condition of this property. This property poses an attractive nuisance to the surrounding community and all attempts by BAP staff to achieve voluntary compliance from the property owner have been unsuccessful.

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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 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 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 \$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.

ENCLOSED DOCUMENTS:

Attachment 1: Property Photographs

STAFF:

Robert A. Stalzer, Deputy County Executive

Jeff Blackford, Director, Department of Code Compliance

Captain K.R. McClellan, Department of Code Compliance, Sheriff's Office

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

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ADMINISTRATIVE - 9

Authorization to Advertise a Public Hearing to Consider an Ordinance Amending County Code Relating to Election Precincts (Mount Vernon District)

ISSUE:

Authorization to advertise a public hearing to consider an ordinance that proposes to amend Chapter 7 of the Fairfax County Code to permanently move the polling place for the Marlan precinct.

RECOMMENDATION:

The County Executive recommends that the Board authorize advertisement of a public hearing on Tuesday, July 27, 2010, at 4:30 p.m. to consider this ordinance.

TIMING:

Board action is requested on July 13, 2010, to provide sufficient time to advertise the proposed public hearing for adoption of this ordinance on July 27, 2010, at 4:30 p.m. and to complete the federal preclearance process thereafter in advance of the November 2, 2010, general election.

BACKGROUND:

Virginia Code permits the governing body of each county and city to establish by ordinance as many precincts as it deems necessary with one polling place for each precinct. The Board of Supervisors is authorized to change polling place locations subject to the requirements of Virginia Code Sections 24.2-310 and 24.2-310.1. All registered voters who are affected by a change in their polling place will be mailed a new Virginia Voter Information Card following federal preclearance of the proposed change. (Please note that the copy of Virginia Code Section 24.2-310 provided in the Enclosed Documents does not include the amendments made by the 2010 General Assembly. Those amendments will become effective on July 1, 2010. An amended version of that section has not been published by the state, but those amendments will not change the law concerning the location of polling places. Staff will provide the Board with an amended and updated version of Section 24.2-310 for the public hearing.)

On March 10, 2008, the Board approved an ordinance temporarily moving the polling place for the Marlan precinct from the Martha Washington Library located at 6614 Fort Hunt Road, Alexandria, to the Paul Spring Retirement Community located at 7116 Fort

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Hunt Road, Alexandria, which would be used while the library was closed for renovation. Since the move in 2008, the Office of Elections has received positive feedback from both the voters and the election officers regarding the polling place at the Paul Spring facility. Although the renovation at the Martha Washington Library has now been completed, the Office of Elections recommends continuing to use the Paul Spring Retirement Community as the permanent polling place for the Marlan precinct.

FISCAL IMPACT:  
None.

ENCLOSED DOCUMENTS:  
Attachment 1 - Virginia Code Pertaining to Polling Places  
Attachment 2 – Map and Description of Marlan Precinct  
Attachment 3 - Proposed Ordinance

STAFF:  
Edgardo Cortés, General Registrar  
Michael Long, Deputy County Attorney

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ADMINISTRATIVE – 10

Extension of Review Periods for 2232 Review Applications (Braddock, Dranesville, Lee, and Mason Districts)

ISSUE:

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

RECOMMENDATION:

The County Executive recommends that the Board extend the review periods for the following applications: application FS-B10-17 to September 12, 2010; application FSA-D01-58-1 to September 13, 2010; applications 2232-L10-4 and FSA-M00-106-4 to September 17, 2010; application 2232A-D09-2-1 to September 18, 2010; application FSA-D09-116-1 to September 24, 2010; and application FS-L10-29 to December 7, 2010.

TIMING:

Board action is required on July 13, 2010, to extend the review periods of the applications noted above before their expirations.

BACKGROUND:

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 FS-L10-29, which was accepted for review by the Department of Planning and Zoning (DPZ) on May 22, 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 periods for applications 2232-L10-4, FS-B10-17, FSA-M00-106-4, FSA-D01-58-1, FSA-D09-116-1, and 2232A-D09-2-1,

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which were accepted for review by DPZ between April 15, 2010, and April 27, 2010. These applications are for telecommunications facilities, and thus are subject to the State Code provision that the Board may extend the time required for the Planning Commission to act on these applications by no more than sixty additional days.

The review periods for the following applications should be extended:

- |               |   |
|---------------|---|
| 2232-L10-4    | T-Mobile Northeast, LLC<br>160-foot monopole<br>5419 Oakwood Road<br>Lee District   |
| FS-B10-17     | Clearwire US, LLC<br>Antenna colocation on existing monopole<br>7920 Woodruff Court<br>Braddock District  |
| FS-L10-29     | Fairfax County Dept. of Public Works and Environmental Services<br>Public commuter parking facility<br>7039 Old Keene Mill Road<br>Lee District             |
| FSA-M00-106-4 | Clearwire US, LLC<br>Additional antennas on rooftop<br>3401 Washington Drive<br>Mason District  |
| FSA-D01-58-1  | T-Mobile Northeast, LLC<br>Additional antennas on existing transmission pole<br>7305M Idylwood Road<br>Dranesville District                                 |
| 2232A-D09-2-1 | NewPath Networks, LLC<br>Additional antenna nodes for Distributed Antenna System<br>Seneca, Utterback Store, and Arnon Chapel Roads<br>Dranesville District |
| FSA-D09-116-1 | Clearwire US, LLC<br>Additional antenna on existing monopole<br>Georgetown Pike at I-495 interchange<br>Dranesville District                                |

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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 on Amendments to the Code of the County of Fairfax, Chapter 82, Motor Vehicles and Traffic, Section 82-4-10, Maximum Speed Limits

ISSUE:

Board authorization to advertise a public hearing to consider amending 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 authorize the advertisement of the public hearing.

TIMING:

Board action is requested on July 13, 2010, to provide sufficient time to advertise the proposed hearing on September 14, 2010, at 4:30 p.m. If approved by the Board after the public hearing, these provisions 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.

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

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ADMINISTRATIVE - 12

Authorization for the Department of Family Services to Apply for and Accept Grant Funding from the U.S. Department of Health and Human Services for the Second Year of the Early Head Start Expansion

ISSUE:

Board approval for the Department of Family Services (DFS) to apply for and accept funding, if received, from the U.S. Department of Health and Human Services (DHHS) in the amount of \$662,532 for the second year of the Early Head Start expansion. DFS received funding for the first year of the Early Head Start expansion through the American Reinvestment and Recovery Act of 2009 (ARRA). DHHS has made ARRA funding available to continue the expansion program for a second year. The required 20 percent local match will be met through \$50,000 in Local Cash Match from Fund 102, Federal/State Grant Fund, and the balance in in-kind contributions. The project period is from September 30, 2010 to September 29, 2011. When grant funding expires, the County is under no obligation to continue funding the expansion. If the actual award received or required Local Cash Match is significantly different from the application amount, another item will be submitted to the Board requesting appropriation of grant funds. Otherwise, staff will process the award administratively as per Board policy.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors authorize DFS to apply for and accept funding, if received, from DHHS in the amount of \$712,532, including \$50,000 in Local Cash Match, for a second year of the Early Head Start expansion.

TIMING:

Due to a June 30, 2010 submission deadline, the application was submitted pending Board approval. If the Board does not approve this request, the application will be immediately withdrawn.

BACKGROUND:

Early Head Start is a national child and family development program that provides quality early childhood education and comprehensive family support services to income eligible families with children birth to 3 years of age and expectant parents. The Board of Supervisors is the grantee for Early Head Start and assigns responsibility for operating the program to DFS. DFS directly operates the Greater Mount Vernon Community Head Start programs, through which Early Head Start children are served in either a center-based or

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family child care model. Fairfax County Public Schools (FCPS) and a private non-profit organization also provide Early Head Start services through contractual delegate relationships with DFS. A total of 252 Early Head Start children, including the 40 children that are part of the expansion, are currently served in Fairfax County by DFS and its delegates. Of the 40 children who are part of the expansion program, 24 are served in family child care homes and 16 are served in two classrooms in Fairfax County Public Schools at Dogwood Elementary. The project period is from September 30, 2010 to September 29, 2011. It is unclear at this time whether the federal government will make the expansion part of base funding after the project period ends in September 2011. If they do not, the closeout of the grant will be handled largely through attrition as children turn 3 years old and age out of the program. Parents of children enrolled in the expansion program will also be informed as to the temporary nature of the funds.

**FISCAL IMPACT:**

The Early Head Start expansion grant of \$662,532 will support services to 40 children and their families. The required 20 percent local match will be met through \$50,000 in Local Cash Match from Fund 102, Federal/State Grant Fund, and the balance in in-kind contributions. 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. This grant does not allow the recovery of indirect costs.

**Reporting Requirements**

In order to meet the ARRA transparency and accountability requirements, DFS is required to submit quarterly reports to the federal government. The reports are due no later than 10 days after the end of each quarter. Should there be additional and/or a change in existing reporting requirements, staff will notify the County Executive.

