

**FAIRFAX COUNTY  
BOARD OF SUPERVISORS  
MAY 24, 2011**

**AGENDA**

9:30	<b>Done</b>	Presentations
10:30	<b>Done</b>	Presentation of the Volunteer Fire Commission Annual Report
10:45	<b>Done</b>	Appointments to Citizen Boards, Authorities, Commissions, and Advisory Groups
10:45	<b>Done</b>	Items Presented by the County Executive

**ADMINISTRATIVE  
ITEMS**

1	<b>Approved</b>	Authorization to Advertise a Public Hearing on Spot Blight Abatement Ordinance for 7651 Royston Street, Annandale, VA 22003 (Braddock District)
2	<b>Approved</b>	Authorization to Advertise a Public Hearing on Spot Blight Abatement Ordinance for 6328 Miller Drive, Alexandria, VA 22315 (Lee District)
3	<b>Approved</b>	Authorization to Advertise a Public Hearing on Spot Blight Abatement Ordinance for 6801 Custis Parkway, Falls Church, VA 22042 (Providence District)
4	<b>Approved</b>	Authorization to Advertise a Public Hearing on Spot Blight Abatement Ordinance for 6516 Beulah Street, Alexandria, VA 22310 (Lee District)
5	<b>Approved</b>	Authorization to Advertise a Public Hearing on Spot Blight Abatement Ordinance for 3412 Arnold Lane, Falls Church, VA 22042 (Providence District)
6	<b>Approved</b>	Authorization to Advertise a Public Hearing to Consider Adopting an Ordinance Expanding the Skyline Residential Permit Parking District, District 31 (Mason District)
7	<b>Approved</b>	Authorization to Advertise a Public Hearing to Consider Adopting an Ordinance Expanding the Langley Residential Permit Parking District, District 20 (Dranesville District)
8	<b>Approved</b>	Approval of "Watch for Children" Signs as Part of the Residential Traffic Administration Program (Springfield District)
9	<b>Approved</b>	Authorization for the County Executive to Execute a Grant Agreement with the U.S. Environmental Protection Agency

**FAIRFAX COUNTY  
BOARD OF SUPERVISORS  
MAY 24, 2011**

**ADMINISTRATIVE  
ITEMS**

(continued)

- |    |                 |                                                                                                                                                                                                                                                                                                       |
|----|-----------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 10 | <b>Approved</b> | Authorization to Advertise a Public Hearing on Proposed Amendments to Sections 30-3-2, 30-3-4 and 30-3-6 of the Fairfax County Code Relating to National Background Checks for Applicants for a Home Child Care Facility Permit and to the Administration of Medication in Home Child Care Facilities |
|----|-----------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

**ACTION ITEM**

- |   |                 |                                                                              |
|---|-----------------|------------------------------------------------------------------------------|
| 1 | <b>Approved</b> | Endorsement of Application for Safe Routes to School Grant, <b>(Revised)</b> |
|---|-----------------|------------------------------------------------------------------------------|

**CONSIDERATION  
ITEM**

- |   |                                |                                         |
|---|--------------------------------|-----------------------------------------|
| 1 | <b>Approved with amendment</b> | Election Year Policies <b>(Revised)</b> |
|---|--------------------------------|-----------------------------------------|

**INFORMATION  
ITEMS**

- |       |              |                                                                                                                                                   |
|-------|--------------|---------------------------------------------------------------------------------------------------------------------------------------------------|
| 1     | <b>Noted</b> | Contract Award - Columbia Pike Walkway Phase II (Mason District)                                                                                  |
| 2     | <b>Noted</b> | Standard Project Administration Agreement with the Virginia Department of Transportation for the Mason Neck Trail Project (Mount Vernon District) |
| 3     | <b>Noted</b> | Contract Award – Wolftrap Fire Station (Dranesville District)                                                                                     |
| 4     | <b>Noted</b> | Contract Award - Zion Drive Spot Improvement (Braddock District)                                                                                  |
| 5     | <b>Noted</b> | Planning Commission Action on Application 2232-H11-4, Dominion Virginia Power (Hunter Mill District)                                              |
| 11:15 | <b>Done</b>  | Matters Presented by Board Members                                                                                                                |
| 12:05 | <b>Done</b>  | Closed Session                                                                                                                                    |