**CREATION OF NEW POSITIONS:**

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

**ENCLOSED DOCUMENTS:**

Attachment 1: Grant Application

**STAFF:**

Patricia Harrison, Deputy County Executive

Nannette M. Bowler, Director, Department of Family Services

Anne-Marie D. Twohie, Director, Office for Children, Department of Family Services

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ADMINISTRATIVE - 13

Approval of Installation of "\$200 Additional Fine for Speeding" Signs as Part of the Residential Traffic Administration Program (Springfield District)

ISSUE:

Board endorsement of "\$200 Additional Fine for Speeding" signs as part of the Residential Traffic Administration Program (RTAP).

RECOMMENDATION:

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

- Random Hills Road between Waples Mill Road and Post Forest Drive (Springfield District).

TIMING:

Board action is requested on July 13, 2010.

BACKGROUND:

At the May 11, 2010, Board meeting Random Hills Road was previously endorsed by the Board for "\$200 Additional Fine for Speeding" signs. The supporting information provided on May 11, 2010, denoted incorrect termini information for Random Hills Road. This item and the attached resolution include the correct termini.

Section 46.2-878.2 of the *Code of Virginia* permits a maximum fine of \$200, in addition to other penalties provided by law, to be levied on persons exceeding the speed limit on appropriately designated roadways. Also, roadways must have a posted speed limit of 35 mph or less. In addition, to determine that a speeding problem exists, staff performs an engineering review to ascertain that additional speed and volume criteria are met. Random Hills Road between Waples Mill Road and Post Forest Drive meets the RTAP requirements for posting of the "\$200 Additional Fine for Speeding" signs. On October 15, 2009, the Department of Transportation received written verification from the local supervisor confirming community support.

FISCAL IMPACT:

The estimated cost of \$500 is to be paid out of the VDOT secondary road construction budget.

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ENCLOSED DOCUMENTS:

Attachment I: \$200 Fine for Speeding Signs Resolution – Random Hills Road

Attachment II: Area Map of Proposed \$200 Fine for Speeding Signs – Random Hills Road

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, Senior Transportation Planner, Traffic Operations Section, FCDOT

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ADMINISTRATIVE – 14

Streets into the Secondary System (Hunter Mill District)

ISSUE:

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

RECOMMENDATION:

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

**Subdivision**

**District**

**Street**

TST Woodland LLC  
Monroe Street

Hunter Mill

Monroe Street – Route 666  
(Additional Right-of-Way Only)

TIMING:

Routine.

BACKGROUND:

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

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

Attachment 1 – Street Acceptance Forms

STAFF:

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

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ADMINISTRATIVE - 15

Authorization for the Department of Transportation to Apply For and Accept Funding for the National Infrastructure Investment Program (TIGER II) Funds; and Support for the Regional TIGER II Application

ISSUE:

Board authorization is requested for the Department of Transportation to apply for TIGER (Transportation Investments Generating Economic Recover) II Program grant funds made available under the National Infrastructure Investment Program within the FY 2010 Federal Appropriations Act. The total County requests equal \$78.0 million, including the U.S. Route 29/Gallows Road Intersection Improvements (\$20.0 million); the Springfield Central Business District (CBD) Multimodal Transportation Facility (\$35.0 million); the Vienna Ramp Project (\$22.0 million); and the Richmond Highway Transit Study (\$1.0 million). There is a 20 percent Local Cash Match required for these grants, should they be received.

Board support is also requested for the Regional Bike Sharing and Bike Access Program application being submitted by the Council of Governments (COG)/Transportation Planning Board (TPB). All five of these projects are described in Attachment 1. After TIGER II 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 of Supervisors authorize the Department of Transportation to apply for \$78.0 million in TIGER II program grant funds, and support the regional bike sharing and bike access application.

TIMING:

Board of Supervisors' authorization and support is requested on July 13, 2010, in order to meet the U. S. Department of Transportation's July 16, 2010, submission deadline.

BACKGROUND:

On April 26, 2010, the United States Department of Transportation (USDOT) solicited applications for the TIGER II program. Pre-applications are due on July 16, 2010, and final applications are due on August 23, 2010. USDOT will announce award recipients no sooner than September 15, 2010. Individual awards for implementation projects can be from \$10 million to \$200 million, with up to 80 percent of costs eligible for Federal funding and a required 20 percent match. There is also a planning portion of the grant for which the Richmond Highway Transit Study should qualify.

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The applications for program funding will be evaluated based on the ability to address the same issues for which the original TIGER program was established. Eligible projects include major capital infrastructure investments for highways, transit, aviation, and ports.

Given that the evaluation criteria are nearly identical to the criteria for the original TIGER program, staff focused on the same projects that the Board endorsed as part of the original TIGER program, and the Board's request of April 27, 2010, for the planning portion of the grant program. The TIGER projects were endorsed after considering projects included in the Board of Supervisors' Four Year Transportation Program, the TransAction 2030 Plan, the VDOT Six-Year Program, and the list of projects included in the item presented to the Board at the July 13, 2009, Board of Supervisors' meeting outlining transportation funding strategies. Fairfax County staff recommends requesting \$78.0 million in TIGER II funding for County projects and supporting the COG/TPB regional bike sharing and bike access application. The projects included in the requests are listed below. More detailed information is provided in Attachment I.

<b>County TIGER II Applications</b>	<b>Request</b>
<u>Project</u> : U.S. Route 29/Gallows Road Intersection Improvements	\$20.0 million
<u>Project</u> : Springfield CBD Multimodal Transportation Facility	\$35.0 million
<u>Project</u> : Vienna Metrorail Accessibility Improvements (Vienna Ramp)	\$22.0 million
<u>Project</u> : Richmond Highway Transit Study	\$ 1.0 million
<b>Regional TIGER Application</b>	<b>Request</b>
<u>Project</u> : Regional Bike Sharing and Bike Access Program	\$10.0 million est.

Unless otherwise directed by the Board of Supervisors, staff will assume endorsement of these projects by the Board and will pursue funding under the TIGER II program.

**FISCAL IMPACT:**

Grant funding of \$78.0 million is being requested from the TIGER II program, including \$1.0 million in planning funds. A 20 percent Local Match is required. The County is directly applying for \$20.0 million in funding for the U.S. Route 29/Gallows Road Intersection Improvements (\$16.0 million Federal and \$4.0 million Local Match); \$35.0 million for the Springfield CBD Multimodal Transportation Facility (\$28.0 million Federal and \$7.0 million Local Match); \$22.0 million for the Vienna Ramp project (\$17.6 million Federal and \$4.4

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million Local Match); and \$1.0 million for the Richmond Highway Transit Study (\$800,000 Federal and \$200,000 Local Match). If funding is awarded, upon Board approval, staff will include the necessary funding adjustments as part of the Third Quarter or Carryover Review process. This grant does not allow the recovery of indirect costs.

ENCLOSED DOCUMENTS:

Attachment 1: 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 FCDOT

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ACTION - 1

Designation of Virginia Department of Transportation FY 2011 Revenue Sharing Program Funds and Matching Fairfax County Funds (Springfield and Sully Districts)

ISSUE:

Board approval of the application for and use of a maximum of \$1,000,000 in FY 2011 Virginia Department of Transportation (VDOT) Revenue Sharing Program funds to partially pay for the widening of Stringfellow Road.

RECOMMENDATION:

The County Executive recommends that the Board approve the attached resolution (Attachment 1) designating a maximum of \$1,000,000 in FY 2011 VDOT Revenue Sharing Program funds to partially pay for the widening of Stringfellow Road.

TIMING:

The Board of Supervisors should act on this item on July 13, 2010, in order for staff to complete the application process by the July 31, 2010, VDOT deadline.

BACKGROUND:

Section 33.1-23.05, the *Code of Virginia*, enables the County to designate County funds for improvements to the primary and secondary roadway systems, with these funds to be equally matched, up to \$1,000,000, by VDOT funds, limited to a maximum of \$50,000,000 in matching VDOT funds statewide in FY 2011. This program is commonly referred to as the Revenue Sharing Program, and provides that VDOT match the County funds as a priority before allocating monies to its road systems. Therefore, the use of these funds results in a net increase of state funds available for transportation projects in the County.

On December 4, 2006, July 21, 2008, and again on July 13, 2009, the Board approved the use of Revenue Sharing funds for the Stringfellow Road project, and the County received the full \$1,000,000 in Revenue Sharing funds on all three occasions. On February 28, 2005, and as part of the Board's Four Year Transportation Plan, the Board approved a total of \$16,000,000 in transportation bond funds for this project. These funds will be used to match the maximum of \$1,000,000 in the FY 2011 VDOT Revenue Sharing Program.

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Based on the revisions to the program approved by the General Assembly, the highest priority for FY 2011 projects are those in which the locality is implementing the project. The second highest priority is for projects where the jurisdiction over-matches the Revenue Sharing request. Consideration is also given to projects previously funded under the Revenue Sharing program. To increase the County's chances of securing the full \$1,000,000, staff is recommending that the County use \$2,000,000 previously allocated to the Stringfellow Road widening project to over-match the requested funds.

FISCAL IMPACT:

Funds previously approved for the widening of Stringfellow Road will be used to pay the total \$2,000,000 match for the VDOT Revenue Sharing funds. There is no fiscal impact on the County for this project. If these funds are approved, there will be an additional \$1,000,000 for the project.