**PUBLIC  
HEARINGS**

- |      |                 |                                                                                                                                                    |
|------|-----------------|----------------------------------------------------------------------------------------------------------------------------------------------------|
| 3:30 | <b>Approved</b> | Public Hearing to Sublease County-Leased Property at 4027-B Olley Lane, Fairfax, VA 22032- to Inova Health Care Services, Inc. (Braddock District) |
|------|-----------------|----------------------------------------------------------------------------------------------------------------------------------------------------|

**FAIRFAX COUNTY  
BOARD OF SUPERVISORS  
MAY 24, 2011**

**PUBLIC HEARINGS**

(continued)

- |      |                                                                |                                                                                                                                                              |
|------|----------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 3:30 | <b>Public hearing<br/>deferred to 6/21/11<br/>at 3:30 p.m.</b> | Board Decision on SE 2009-MA-026 (Gossom Family Limited Partnership I, RLLLP) (Mason District)                                                               |
| 3:30 | <b>Approved</b>                                                | Public Hearing on AR 01-H-001-02 (Hiu Newcomb Family, LLC, Mariette H., Sarah, Hana, Lani, Charles Newcomb and Anna Newcomb Bradford) (Dranesville District) |
| 3:30 | <b>Approved</b>                                                | Public Hearing on AR 85-V-002-03 (Martin B. Jarvis and Vivian I. Jarvis) (Mount Vernon District)                                                             |
| 3:30 | <b>Approved</b>                                                | Public Hearing on RZ 2010-HM-006 (Sekas Homes, LTD.) (Hunter Mill District)                                                                                  |
| 3:30 | <b>Public hearing<br/>deferred to 6/7/11 at<br/>3:00 p.m.</b>  | Public Hearing on RZ 2010-LE-013 (WPPI Springfield HS, LLC) (Lee District)                                                                                   |
| 3:30 | <b>Public hearing<br/>deferred to 6/7/11 at<br/>3:00 p.m.</b>  | Public Hearing on SE 2008-MA-011 (Washington Baptist University, Inc.) (Mason District)                                                                      |
| 4:00 | <b>Approved</b>                                                | Public Hearing to Expand the Amberwood Community Parking District (Hunter Mill District)                                                                     |





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

**Tuesday**  
**May 24, 2011**

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9:30 a.m.

**PRESENTATIONS**

**SPORTS/SCHOOLS:**

- RESOLUTION – To recognize Mark Bendorf, football coach at Robinson Secondary School, for his dedication to the sport of football and the contributions he has made to Fairfax County. Requested by Supervisors Cook and Herrity.

**RECOGNITIONS:**

- CERTIFICATE – To recognize the volunteer market masters of the Fairfax County Farmers Markets for their service. Requested by Chairman Bulova.
- CERTIFICATE – To recognize staff of the Audrey Moore RECenter for quick thinking and skilled care that saved the life of a Fairfax County resident. Requested by Supervisor Cook.
- CERTIFICATE – To recognize Tawny Hammond for her efforts to make the Springfield Civic Association inclusive for its residents with disabilities. Requested by Supervisor McKay.
- CERTIFICATE – To recognize the Fairfax County Department of Transportation staff and members of the bicycling community for their work for Bike to Work Day 2011. Requested by Chairman Bulova and Supervisors Hudgins, Cook, Foust, Herrity, McKay and Smyth.

— more —

Board Agenda Item  
May 24, 2011

DESIGNATIONS:

- PROCLAMATION – To designate June 2-5, 2011, as Springfield Days in Fairfax County. Requested by Chairman Bulova and Supervisors McKay, Cook and Herrity.

STAFF:

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

Board Agenda Item  
May 24, 2011

10:30 a.m.

Presentation of the Volunteer Fire Commission Annual Report

ENCLOSED DOCUMENTS:

None. Report delivered under separate cover.

PRESENTED BY:

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

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Board Agenda Item  
May 24, 2011

10:45 a.m.

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

ENCLOSED DOCUMENTS:

Appointments to be heard May 24, 2011

An updated list will be distributed at the Board meeting.