ENCLOSED DOCUMENTS:

Attachment 1: Resolution: Designation of FY 2011 Revenue Sharing Program Funds  
Attachment 2: Designation of Funds Forms for FY 2011 Revenue Sharing Program

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  
Eric Teitelman, Chief, Capital Projects and Operations Division, FCDOT  
Jay Guy, Coordination and Funding Division, FCDOT

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ACTION – 2

Approval of Bond Underwriter Pool

ISSUE:

Board approval of the list of authorized underwriters for potential future negotiated bond sales.

RECOMMENDATION:

The Board should approve Attachment 1, listing the 13 firms recommended by the Selection Advisory Committee, to serve as potential underwriters for future negotiated bond sales.

TIMING:

Board action is requested on July 13, 2010.

BACKGROUND:

On May 5, 2010, Fairfax County issued a Request for Proposals (RFP) to underwriting firms for purposes of obtaining a pool of qualified firms to be considered for underwriting future bonds issued by the County and/or certain of its authorities, such as the Economic Development Authority, on financings through June 30, 2013, with two optional one-year renewal periods. In response to this RFP, the County received 24 proposals. The Selection Advisory Committee (SAC) evaluated the proposals in accordance with the criteria established in the RFP.

The County anticipates a large number and volume of special financings over the next three years for projects such as Mosaic, Dulles Rail, Wiehle Avenue, and others currently in negotiation such as Laurel Hill. Staff believes it is prudent to establish a pool of pre-qualified underwriters from which to choose at the appropriate time. This action will not only save staff time from issuing multiple RFP's, but will also save respondent time and effort as the majority of firms would be expected to reply to each new RFP.

Members of the County's Selection Advisory Committee (SAC) evaluated each of the 24 firms based on experience with transactions comparable to the County's; financial strength, including capitalization and ratings; and sales and distribution capabilities including retail distribution capabilities in Virginia. With technical assistance from the County's financial advisor, the SAC chose the top ranked firms, ensuring that the mix of firms in the underwriting pool would provide access to a broad and diverse group of potential investors to include large institutional investors, regional market investors, and smaller retail investors.

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Following the SAC evaluation of the proposals, the SAC recommends that the County establish a pool of underwriters that are pre-qualified to undertake future financings. Attachment 1 provides the list of SAC recommended underwriters. Should the County chose to conduct a negotiated sale for a bond issue, the firms rated in the pool will be asked to submit proposals and formally compete to serve as the senior manager, and/or co-senior manager, and/or participating co-manager for a particular bond issue. Such selections will be based primarily upon price, understanding of the credit issues involved, and proposed structure of the financing. Combined with the fundamental qualifications County staff has already reviewed, staff could make a decision on the best qualified underwriter quickly. Each selection will be officially approved by the Board of Supervisors at the time of bond document approval for the project financing.

The SAC also reviewed seven proposals to underwrite the Mosaic bonds to be issued by the Mosaic District Community Development Authority (CDA). As this is a unique financing requiring specialized skills and experience, the SAC is conducting interviews with the top qualified candidates and will make a recommendation to the CDA Board shortly. As the County is not a party to the financing, no action by the Board is necessary.

There are two methodologies by which issuers typically sell municipal bonds – on a “negotiated” or “competitive” basis. Historically, the County has sold the majority of its bonds on a competitive basis. In a competitive sale, an issuer posts a public sale notice inviting underwriters to bid on its bonds at a specified time and awards the bonds to the bidder offering the lowest interest cost. In a negotiated sale, the underwriter(s) is selected in advance of a bond sale, typically based upon a RFP process. The interest rates and other terms of the bonds are then set based on a negotiation with the underwriter. The decision to use one methodology over another primarily depends upon the attributes of the issue, the issuer’s needs, and market conditions at the time of sale. It should be noted that most large, highly-rated issuers such as the Commonwealth of Virginia have established an underwriter pool in order to expedite the bond sale process. In the past, the County had not anticipated the need for a negotiated sale as competitive sales are a commonly used method of pricing bonds for highly rated issuers and other well established credits. Now that the County has several new credits, it may wish to consider negotiated sales and it will be to the County’s advantage to adopt this methodology for underwriter selection.

The establishment of an underwriting pool does not require the County to sell bonds on a negotiated basis, nor does it guarantee that any or all of the firms in the underwriter pool will serve as an underwriter on a future financing. Rather, the pool allows the County to use an abbreviated selection process for future bond issuances to provide the County with flexibility to meet bond issuance schedules. Another advantage to establishing an underwriting pool is that it may encourage underwriting firms to earn the County’s confidence by bidding aggressively on the County’s competitive sales.

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FISCAL IMPACT:

There is no fiscal impact at this time. The actual fiscal impact of each bond issue will be assessed at the time of financing approval by the Board of Supervisors. One of the factors that will determine whether a sale is competitive or negotiated will be an assessment of which method is most effective and cost advantageous to the County.

ENCLOSED DOCUMENTS:

Attachment 1: List of Recommended Underwriter Firms

STAFF:

Edward L. Long, Jr., Deputy County Executive  
Victor L. Garcia, Director, Department of Finance  
Leonard P. Wales, County Debt Manager

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ACTION - 3

Changes to the Fairfax County Purchasing Resolution

ISSUE:

Board approval of changes to the Fairfax County Purchasing Resolution.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors approve the changes outlined below to the Fairfax County Purchasing Resolution, to become effective on July 13, 2010. These proposed changes incorporate modifications resulting from legislation enacted during the 2010 session of the Virginia General Assembly and other administrative changes recommended by staff.

TIMING:

Routine.

BACKGROUND:

The Board of Supervisors adopted the current version of the Fairfax County Purchasing Resolution on June 22, 2009. During the 2010 session of the General Assembly, 11 bills were approved relating to procurement and/or contracts. Of this number, four bills enacted into law either modified a mandatory section of the Virginia Public Procurement Act (VPPA) or included changes recommended by staff. The remaining bills affected state agencies only or did not have any impact on Fairfax County. Staff recommends three administrative amendments to the Purchasing Resolution:

Code Changes

1. House Bill 789, Code of Virginia §2.2-4303, increases the amount from \$1 million to \$1.5 million for use of competitive negotiations for construction contracts. This bill changes a mandatory section of the Virginia Public Procurement Act.
2. House Bill 567, Code of Virginia §2.2-4305, increases the amount from \$30,000 to \$50,000 for use of competitive bidding or competitive negotiations for state-aid construction projects. This bill changes a mandatory section of the Virginia Public Procurement Act.

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3. House Bill 831, Code of Virginia §2.2-4311.2, adds a requirement to include in every contract over \$50,000 a provision that the contractor must be authorized to transact business in Virginia as a domestic or foreign business entity as required by the State Corporation Commission. This bill adds a new non-mandatory section to the Virginia Public Procurement Act. Staff recommends that it be incorporated into the Resolution.
4. Senate Bill 52, Code of Virginia §15.2-980, adds a provision to the “Excess and Surplus Property and Inventory” section that permits the sale of a specially trained police dog to that dog’s handler. This bill adds a new non-mandatory section to the Virginia Public Procurement Act. Staff recommends that it be incorporated into the Resolution.

Administrative Changes

1. Establishes procurement authority for the Department of Administration for Human Services for goods and services purchased for direct use by a recipient of County administered public assistance programs.
2. Establishes authority for the Fairfax County Park Authority, Department of Housing and Community Development, and the Department of Transportation to delegate construction contracting to the Department of Public Works and Environmental Services.
3. Adds a Personal Conflicts of Interest section to Article 5, Ethics in County Contracting, which provides that contractors must prevent personal conflicts of interest of their employees engaged in a County contract, and must prohibit these employees from using non-public County information for their personal gain.

An “Index of Changes” summarizing all proposed modifications is provided in Attachment I. The text changes proposed in the Resolution are presented in “track changes” format and legislative references are provided in the right margin in Attachment II.

These changes have been coordinated with the Department of Public Works and Environmental Services, the Department of Housing and Community Development, the Fairfax County Park Authority, the Department of Transportation, Fairfax County Public Schools, and the Office of the County Attorney.

FISCAL IMPACT:

None.

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ENCLOSED DOCUMENTS:

Attachment I - Index of Changes

Attachment II - Revised Fairfax County Purchasing Resolution

STAFF:

Edward L. Long, Jr., Deputy County Executive

Cathy A. Muse, Director, Department of Purchasing and Supply Management

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INFORMATION - 1

Project Agreement Between the Natural Resources Conservation Service, the Northern Virginia Soil and Water Conservation District, and Fairfax County for the Rehabilitation of Pohick Creek Damsite Number 2, Lake Barton (Braddock District)

The construction of Pohick Creek Damsite Number 2, known locally as Lake Barton was completed in November of 1978. The project was a joint effort between the Soil Conservation Service (SCS), now the Natural Resources Conservation Service (NRCS), the Northern Virginia Soil and Water Conservation District (NVSWCD), and Fairfax County. The design as well as the construction management was completed by the NRCS, while the land acquisition portion of the project was completed by Fairfax County.

In November of 2000, the "Small Watershed Rehabilitation Amendments of 2000" revised Public Law 566 to establish a cost-share rehabilitation program whereby a community having dams constructed by the NRCS could receive federal assistance for the rehabilitation of these facilities. Under this program, the NRCS provides up to 65% of the total project cost, with the sponsoring community contributing the 35% balance.

A rehabilitation plan for Lake Barton was completed by the NRCS in August 2009. The plan recommended rehabilitating the Lake Barton dam to meet current safety and performance standards by installing two cutoff walls in the auxiliary spillway to prevent excessive erosion during the design flow event. Additional changes required to the facility to meet NRCS and state standards include: extending the earthen training dike to protect the dam embankment; regrading a small section of the dam embankment near the auxiliary spillway; and raising the auxiliary spillway crest by 0.5 feet.

In order to meet the NRCS requirements for cost-sharing, a minimum 50-year sediment storage reservoir is required. NRCS has estimated that the sediment storage pool for Lake Barton only has capacity for an estimated 42 years. The County will dredge a minimum of 15,000 cubic yards of sediment to establish the 50-year sediment storage capacity requirements. Dredging costs are not cost-shareable. The current estimate for dredging 15,000 cubic yards of sediment is \$992,000 and will be paid through funding available in Fund 125, Project FX0400. The dredging costs are not included in the Fiscal Impact statement.

In August 2009, the County entered into a work plan agreement with the NRCS. According to the terms of this agreement, the NRCS is to provide 65% of the total cost of rehabilitating the Lake Barton dam up to a maximum of \$2,001,863, with the County responsible for the balance. Funding from the NRCS is available as a result of the American Recovery and Reinvestment Act of 2009.

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A final design for this project is being completed under a County contract, following NRCS standards. It is anticipated that construction of the project will begin by November, 2010. The rehabilitated structure will have a new life expectancy of 50 years from the date construction is complete. The rehabilitation of this dam will protect 192 residential properties, 41 non-residential sites, as well as three major roads and a railroad in the dam breach inundation zone.

In order to obligate federal funds, NRCS requires the execution of a Project Agreement with the County and NVSWCD. As part of the Project Agreement, a Memorandum of Understanding (MOU) must also to be executed to clarify roles and functions of each partner and provide a framework under which financial obligations including credit for the County's in-kind service are established. In addition, an Operation and Maintenance Agreement for the program life of 50 years is required, as well as an attestation relating to the adequacy of real property rights. The agreements have been coordinated with the NVSWCD.

Unless otherwise directed by the Board of Supervisors, the County Executive, on behalf of the County, will execute the Project Agreement and other supporting documents with the Natural Resources Conservation Service and the Northern Virginia Soil and Water District Commission for the rehabilitation of Pohick Damsite Number 2, Lake Barton.

FISCAL IMPACT:

The estimated total cost of the project is \$3,079,789. The NRCS will pay 65% of the cost (\$2,001,863) with the County required to fund 35% (\$1,077,926) of final costs, less any in-kind service credits. The current value of in-kind credit provided by the County and NVSWCD is \$645,900; therefore, the total County cash contribution is \$432,026. Funding is currently available in Fund 318, Stormwater Management Program, in Project FX4000, Dam Safety Projects to fund the County obligation to this project.

REPORTING REQUIREMENTS:

In order to meet the American Reinvestment and Recovery Act transparency and accountability requirements, the Department of Public Works and Environmental Services submits reports to the federal government. The reports are due no later than 10 days after the end of each quarter. Should there be an additional and/or a change in existing reporting requirements, staff will notify the County Executive.

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ENCLOSED DOCUMENTS:

- Attachment 1: Project Agreement (without attachments)
- Attachment 2: Memorandum of Understanding
- Attachment 3: Operation and Maintenance Agreement (without attachments)
- Attachment 4: Assurances Relating to Real Property Acquisition

STAFF:

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

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## INFORMATION - 2

### Contract Award - Fairfax County Parkway/West Ox Road Intersection Improvement (Sully and Hunter Mill Districts)

Seven sealed bids were received and opened on June 15, 2010, for construction of Fairfax County Parkway/West Ox Road Intersection Improvement, Project 064276, in Fund 304, Transportation Improvements. This project provides for construction of a dual left-turn lane northbound to West Ox Road and an extension of the existing southbound right-turn lane to West Ox Road. This project is included in the FY 2011 – FY 2015 Adopted Capital Improvement Program.

The lowest responsive and responsible bidder is Arthur Construction Company Inc. The firm's bid of \$547,166.25 is \$148,048.25 or 21.3% lower than the Engineer's Estimate of \$695,214.50. The second lowest bid of \$607,700.00 is \$60,533.75 or 11.1% above the low bid. The highest bid of \$798,854.77 is \$251,688.52 or 46.0% above the low bid. It is noted that there were four bids below and three bids above the Engineer's Estimate.

Recent bid experience indicates extremely competitive bidding especially in horizontal construction projects. This combined with the contractor's experience makes this a favorable below estimate bid. Arthur Construction Company Inc. has satisfactorily completed several County projects and is considered a responsible bidder. The Department of Public Works and Environmental Services has analyzed the bids received on the referenced project and recommends award of the contract to Arthur Construction Company Inc.

The Department of Tax Administration has verified that Arthur Construction Company Inc. has the appropriate Fairfax County Business, Professional and Occupational License. Arthur Construction Company, Inc. is a certified small, minority owned business.

This bid may be withdrawn after July 30, 2010.

Unless otherwise directed by the Board of Supervisors, the Department of Public Works and Environmental Services will proceed to award this contract to Arthur Construction Company Inc. in the amount of \$547,166.25.

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FISCAL IMPACT:

Funding in the amount of \$788,428.94 is necessary to award this construction contract and to fund the associated contingency and other project costs including utility relocation, contract administration, and inspection. Funds are currently available in Fairfax County Parkway/West Ox Road Intersection Improvement, Project 064276, in Fund 304, Transportation Improvements in the amount of \$888,428.94.

ENCLOSED DOCUMENTS:

Attachment 1 - Order of Bidders  
Attachment 2 - Vicinity Map

STAFF:

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

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### INFORMATION - 3

#### Contract Award – West Ox Animal Shelter Renovation and Expansion (Springfield District)

A total of 14 contractors were prequalified to bid on the project for the construction of the West Ox Animal Shelter Renovation and Expansion, Project 009228, in Fund 312, Public Safety Construction. Nine sealed bids were received and opened on Tuesday, June 15, 2010. This contract award will provide for the construction of a 14,750 square-foot addition and renovation of 10,785 square feet of the existing facility located at 4500 West Ox Road. This project is included in the FY2011 - FY 2015 Adopted Capital Improvement Program.

The solicitation was structured with a base bid and two alternates (Alternate No. 1 Veterinarian Clinic and Alternate No. 2 Barn & Paddock Fencing). Based upon available funding and evaluation of bids by Department of Public Works and Environmental Services, the determination was made that both alternates would be accepted.

The lowest responsive and responsible bidder is Keller Brothers, Inc. The firm's bid consisting of Base Bid and Alternates 1 and 2, of \$7,329,000 is \$741,543 or 9.2% below the Engineer's Estimate of \$8,070,543. The second lowest bid by E. E. Reed Construction, L.P. consisting of Base Bid and Alternates 1, and 2 of \$7,793,000 is \$464,000 or 6.3% above the lowest bid. The highest bid of \$8,949,000 is \$1,620,000 or 22.1% above the low bid. Review of the order of bidders indicates that there are four bids below the Engineer's Estimate and five bids above the Engineer's Estimate. The contractor's experience in this type of work and the extremely competitive bidding environment are reflected in the lowest responsive and responsible bid.

Keller Brothers, Inc. has satisfactorily completed several projects in the Washington, D.C. Metropolitan area, including Fairfax County's Less Secure Shelter II and the Richard Byrd Library and is considered a responsible bidder.

The Department of Tax Administration has verified that Keller Brothers, Inc. has the appropriate Fairfax County Business, Professional and Occupational License.

This bid may be withdrawn after August 13, 2010.

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Unless otherwise directed by the Board of Supervisors, the Department of Public Works and Environmental Services will proceed to award this contract to Keller Brothers, Inc. in the amount of \$7,329,000.

FISCAL IMPACT:

Funding in the amount of \$11,200,000 is necessary to award this contract and fund the associated contingency and other project costs such as utilities relocations and upgrades, systems furniture, off site road and pedestrian improvements, inspections, and construction management. Funding is currently available in the West Ox Animal Shelter Renovation and Expansion, Project 009228, Fund 312, Public Safety Construction. Based on extremely favorable bidding conditions, any excess balance of appropriated Public Safety bond funds will be re-allocated to other Public Safety requirements at a future budget review.

ENCLOSED DOCUMENTS:

Attachment 1 – Order of Bidders  
Attachment 2 – Vicinity Map

STAFF:

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

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## INFORMATION - 4

### Contract Award – Pharmacy Services & Pharmaceuticals

The Fairfax – Falls Church Community Services Board (CSB) operates, contracts for, and coordinates an array of services within its jurisdiction. The CSB's Mental Health Services (MHS) division seeks to promote individual and community well-being by reducing mental illness, emotional disturbance, and acute emotional distress. For many years the CSB has provided subsidized medications for eligible mental health consumers through an allotment from the Virginia Department of Behavior Health and Development Services (DBHDS). Prior to December 31, 2009 when DBHDS closed the Community Resource Pharmacy due to budget cuts, the allotment was provided as medications directly from the Community Resource Pharmacy. When the Community Resource Pharmacy closed, DBHDS committed to providing continued funding for medications but left the procurement of the medications up to the individual CSB's.