STAFF:

Nancy Vehrs, Clerk to the Board of Supervisors

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**NOTE: A revised list will be distributed immediately prior to the Board meeting.**

**APPOINTMENTS TO BE HEARD MAY 24, 2011**  
 (ENCOMPASSING VACANCIES PROJECTED THROUGH MAY 31, 2011)  
 (Unless otherwise noted, members are eligible for reappointment)

**A. HEATH ONTHANK MEMORIAL AWARD SELECTION COMMITTEE**  
 (1 year)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT Term exp. 1/11	Sully District Representative		Frey	Sully

**AFFORDABLE DWELLING UNIT ADVISORY BOARD (4 years)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Mark S. Ingrao (Appointed 1/03 by Mendelsohn; 5/05 by DuBois) Term exp. 5/09	Citizen Representative		By Any Supervisor	At-Large
VACANT (Formerly held by James Francis Carey; appointed 2/95-5/02 by Hanley; 5/06 by Connolly) Term exp. 5/10 <i>Resigned</i>	Lending Institution Representative		By Any Supervisor	At-Large

**AIRPORTS ADVISORY COMMITTEE (3 years)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Barbara Kreykenbohm; appointed 1/09 by Gross) Term exp. 1/11 <i>Resigned</i>	Mason District Representative		Gross	Mason

**ATHLETIC COUNCIL (2 years)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Gregory Beckwith (Appointed 7/10 by Foust) Term exp. 3/11	Dranesville District Alternate Representative		Foust	Dranesville
Michael Champness (Appointed 2/05&3/07 by DuBois; 3/09 by Foust) Term exp. 3/11	Dranesville District Principal Representative		Foust	Dranesville

**BARBARA VARON VOLUNTEER AWARD SELECTION COMMITTEE (1 year)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Regina Jordan; appointed 6/04&6/09 by Hudgins) Term exp. 6/10 <i>Resigned</i>	Hunter Mill District Representative		Hudgins	Hunter Mill

**CHESAPEAKE BAY PRESERVATION ORDINANCE  
EXCEPTION REVIEW COMMITTEE  
(4 years)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Michael Fraser; appointed 11/08 by Smyth) Term exp. 9/11 <i>Resigned</i>	Providence District Representative		Smyth	Providence

**COMMISSION ON ORGAN AND TISSUE DONATION AND TRANSPLANTATION  
(4 years)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Roger Wilson; appointed 7/09 by Smyth) Term exp. 1/13 <i>Resigned</i>	Providence District Representative		Smyth	Providence

<b>COMMISSION ON AGING (2 years)</b>
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<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Tena Bluhm (Appointed 5/09 by Bulova) Term exp. 5/11	At-Large Chairman's Representative		Bulova	At-Large Chairman's
Kenneth Malmberg (Appointed 6/09 by Cook) Term exp. 5/11	Braddock District Representative		Cook	Braddock
Eileen Duggan (Appointed 5/09 by Foust) Term exp. 5/11	Dranesville District Representative		Foust	Dranesville
Joseph Heastie (Appointed 2/05-5/09 by Smyth) Term exp. 5/11	Providence District Representative		Smyth	Providence
Sally Hottle (Appointed 9/98-5/07 by McConnell; 5/09 by Herrity) Term exp. 5/11	Springfield District Representative		Herrity	Springfield

**COMMUNITY REVITALIZATION AND REINVESTMENT ADVISORY GROUP  
(2 years)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Michael Webb (Appointed 4/07 by Bulova; 5/09 by Cook) Term exp. 4/11	Braddock District Representative		Cook	Braddock
VACANT (Formerly held by Kurt Pronske; appointed 4/07&5/09 by Hudgins) Term exp. 4/11 <i>Resigned</i>	Hunter Mill District Representative		Hudgins	Hunter Mill
Kyle Talente (Appointed 4/07 by Kauffman; 4/09 by McKay) Term exp. 4/11	Lee District Representative		McKay	Lee
Michael DeLoose (Appointed 4/07 by McConnell; 4/09 by Herrity) Term exp. 4/11	Springfield District Representative		Herrity	Springfield

**CONFIRMATION NEEDED:**

- Mr. Daniel McKinnon as the G-7 Representative

**ENVIRONMENTAL QUALITY ADVISORY COUNCIL (EQAC) (3 years)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Edmund P. Foster; appointed 1/09&12/09 by Herrity) Term exp. 11/12 <i>Resigned</i>	Springfield District Representative		Herrity	Springfield

**FAIRFAX AREA DISABILITY SERVICES BOARD**  
(3 years- limited to 2 full consecutive terms per MOU, after initial term)  
[NOTE: Persons may be reappointed after being off for 3 years. State Code requires that membership in the local disabilities board include at least 30 percent representation by individuals with physical, visual or hearing disabilities or their family members. For this 15-member board, the minimum number of representation would be 5.]