On December 2, 2009, the Department of Purchasing and Supply Management issued a Request for Proposal (RFP10-150150-32) for the provision of pharmacy services & pharmaceuticals (prescription medications) for clients of the CSB.

Tasks required to be performed under this contract include, at a minimum:

- a. Full service pharmacies located in the busiest Community Mental Health Centers, Woodburn Community Mental Health Center and Gartlan Community Mental Health Center. The pharmacies will be accessible to all CSB consumers and staff, along with the CSB partner human service agencies.
- b. Clinical Medication Coordinators (CMC) at three other Community Mental Health Centers, Northwest Center, Chantilly Mental Health Center and Springfield Outpatient Center. The CMC's will provide a direct link to the pharmacies, distribute medications dispensed at the pharmacy, and distribute Patient Assistance Program (PAP) medications obtained for free from the pharmaceutical companies. Their placement will allow the CSB to remove its psychiatric nurses from the role of distributing medications and use their skills and certifications in better ways, ultimately providing a cost savings to the County.
- c. Mail order delivery option for all prescriptions obtained through contract pharmacy.
- d. Daily courier services for timely receipt of medications at CMC sites and CSB residential programs.

The solicitation notice was sent to approximately 220 firms. Four offerors responded with a proposal by the closing date of January 19, 2010. The Selection Advisory Committee (SAC),

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appointed by the County Purchasing Agent, evaluated the proposals in accordance with the criteria established in the RFP. Upon completion of the final evaluation of the proposals, the SAC negotiated with the offeror and recommended contract award to QoL Meds.

QoL Meds, established in 1999, is a company that is dedicated to providing pharmacy services to mental health consumer being serviced in community mental health centers throughout the United States. They currently operate onsite pharmacies in thirty locations. With the company focus on the mental health consumer, they bring a more complete understanding of the consumers and the community mental health system which provides their services. QoL Meds has national contracts with all major third party pharmacy benefit managers and will obtain Virginia Medicaid enrollment upon commencing service, and will provide aggressively discounted pricing including a match of the Wal-Mart published \$4.00 30-day supply and \$10.00 90-day supply prices for generic medications. As a full service pharmacy, QoL will be able to assist consumers with all medications prescribed, not limited to the psychotropic medications. QoL Meds will work in collaboration with the CSB's center staff to provide thorough, seamless, clinically appropriate medication management services.

The Department of Tax Administration verified that the QoL Meds is not required to have a Fairfax County Business, Professional and Occupational License (BPOL).

Unless otherwise directed by the Board of Supervisors, the Purchasing Agent will proceed to award this contract to QoL Meds. This contract will begin on date of award and terminate on June 30, 2012. The contract is a five year contract with three (3) one-year renewal options. The total estimated amount of this contract is \$10,000,000.00.

FISCAL IMPACT:

The Fairfax-Falls Church Community Services Board will have approximately \$2,000,000 in state and local funds budgeted for Fiscal Year 2011 for the Pharmacy Services and Pharmaceuticals by medication purchase for eligible consumers.

ENCLOSED DOCUMENTS:

Attachment 1 - List of Offerors

STAFF:

Edward L. Long, Jr., Deputy County Executive  
Cathy A. Muse, Director, Department of Purchasing and Supply Management  
George Braunstein, Executive Director of Community Services Board

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INFORMATION - 5

Contract Award – Tertiary Clarifier Rehabilitation at Noman M. Cole, Jr., Pollution Control Plant (Mount Vernon District)

Six sealed bids were received and opened on June 22, 2010, for the construction of Tertiary Clarifier Rehabilitation, Noman M. Cole, Jr., Pollution Control Plant Renovations, Project X00911, Fund 408, Sewer Bond Construction. This project will provide for the installation of new clarifier equipment, installation of new motor control centers, construction of a new ferric chloride and polymer feed building and system, extensive concrete restoration of existing tertiary clarifier structures, and the replacement of mechanical and electrical equipment. The existing clarifier system has been in operation since mid-1970. This project is included in the FY 2011 - FY 2015 Adopted Capital Improvement Program (with future Fiscal Years to 2020).

The lowest responsive and responsible bidder is American Contracting and Environmental Services, Inc. The firm's bid of \$9,595,000 is \$2,750,503 or 22.3% below the Engineer's Estimate of \$12,345,503. The second lowest bid of \$11,062,000 is \$1,467,000 or 15.3% above the low bid and the highest bid of \$12,795,000 is \$3,200,000 or 33.4% above the low bid.

The Department of Public Works and Environmental Services has analyzed the bids received on the referenced project. The fact that American Contracting and Environmental Services, Inc. is currently mobilized on-site performing another construction contract for the County, coupled with a very competitive bidding environment, has resulted in this favorable bid.

The firm of American Contracting and Environmental Services, Inc. has satisfactorily completed several County projects and is considered a responsible contractor. The Department of Tax Administration has verified that American Contracting and Environmental Services, Inc. has the appropriate Fairfax County Business, Professional and Occupational License.

This bid may be withdrawn after August 6, 2010.

Unless otherwise directed by the Board of Supervisors, the Department of Public Works and Environmental Services will proceed to award this contract to American Contracting and Environmental Services, Inc. in the amount of \$9,595,000.

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FISCAL IMPACT:

Funding in the amount of \$13,618,756 is necessary to award this contract and fund the associated contingency and other project costs. Funding is currently available in the amount of \$39,216,873 in Project X00911, in Fund 408, Sewer Bond Construction.

ENCLOSED DOCUMENTS:

Attachment 1 – Order of Bidders  
Attachment 2 – Vicinity Map

STAFF:

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

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10:45 a.m.

Matters Presented by Board Members

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11:35 a.m.

CLOSED SESSION:

- (a) Discussion or consideration of personnel matters pursuant to Virginia Code § 2.2-3711(A) (1).
- (b) Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Virginia Code § 2.2-3711(A) (3).
- (c) Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, and consultation with legal counsel regarding specific legal matters requiring the provision of legal advice by such counsel pursuant to Virginia Code § 2.2-3711(A) (7).
  - 1. *Jennifer Detweiler v. Craig B. Leech*, Case No. CL-2009-0013202 (Fx. Co. Cir. Ct.)
  - 2. *Advanced Towing Company, LLC, Roadrunner Wrecker Service, Inc., and King's Towing, Inc. v. Fairfax County Board of Supervisors*, Case No. CL-2008-0011827 (Fx. Co. Cir. Ct.)
  - 3. *Board of Supervisors of Fairfax County, Virginia v. Harold D. Spain and Wells Fargo Bank, NA*, Case No. CL-1998-0173805 (Fx. Co. Cir. Ct.) (Hunter Mill District)
  - 4. *Adonis Wright v. Fairfax County, G. S. Tuggle, and Officer Shifflett, and Other Unnamed Officers, John Does*, Case No. 1:09CV949 (E.D. Va.)
  - 5. *Elena Norfolk v. Detective Douglas Middlebrooks*, Case No. CL-2009-0009207 (Fx. Co. Cir. Ct.)
  - 6. *In re Grievance of Michael Guston*, Case No. 1014 (Fx. Co. Civil Serv. Comm'n)

7. *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)*
8. *Eileen M. McLane, Fairfax County Zoning Administrator v. Elaine Ayers Schumacher, a/k/a Ellen Elaine Schumacher, Case No. CL-2010-0001667 (Fx. Co. Cir. Ct.) (Mount Vernon District)*
9. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Kenneth N. Hodge and Linda J. Hodge, Case No. CL-2010-0003046 (Fx. Co. Cir. Ct.) (Springfield District)*
10. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. David L. Marra, Sr., and Pamela L. Marra, Case No. CL-2009-0015974 (Fx. Co. Cir. Ct.) (Mason District)*
11. *Eileen M. McLane, Fairfax County Zoning Administrator v. Maria T. Rivera, Case No. CL-2010-0002570 (Fx. Co. Cir. Ct.) (Springfield District)*
12. *Eileen M. McLane, Fairfax County Zoning Administrator v. The Board of Trustees of Shalom Presbyterian Church, a/k/a The Trustees of Shalom Presbyterian Church of Washington, Case No. CL-2010-0003305 (Fx. Co. Cir. Ct.) (Springfield District)*
13. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. 1519 & 6460 Linway Terrace, LLC, Case No. CL-2009-0017505 (Fx. Co. Cir. Ct.) (Dranesville District) (Strike Team/BNV Case)*
14. *Eileen M. McLane, Fairfax County Zoning Administrator v. Jaime R. Rueda, Case No. CL-2009-0008709 (Fx. Co. Cir. Ct.) (Mason District)*
15. *Eileen M. McLane, Fairfax County Zoning Administrator v. Olumuyiwa Olaseinde and Wuraola Olaseinde, Case No. CL-2009-0015549 (Fx. Co. Cir. Ct.) (Lee District)*
16. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Carolyn Jones, Case No. CL-2009-0011791 (Fx. Co. Cir. Ct.) (Lee District)*

17. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Tito Vallejos*, Case No. CL-2009-0004251 (Fx. Co. Cir. Ct.) (Mason District) (Strike Team Case)
18. *Eileen M. McLane, Fairfax County Zoning Administrator v. Kyu H. Choe*, Case No. CL-2008-0014034 (Fx. Co. Cir. Ct.) (Lee District)
19. *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)
20. *Eileen M. McLane, Fairfax County Zoning Administrator v. Elizabeth Case and Ray Case*, Case No. CL-2009-0000410 (Fx. Co. Cir. Ct.) (Providence District)
21. *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)
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. Michael Shen*, Case No. CL-2009-0010971 (Fx. Co. Cir. Ct.) (Providence District)
24. *Board of Supervisors of Fairfax County, Virginia v. Xicheng Qi and Xiao Cai*, Case No. CL-2009-0013426 (Fx. Co. Cir. Ct.) (Dranesville District)
25. *Eileen M. McLane, Fairfax County Zoning Administrator v. Rama Sanyasi Rao Prayaga and Niraja Dorbala Prayaga*, Case No. CL-2010-0002573 (Fx. Co. Cir. Ct.) (Dranesville District)
26. *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)

27. *Eileen M. McLane, Fairfax County Zoning Administrator v. Shaikh M. Shahid and Sadaf S. Shahid*, Case No. CL-2010-0004728 (Fx. Co. Cir. Ct.) (Lee District)
28. *Eileen M. McLane, Fairfax County Zoning Administrator v. Penn Daw Properties, L.L.L.P.*, Case No. CL- 2010-0006498 (Fx. Co. Cir. Ct.) (Mount Vernon District)
29. *Eileen M. McLane, Fairfax County Zoning Administrator v. Carlos E. Romero*, Case No. CL-2010-0004274 (Fx. Co. Cir. Ct.) (Providence District)
30. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Manzer Alam, a/k/a Alam Manzer*, Case No. CL-2010-0003304 (Fx. Co. Cir. Ct.) (Mount Vernon District)
31. *Eileen M. McLane, Fairfax County Zoning Administrator v. Richer Cadima*, Case No. CL-2010-0008213 (Fx. Co. Cir. Ct.) (Mason District)
32. *Eileen M. McLane, Fairfax County Zoning Administrator v. Great World Plaza, LLC*, Case No. CL-2010-0008213 (Fx. Co. Cir. Ct.) (Mason District)
33. *Eileen M. McLane, Fairfax County Zoning Administrator v. Lans A. Fofana*, Case No. CL-2010-0008229 (Fx. Co. Cir. Ct.) (Mason District)
34. *Eileen M. McLane, Fairfax County Zoning Administrator v. Thinh V. Luong and Thuy T. Trinh*, CL-2010-0008779 (Fx. Co. Cir. Ct.) (Mason District)
35. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Edna B. Jones*, Case No. CL-2010-0009039 (Fx. Co. Cir. Ct.) (Dranesville District)
36. *Eileen M. McLane, Fairfax County Zoning Administrator v. Ala Motlagh and Denise C. Motlagh*, Case Nos. 10-0014401 and 10-0014402 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
37. *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)

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3:30 p.m.

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

ISSUE:

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

On May 25, 2010, the Board of Supervisors deferred decision on this item to July 13, 2010 to allow additional time for discussion.

PLANNING COMMISSION RECOMMENDATIONS:

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

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

1. The proposed Route 28/CIT Plan text recommends that the northern pedestrian landing connecting to the Metro station, and the bus and kiss and ride facilities be located in Land Unit A (CIT property). If this recommendation is supported by the Board of Supervisors, the Planning Commission recommends the immediate authorization of a Plan amendment to replan the County-owned 9.6 acre parcel in

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Land Unit D (former Land Unit C) for public parks or public facilities use. Currently, it is recommended as the site for commuter facilities to serve transit. The evaluation of the parcel for public parks should include analysis of whether the parcel is suitable for a recreation center or alternatively, a police station.

2. The Planning Commission recommends the continuation of the interjurisdictional collaboration among Fairfax County, the Town of Herndon and Loudoun County to consider:
  - o coordination and prioritization of all transportation improvements (road expansion, extensions, new roadways, traffic signal coordination, traffic calming devices, etc.) in the intercounty area surrounding the Rt. 28 Metro station. These should include funding considerations on contributions allocated by the member jurisdictions and the developers in this area to phase the needed transportation improvements identified for this area.
  - o a regional trails planning effort to provide better connections from the Rt. 28/CIT Metro station, including outreach to trail and bicycle groups with the objective of creating pedestrian and bicycle links to areas within Fairfax County, Loudoun County and the Town of Herndon;
  - o realigning Innovation Avenue in Loudoun County to foster the creation of a grid street pattern;
  - o a coordinated approach to preserving environmentally sensitive features especially those associated with the Horse Pen Creek Watershed, which spans Fairfax and Loudoun Counties; and
  - o creation of a multi-jurisdictional TDM program and identify the best methods to monitor the achievement of regional and individual TDM measures.
3. The Planning Commission recommends that there be confirmation that adequate police, fire, rescue and parks and recreational services will be provided in the RT/28 CIT area, based on adopted standards in the Fairfax County Comprehensive Plan (such as location and response time). If needed, investigate the option of pursuing agreements with Loudoun County to provide these services, while also considering the possibility of providing as many of these services as possible on site.
4. The Planning Commission recommends a Fairfax County outreach effort to trail and bicycle groups with the objective of creating pedestrian and bicycle links to provide better connections to the Rt. 28/CIT Metro station from surrounding areas within Fairfax County, Loudoun County and the Town of Herndon.

RECOMMENDATION:

Consistent with the Dranesville APR Task Force recommendation, the County Executive recommends the adoption of the nominations with a lesser level of planned intensity than what was originally nominated. Based on radial distance to the Metro platform, these intensities are up to 2.8 FAR within the ¼ mile, up to 1.6 FAR within the ½ mile and up to

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.50 FAR beyond the ½ mile. Further, the Metro station entrance is recommended to be relocated and incorporated into the CIT site to achieve an integration of the Metro entrance with transit-oriented development (TOD).

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

TIMING:

Planning Commission public hearing – March 18, 2010

Planning Commission decision – May 13, 2010

Board of Supervisors public hearing – Deferred for decision only from May 25, 2010 to July 13, 2010

BACKGROUND:

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

FISCAL IMPACT:

None

ENCLOSED DOCUMENTS:

Attachment I: Planning Commission Verbatim

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

[http://www.fairfaxcounty.gov/dpz/apr/2008northcounty/finalstaffreports/7up\\_11up\\_12up.pdf](http://www.fairfaxcounty.gov/dpz/apr/2008northcounty/finalstaffreports/7up_11up_12up.pdf) )

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

Transportation Addendum (previously delivered separate from package and available online at [http://www.fairfaxcounty.gov/dpz/apr/2008northcounty/finalstaffreports/7up\\_11up\\_12up-addendum.pdf](http://www.fairfaxcounty.gov/dpz/apr/2008northcounty/finalstaffreports/7up_11up_12up-addendum.pdf) )

Attachment IV: Dranesville District APR Task Force Report for APR 08-III-7UP, 08- III-11UP and 08-III-12UP (previously delivered separate from package and available online at [http://www.fairfaxcounty.gov/dpz/apr/2008northcounty/tfreports/7up\\_11up\\_12up2.pdf](http://www.fairfaxcounty.gov/dpz/apr/2008northcounty/tfreports/7up_11up_12up2.pdf) )

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STAFF:

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

Board Agenda Item  
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3:30 p.m.

Public Hearing on RZ 2009-SU-024 (Sully East L.C.) to Rezone from PDC, I-5, PDH-16, HD and WS to PDC, HD and WS to Permit Commercial Development with an Overall Floor Area Ratio (FAR) of .35 and Approval of the Conceptual and Final Development Plans, Located on Approximately 76.60 Acres, Sully District

and

Public Hearing on PCA 2003-SU-035 (Sully East L.C.) to Amend the Proffers, Conceptual and Final Development Plans for RZ 2003-SU-035 Previously Approved for Mixed Use Development to Permit Reduction in Land Area and Associated Modifications to Proffers and Site Design with an Overall Floor Area Ratio (FAR) of .35, Located on Approximately 68.80 Acres Zoned PDC, PDH-16, HD and WS, Sully District

and

Public Hearing on SEA 2003-SU-023 (Sully East L.C.) to Amend SE 2003-SU-023 Previously Approved for an Increase in Building Height to Permit Increase in Land Area. Located on Approximately 25.24 Acres Zoned PDC, PDH-16, HD and WS, Sully District

(Approval of this application may enable the vacation and/or abandonment of portions of the public rights-of-way for Barnsfield Road to proceed under Sections 33.1-151 and 15.2-2270(2) of the Code of Virginia).

The application property RZ 2009-SU-024 is located in the southeast quadrant of the Sully Road and Air & Space Museum Parkway interchange, west of Centreville Road and south of Historic Sully Way Tax Map 34-2 ((1)) 2 pt., 3A, 7, 8, 10A, 27 pt. and 35 pt. and a portion of Barnsfield Road right-of-way to be vacated and/or abandoned.

The application property PCA 2003-SU-035 is located in the southeast quadrant of the intersection of Sully Road and Air & Space Museum Parkway and west side of Centreville Road, Tax Map 34-2 ((1)) 2 pt., 3A pt. 10A pt., 27 pt. and 35 pt. and a portion of Barnsfield Road right-of-way to be vacated and/or abandoned.