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Thomas Choman (Appointed 5/02 by Hanley; 11/04&1/08 by Connolly) Term exp. 11/10	At-Large Fairfax County Representative		By Any Supervisor	At-Large
Ann Pimley (Appointed 9/03&11/06 by Frey) Term exp. 11/09 <i>Not eligible for reappointment (need 3 year lapse)</i>	Sully District Representative		Frey	Sully

**FAIRFAX-FALLS CHURCH COMMUNITY SERVICES BOARD**  
**(3 years – limited to 3 full terms)**

[NOTE: In accordance with *Virginia Code* Section 37.2-502, "**prior to making any appointment, the appointing authority shall disclose and make available to the public the names of those persons being considered for appointment.** The appointing authority shall also make information on the candidates available to the public, if such information is available to the appointing authority." **Members can be reappointed after 3 year break from initial 3 full terms. VA Code 37.2-502]**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Renee Alberts (Appointed 8/01-5/02 by Hanley; 6/05-6/08 by Connolly) Term exp. 6/11 <b>*Not eligible for reappointment)</b>	At-Large #3 Representative		By Any Supervisor	At-Large
Lynne Schlaaf- Crammer (Appointed 9/05&6/08 by Connolly) Term exp. 6/11	At-Large #4 Representative		By Any Supervisor	At-Large
Jean McNeal (Appointed 5/06-6/08 by Foust) Term exp. 6/11	Dranesville District Representative		Foust	Dranesville
Mary Ann-Beall (Appointed 4/05&6/08 by Smyth) Term exp. 6/11	Providence District Representative		Smyth	Providence
Lori Stillman (Appointed 10/05 by McConnell; 6/08 by Herrity) Term exp. 6/11	Springfield District Representative		Herrity	Springfield

**GEOTECHNICAL REVIEW BOARD (3 years)**

**CONFIRMATIONS NEEDED:**

- Mr. Amin Rahman as the Alternate #1 Representative
- Mr. James G. Collin as the Alternate #3 Representative

**JUVENILE AND DOMESTIC RELATIONS COURT CITIZENS ADVISORY COUNCIL  
(2 years)**

<b><u>Incumbent History</u></b>	<b><u>Requirement</u></b>	<b><u>Nominee</u></b>	<b><u>Supervisor</u></b>	<b><u>District</u></b>
Michael McClanahan (Appointed 12/05&1/07 by Connolly; 2/09 by Bulova) Term exp. 1/11	At-Large Chairman's Representative		Bulova	At-Large Chairman's
VACANT (Formerly held by Melissa Smarr; appointed 6/06&1/08 by Smyth) Term exp. 1/10 <i>Resigned</i>	Providence District Representative		Smyth	Providence

**REDEVELOPMENT AND HOUSING AUTHORITY  
(4 years)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Ronald Christian (Appointed 3/99-4/07 by Bulova) Term exp. 4/11	Braddock District Representative		Cook	Braddock

**SOUTHGATE COMMUNITY CENTER ADVISORY COUNCIL  
(2 years)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Lawrence Bussey; appointed 3/05-3/09 by Hudgins) Term exp. 3/11 <i>Resigned</i>	Fairfax County #2 Representative		By Any Supervisor	At-Large
VACANT (Formerly held by Patrick Kane; appointed 3/07&3/09 by Hudgins) Term exp. 3/12 <i>Resigned</i>	Fairfax County #7 Representative		By Any Supervisor	At-Large

**TENANT LANDLORD COMMISSION (3 years)**

[NOTE: Per County Code Section 12-2-1, each member of this commission must be a County resident. Tenant Members: shall be a person who, prior to the time of his/her appointment, and throughout his/her term, shall be the lessee of and reside in a dwelling unit. Landlord Members: shall be a person who owns and leases, or serves as a manager for four (4) or more leased dwelling units in Fairfax County or is employed by a real estate management firm that manages more than four (4) rental units. Citizen Members: shall be anyone who is neither a lessee nor lessor of any dwelling unit in Fairfax County.]

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Mark Thomas; appointed 5/09 by Bulova) Term exp. 1/12 <i>Resigned</i>	Tenant Member #1 Representative		By Any Supervisor	At-Large

**TRAILS AND SIDEWALKS COMMITTEE (2 years)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Kala Quintana; appointed 10/091/10 by Bulova) Term exp. 1/12 <i>Resigned</i>	At-Large Chairman's Representative		Bulova	At-Large Chairman's
VACANT (Formerly held by R. Douglas Pew; appointed 6/08&1/10 by Hudgins) Term exp. 1/12 <i>Resigned</i>	Hunter Mill District Representative	<b>Jeffery Anderson</b>	Hudgins	Hunter Mill

**TREE COMMISSION (3 years)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
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**CONFIRMATION NEEDED:**

- Ms. Patricia Greenberg as the Environmental Quality Advisory Council Representative

Board Agenda Item  
May 24, 2011

10:45 a.m.

Items Presented by the County Executive

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Board Agenda Item  
May 24, 2011

ADMINISTRATIVE - 1

Authorization to Advertise a Public Hearing on Spot Blight Abatement Ordinance for 7651 Royston Street, Annandale, VA 22003 (Braddock District)

ISSUE:

Board authorization to advertise a public hearing to consider adoption of a Spot Blight Abatement Ordinance for 7651 Royston Street, Annandale, VA 22003 (Tax Map No. 070-4-((02))-0049).

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, June 21, 2011, at 4:30 p.m.

BACKGROUND:

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

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

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

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

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

The property located at 7651 Royston Street was referred to the Blight Abatement Program (BAP) by staff of the Property Maintenance Program in July of 2010. Located on the subject property is an extensively fire damaged, ranch style dwelling with a full basement. The property also contains two outbuildings and several large piles of rubbish strewn about the property. The residential structure was constructed in 1956 according to Fairfax County Tax Records. It has been vacant since a fire which occurred on September 30, 2009. The fire report estimated the damage to the dwelling at approximately \$300,000 dollars and noted that the home is a complete loss.

On February 9, 2011, 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 was sent to the owner advising her of this determination. The owner did not respond to the Notice nor make any attempt to improve the property or file plans for the demolition of the fire damaged structure. This property poses an attractive nuisance to the surrounding community and in its current condition BAP staff feels that the dwelling is not economically feasible to repair and recommends demolition.

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 of the Board's action, the County will proceed with the demolition process for the structure. The County will incur the cost, expending funds that are available in Fund 303, County Construction, Project 009801, Strike Force Blight Abatement. The County will then pursue

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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 \$38,000.

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:

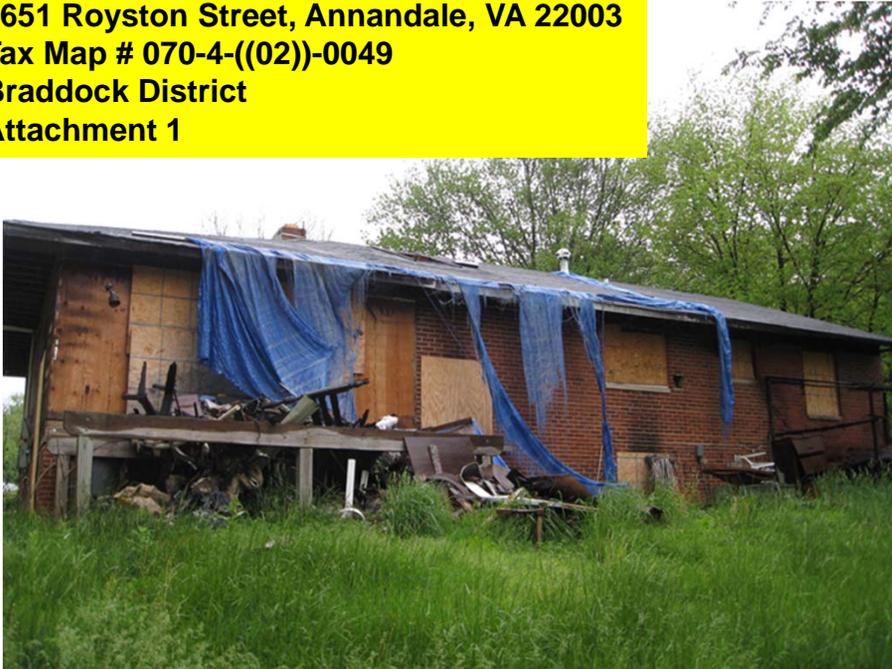
Attachment 1: Property Photographs  
Attachment 2: Public Hearing Advertisement