The application property SEA 2003-SU-023 is located at 13800, 13850, 13900 and 13950 Barnsfield Road and 3318 Centreville Road.

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PLANNING COMMISSION RECOMMENDATION:

The Planning Commission public hearings were held on June 17, 2010 and the Commission deferred its decisions to Wednesday, June 30, 2010. The Commission's recommendations will be forwarded to the Board of Supervisors subsequent to that date.

ENCLOSED DOCUMENTS:

None. Staff Report previously furnished.

STAFF:

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

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3:30 p.m.

Public Hearing on PCA 95-V-013 (Fairfax County Park Authority) to Amend the Proffers for a Portion of RZ 95-V-013 Previously Approved for 49 Single Family Detached Dwellings at a Density of 1.13 du/ac on 43.4 ac. of Land to Permit Proffer and Site Modifications, Located on Approximately 15.52 Acres Zoned PDH-2 and HD, Mount Vernon District

The application property is located west of Accotink Road and south of its intersection with Fisher Woods Drive, Tax Map 99-4 ((9)) A.

PLANNING COMMISSION RECOMMENDATION:

On Thursday, May 27, 2010, the Planning Commission voted unanimously (Commissioner Hall absent from the meeting) to recommend that the Board of Supervisors approve PCA 95-V-013 and the associated Conceptual Development Plan Amendment, subject to the execution of proffers consistent with those dated May 27, 2010.

In a related action, the Planning Commission unanimously voted (Commissioner Hall absent from the meeting) to approve FDPA 95-V-013, subject to Board approval of PCA 95-V-013 and the associated Conceptual Development Plan Amendment.

ENCLOSED DOCUMENTS:

None. Staff Report previously furnished.

STAFF:

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

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July 13, 2010

3:30 p.m.

Public Hearing on SE 2009-MA-023 (CVS 2003 VA, L.L.C.) to Permit a Drive-Through Pharmacy, Located on Approximately 1.85 Acres Zoned C-5, Mason District

The application property is located at 8630 and 8700 Little River Turnpike, Tax Map 59-3 ((7)) 11 and 11B.

PLANNING COMMISSION RECOMMENDATION:

On Wednesday, June 2, 2010, the Planning Commission voted unanimously (Commissioner Murphy absent from the meeting) to recommend the following actions to the Board of Supervisors:

- Approval of SE 2009-MA-023, subject to the Development Conditions dated June 2, 2010;
- Modification of the trail requirement along Route 236 in favor of that shown on the SE Plat;
- Modification of the transitional screening requirement along the northern, eastern and southern property lines in favor of that shown on the SE Plat;
- Modification of the peripheral parking lot landscaping requirement along the western property line in favor of that shown on the SE Plat;
- Modification of the barrier requirements along the eastern and southern property lines in favor of that shown on the SE Plat; and
- Direct the Director of the Department of Public Works and Environmental Services to permit deviation from the tree preservation target percentage, in favor of the proposed landscaping shown on the SE Plat.

ENCLOSED DOCUMENTS:

None. Staff Report previously furnished.

STAFF:

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

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Board Agenda Item  
July 13, 2010



4:00 p.m.

Public Hearing on Proposed Amendment to Article 1 of Chapter 61 (Building Provisions) of *The Code of the County of Fairfax, Virginia*, Re: Property Maintenance Provisions

ISSUE:

Board adoption of a proposed amendment to Article 1 of Chapter 61 (Building Provisions) of *The Code of the County of Fairfax, Virginia* (County Code), to revise the administration of the Virginia Uniform Statewide Building Code, Part III, Maintenance (Virginia Maintenance Code).

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors adopt the proposed amendment to Section 61-1-2 (Definitions) of the County Code as set forth in the staff report dated June 8, 2010.

TIMING:

The Board is requested to take action on July 13, 2010. On June 8, 2010, the Board authorized advertisement of the public hearing. These amendments will become effective at 12:01 a.m. on July 14, 2010

BACKGROUND:

Article 1 of Chapter 61 of the Fairfax County Code, contains the administrative provisions related to the Virginia Uniform Statewide Building Code, including the Property Maintenance Code. Currently the Building Official, with the Department of Public Works and Environmental Services (DPWES) and the Director of the Department of Planning and Zoning (DPZ) or designee, is responsible for enforcing the Virginia Maintenance Code. The Director of DPZ or designee is responsible for enforcing the Virginia Maintenance Code for existing residential buildings and structures and the Building Official is responsible for existing nonresidential buildings and structures in Fairfax County.

The adopted FY 2011 budget includes the creation of the Department of Code Compliance (DCC) on July 1, 2010, and the transfer of the property maintenance responsibilities from DPZ to DCC. As a result, revisions to Chapter 61 are required. In addition, to assist in the more efficient delivery of services responsibility for processing both residential and nonresidential property maintenance complaints is being

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transferred from DPWES and DPZ to DCC. Revisions to Chapter 61 are necessary to designate an individual within DCC as the Property Maintenance Code Official and provide that individual with the authority to administer the Virginia Maintenance Code.

SUMMARY OF AMENDMENT:

The proposed amendment consolidates the authority for all property maintenance issues with the Property Maintenance Code Official in the DCC.  
The proposed amendment is set forth in the attached Staff Report.

REGULATORY IMPACT:

The proposed amendment will consolidate the authority for the administration of the Virginia Maintenance Code, as adopted by Fairfax County, in one entity, the Property Maintenance Code Official in the DCC. This amendment will provide for a more efficient and effective means to provide for the delivery of enforcement related to violations of the Virginia Maintenance Code. The amendment will revise the current regulations by designating the Director of DCC as the appointing authority for the Property Maintenance Code Official. The authority for the enforcement of nonresidential violations will be transferred from the Building Official in DPWES to the Property Maintenance Code Official in DCC starting in July 2010.

FISCAL IMPACT:

If adopted by the Board, it is anticipated that the proposed amendment will have no fiscal impact and be cost neutral.

ENCLOSED DOCUMENT:

Attachment A - Staff Report, Dated June 8, 2010

STAFF:

James P. Zook, Director, Department of Planning and Zoning  
James Patteson, Director, Department of Public Works and Environmental Services (DPWES)  
Michele Brickner, Acting Director, Land Development Services, DPWES  
Ray Pylant, Building Official  
Michael Congleton, Property Maintenance Code Official  
Jeff Blackford, Director, Department of Code Compliance

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4:00 p.m.

Public Hearing on Proposed Comprehensive Plan Amendment ST10-CW-2CP,  
Annandale Community Business Center (Mason and Braddock Districts)

ISSUE:

Comprehensive Plan Amendment ST10-CW-2CP addresses approximately 200 acres of land in the Annandale Community Business Center (CBC) generally located along Little River Turnpike and Columbia Pike between Heritage Drive and Hummer Road to the west and Evergreen Lane to the east. The amendment proposes a creative and innovative form-based Plan approach for the Annandale CBC

PLANNING COMMISSION RECOMMENDATION:

On Wednesday, June 23, 2010, the Planning Commission voted unanimously (Commissioners Alcorn, Donahue, Flanagan, Litzenberger, and Sargeant absent from the meeting) to recommend that the Board of Supervisors adopt Plan Amendment ST10-CW-2CP as set forth in the staff report dated June 9, 2010, as modified by the handout dated June 23, 2010 titled "Staff Proposed Modification – Telecommunications", provided as Attachments I and II, respectively.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors approve the Planning Commission recommendation for proposed Plan Amendment ST10-CW-2CP.

TIMING:

Planning Commission public hearing - June 23, 2010  
Board of Supervisors' public hearing - July 13, 2010

BACKGROUND:

During the 2005-2006 South County Area Plans Review process, a nomination was submitted to change the Comprehensive Plan for selected areas within the Annandale CBC to provide for increased development intensities and building heights. Action on this nomination was deferred in order to evaluate the cumulative impacts of the proposed Plan changes. In 2007, following a study of the Annandale CBC and interviews with more than 80 stakeholders, the Urban Land Institute's Advisory Services Panel recommended strategies to revitalize the CBC as a more vital, pedestrian-oriented, mixed-use center. Subsequently, the Board of Supervisors initiated a planning study for the Annandale CBC

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to foster revitalization and redevelopment. Staff in consultation with the Annandale community has developed a form-based Plan for the Annandale CBC for consideration.

The proposed form-based Plan envisions multiple land uses and utilizes building form and height to guide development potential instead of directing single land use development projects with maximum floor area ratios for specific sites as recommended under the current Plan. The form-based Plan will provide greater development flexibility and will transform the CBC into a more pedestrian friendly, mixed-use environment. The amendment maintains the overall development levels recommended under the current Plan in balance with the area's transportation network capacity.

In support of a context sensitive approach, the amendment proposes to remove from the Plan the overpass at the intersection of Little River Turnpike and Annandale and Ravensworth Roads. The overpass provides minimal operational benefits that were outweighed by other transportation network and land use impacts. The amendment proposes to maintain the widening of Little River Turnpike from four to six lanes, utilizing the current service drive right-of-way for transportation improvements and amenities, rather than developing a one-way pair transportation system for the Annandale CBC.

FISCAL IMPACT:

None

ENCLOSED DOCUMENTS:

Attachment I: Planning Commission verbatim

Attachment II: Staff Proposed Modification – Telecommunications

Attachment III: Staff Report for Comprehensive Plan Amendment ST10-CW-2CP, under separate cover and also found at

<http://www.fairfaxcounty.gov/dpz/comprehensiveplan/amendments/st10-cw-2cp.pdf>

STAFF:

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

Fred R. Selden, Director, Planning Division (PD), DPZ

Pamela G. Nee, Chief, Environment and Development Review Branch, PD, DPZ

Bernard S. Suchicital, Planner II, Environment and Development Review Branch, PD, DPZ

Barbara A. Byron, Director, Office of Community Revitalization and Reinvestment (OCCR)

Matthew J. Flis, Revitalization Program Manager, OCCR

Katharine D. Ichter, Director, Department of Transportation (DOT)

Daniel Southworth, Senior Transportation Planner, DOT

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4:00 p.m.

Public Hearing on Proposed Comprehensive Plan Amendment ST10-CW-3CP, Baileys Crossroads Community Business Center (Mason District)

ISSUE:

Plan Amendment (PA) ST10-CW-3CP involves the Baileys Crossroads Community Business Center consisting of approximately 530 acres of land surrounding the interchange of Leesburg Pike (Route 7) and Columbia Pike (Route 244). The Baileys Crossroads CBC Plan Amendment sets forth a concept for future development that encourages a policy transition from a predominantly retail environment to one that balances retail, office, residential, civic and open spaces to accommodate the proposed development potential.

PLANNING COMMISSION RECOMMENDATION:

On June 23, 2010, the Planning Commission unanimously voted (Commissioners Alcorn, Donahue, Flanagan, Litzenberger, and Sargeant absent from the meeting ) to recommend that the Board of Supervisors approve proposed Plan Amendment ST10-CW-3CP as shown in Attachment 4 of the Staff Report dated June 9, 2010, to include the edits and modifications listed in staff's memorandum to the Planning Commission dated June 23, 2010, and with the addition of another bullet to Sub-Unit B-3 on page 78 to read as follows:

“An auto dealership may be considered as part of a mixed use redevelopment provided new vehicle sales is coordinated and/or integrated with other uses, that all on-site service/storage functions are coordinated and/or integrated as well, and are screened from residential view.”

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors adopt the Planning Commission recommendation for the proposed Plan Amendment ST10-CW-3CP.

TIMING:

Planning Commission public hearing– June 23, 2010  
Board of Supervisors' public hearing – July 13, 2010

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**BACKGROUND:**

During the 2005-2006 South County Area Plans Review, a decision was made to do a comprehensive evaluation of the Baileys Crossroads CBC in response to several nominations for changes to the Comprehensive Plan for the Baileys Crossroads CBC. In 2006, the County requested the Urban Land Institute's (ULI) Advisory Services Panel to recommend strategies for revitalizing the Baileys Crossroads CBC. Subsequently, the Board of Supervisors initiated a planning study for a portion of the Baileys Crossroads CBC (on the north and south sides of Leesburg Pike and the east side of Columbia Pike identified as the Town Center District in the proposed plan amendment) based on the ULI report. Staff in consultation with the Baileys Crossroads community has developed a plan amendment with new guidance for the Baileys Crossroads CBC.

The plan amendment contains specific recommendations for the following three districts identified for the Baileys Crossroads CBC, the Town Center District, the Baileys West District and the Baileys East District. The Town Center District has the potential to be a priority redevelopment area for the Baileys Crossroads CBC given its strategic location with respect to the proposed transit stops for the Pike Transit Initiative route from Pentagon City to the Baileys Crossroads CBC. Therefore, the proposed plan amendment includes new guidance and higher development potential for the Town Center District and general guidance for the other two districts, Baileys West and Baileys East District, to tie these areas to the Town Center District and retains the development potential from the previous Comprehensive Plan for both these districts.

The proposed transportation improvements are intended to balance future land uses with supporting transportation infrastructure and services, address the long term needs of the area, provide for intermodal connectivity and provide a road network that would accommodate all modes of transportation. The proposed road improvements include addition of lanes, turn lanes and signal modifications for six intersections in the Baileys Crossroads CBC and a future realignment of Seminary Road to intersect with Columbia Pike.

**FISCAL IMPACT:**

None

**ENCLOSED DOCUMENTS:**

Attachment I- Planning Commission Verbatim

Attachment II- Planning Commission Recommendation and staff memorandum to Commissioner Janet Hall dated June 23, 2010

Attachment III – Staff Report for PA ST10-CW-3CP dated June 9, 2010, under separate cover and also found at

<http://www.fairfaxcounty.gov/dpz/comprehensiveplan/amendments/st10-cw-3cp.pdf>

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STAFF:

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

Fred R. Selden, Director, Planning Division (PD), DPZ

Laxmi Nagaraj, Planner V, Planning Division (PD), DPZ

Barbara Byron, Director, Office of Community Revitalization & Reinvestment (OCRR)

Katharine D. Ichter, Director, Department of Transportation (DOT)

Leonard Wolfenstein, Chief, Transportation Planning Section, DOT

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July 13, 2010

4:00 p.m.

Public Hearing to Continue to Lease County-Owned Property at the Lewinsville Facility to the McNair Child Development Center, Inc. d/b/a Fun and Friends Child Development Center (Dranesville District)

ISSUE:

Public hearing to continue to lease county-owned property at 1609 Great Falls Street to Fun and Friends Development Center.

RECOMMENDATION:

The County Executive recommends that the Board authorize staff to execute a lease substantially in the form of the Lease Agreement.

TIMING:

On May 11, 2010, the Board of Supervisors authorized the advertisement of a public hearing for the leasing of County-Owned property at 1609 Great Falls Street, McLean Virginia to Fun and Friends Development Center.

BACKGROUND:

The Board of Supervisors is the owner of a facility located at 1609 Great Falls Street and identified as the Lewinsville facility (Tax Map Number 30-3 ((1)) parcel 42). Fun and Friends Child Development Center, through different ownerships, has resided at the Lewinsville facility for more than 20 years. The Center has an enrollment of approximately 95 -100 children ranging from 6 weeks to 5 years of age, and serves approximately 90 families in the McLean area.

The existing agreement expired on June 30, 2010. Fun and Friends Child Development Center requested to renew the existing lease for 5,109 rentable square feet. Therefore, subject to the County's completion of lease negotiations with the Fun and Friends Child Development Center, it is proposed that the County enter into a new lease that will permit the Center to continue leasing space at the Lewinsville facility from July 1, 2010, through June 30, 2011. In addition, the proposed lease will allow for two one-year option periods.

Staff recommends, subject to the County completing lease negotiations with Fun and Friends Child Development Center, that the Board enter into a lease with Fun and

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Friends Child Development Center, which will permit them to continue leasing space at the Lewinsville facility for a child care center.

FISCAL IMPACT:

Tenant shall pay to the Board annual rent for this facility in the amount of \$96,352.70, effective on the commencement date of the lease, July 1, 2010. The annual rent shall be recorded as revenue and will be adjusted by two (2) percent annually.

ENCLOSED DOCUMENTS:

Attachment A – Location Map, Tax Map 30-3

Attachment B – Draft Lease Agreement (Available in the Office of the Clerk to the Board)

STAFF:

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

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4:00 p.m.

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

ISSUE:

Public hearing to lease County-Owned property at 8350 Richmond Highway to Verizon Wireless for the installation of telecommunications equipment for public use.

RECOMMENDATION:

The County Executive recommends that the Board authorize staff to execute a lease substantially in the form of the Lease Agreement.

TIMING:

On April 27, 2010, the Board of Supervisors authorized the advertisement of a public hearing for the leasing of County-Owned property at 8350 Richmond Highway to Verizon Wireless.

BACKGROUND:

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

Verizon Wireless plans to install equipment cabinets in a 25' by 10'-8" area on the roof and 15 panel antennas on the façade of the South County Government Center. Verizon Wireless will install flush-mounted antennas that match the façade of the building to obscure their visibility from surrounding properties. Both the antenna and its mounting will be of a color and finish that matches the color of the facade and the related equipment shelter will be located behind the existing screen wall adjacent to the penthouse to blend with existing rooftop penthouse features. In addition, Verizon will replace the existing generator with a larger generator that will accommodate their telecommunication equipment on the rooftop and the County.

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On February 25, 2010, the Planning Commission voted unanimously that the telecommunications facility located at the South County Government Center, 8350 Richmond Highway, is in substantial conformance with the recommendations of the Comprehensive Plan and should be considered a “feature shown,” pursuant to Section 15.2-2232 of the *Code of Virginia*, as amended.

Staff recommends, subject to the County completing lease negotiations with Verizon Wireless, that the Board enter into a Lease with Verizon Wireless to permit the installation of telecommunications equipment at 8350 Richmond Highway. The proposed lease will have an initial term of five years with 3 five year options.

FISCAL IMPACT:

The proposed roof top lease will generate approximately \$36,000 in revenue the first year with a three percent (3%) increase each subsequent year. All revenue will be deposited in the general fund.

ENCLOSED DOCUMENTS:

Attachment A – Location Map, Tax Map 101-3

Attachment B – Draft Lease Agreement (Available in the Office of the Clerk to the Board)

STAFF:

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