STAFF:

Robert A. Stalzer, Deputy County Executive  
Jeff Blackford, Director, Department of Code Compliance  
Karen McClellan Deputy Chief Operations/Logistics, Department of Code Compliance  
Steve Mason, Division Supervisor, Department of Code Compliance  
Christina M. Phillips, Blight Abatement Program Coordinator, Department of Code Compliance

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7651 Royston Street, Annandale, VA 22003  
Tax Map # 070-4-((02))-0049  
Braddock District  
Attachment 1



2 outbuildings



## ATTACHMENT 2

Notice is hereby given that the Fairfax County Board of Supervisors will hold a **PUBLIC HEARING** on

**TUESDAY**  
**June 21, 2011**  
**4:30 P.M.**

in the Board Auditorium of the Government Center, 12000 Government Center Parkway, Fairfax, Virginia to make determinations regarding a proposed Spot Blight Abatement Ordinance for 7651 Royston Street in accordance with Virginia Code Annotated § 36-49.1:1 (I) (Supp. 2010).

**The Blight Abatement Case** concerns a blighted; single family structure and two outbuildings located at 7651 Royston Street, Annandale, Virginia on approximately 14,776 square feet parcel of land in the Braddock District. The blight abatement plan is to demolish the structures, clear the lot and collect costs of blight abatement, including County overhead, from the owner of this property, Tax Map No. 070-4-((02))-0049.

Copies of the proposed Blight Abatement Ordinance for the subject property may be obtained from the Department of Code Compliance, 12055 Government Center Parkway, Suite 1016, Fairfax, VA 22035. Persons desiring to speak at the public hearing may call the Clerk to the Board of Supervisors at 703-324-3151 to have their names placed on the speakers' list. TDD 703-324-3903. Questions regarding the plan may be directed to the Department of Code Compliance, Blight Abatement Program, at 703-324-1300. Office hours are Monday through Friday, 8:00 a.m. to 4:30 p.m.



Fairfax County is committed to nondiscrimination on the basis of disability in all county programs, services and activities. Reasonable accommodations will be provided upon request. For information, call the Clerk's Office at least five days in advance of the public hearing.

Alternative listening devices are available at the hearing.

In accordance with the usual procedures of the Board, all individual speakers are asked to limit their presentations to three minutes. Representatives of organizations may be eligible for additional time. The staff in the Office of the Clerk can provide more information on the procedures of the Board.

Board Agenda Item  
May 24, 2011

ADMINISTRATIVE - 2

Authorization to Advertise a Public Hearing on Spot Blight Abatement Ordinance for 6328 Miller Drive, Alexandria, VA 22315 (Lee District)

ISSUE:

Board authorization to advertise a public hearing to consider adoption of a Spot Blight Abatement Ordinance for 6328 Miller Drive, Alexandria, VA 22315 (Tax Map No. 091-3-((06))-(03)-0004A.

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, June 21, 2011, at 4:30 P.M.

BACKGROUND:

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

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

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

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

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

The property located at 6328 Miller Drive was referred to the Blight Abatement Program (BAP) on May 20, 2010. Located on the subject property is a vacant two story dwelling with a full basement. The house has been vacant for 7 years according to neighbors and the utilities are disconnected. The structure is severely neglected from the extreme lack of maintenance and is in poor condition. The windows are rotted out of the frames and the asbestos shingles are broken in places and stained from moisture intrusion. The dwelling has uncontrolled moisture and water damage which is penetrating the structure causing significant decay.

The above described residential structure was constructed in 1944 according to Fairfax County Tax Records. In its current condition BAP staff feels that the dwelling is not economically feasible to repair and recommends demolition.

This property has been reviewed by the Neighborhood Enhancement Task Force (NETF) on July 21, 2010 and the NETF Committee found that the subject property met the blighted property guidelines and the property received a preliminary blight determination. Certified and regular Notice was sent to the owner advising her of this determination. The owner did not respond to the Notice but she made an attempt to improve the property by removing the vegetation and removing the collapsed carport. This effort was not sufficient to abate the blighted condition of the property.

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

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

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the County will proceed with the demolition process for the structure. The County will incur the cost, expending funds that are available in Fund 303, County Construction, 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 \$40,000.

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

ENCLOSED DOCUMENTS:

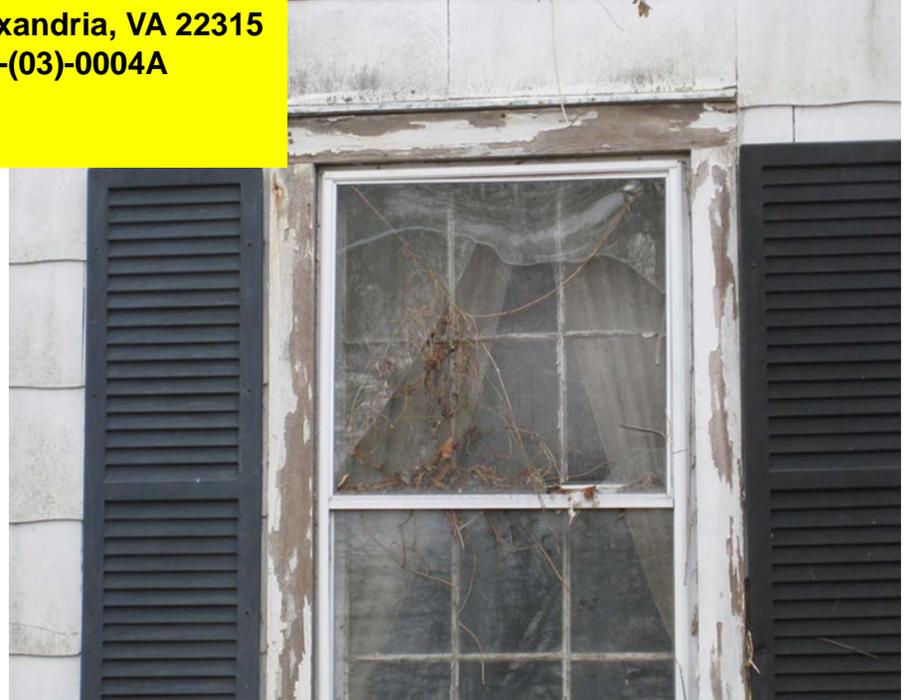
Attachment 1: Property Photographs  
Attachment 2: Public Hearing Advertisement

STAFF:

Robert A. Stalzer, Deputy County Executive  
Jeff Blackford, Director, Department of Code Compliance  
Karen McClellan Deputy Chief Operations/Logistics, Department of Code Compliance  
Steve Mason, Division Supervisor, Department of Code Compliance  
Christina M. Phillips, Blight Abatement Program Coordinator, Department of Code Compliance

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6328 Miller Drive, Alexandria, VA 22315  
Tax Map # 091-3-((06)-(03)-0004A  
Lee District  
Attachment 1



6328 Miller Drive, Alexandria, VA 22315  
Tax Map # 091-3-((06)-(03)-0004A  
Lee District  
Attachment 1





**6328 Miller Drive, Alexandria, VA 22315  
Tax Map # 091-3-((06)-(03)-0004A  
Lee District  
Attachment 1**

## ATTACHMENT 2

Notice is hereby given that the Fairfax County Board of Supervisors will hold a **PUBLIC HEARING** on

**TUESDAY  
June 21, 2011  
4:30 P.M.**

in the Board Auditorium of the Government Center, 12000 Government Center Parkway, Fairfax, Virginia to make determinations regarding a proposed Spot Blight Abatement Ordinance for 6328 Miller Drive in accordance with Virginia Code Annotated § 36-49.1:1 (I) (Supp. 2010).

**The Blight Abatement Case** concerns a blighted; single family structure in Alexandria, Virginia on approximately 21,404 square feet parcel of land in the Lee District. The blight abatement plan is to demolish the structure, clear the lot and collect costs of blight abatement, including County overhead, from the owner of this property, Tax Map No. 091-3-((06))-((03))-0004A.

Copies of the proposed Blight Abatement Ordinance for the subject property may be obtained from the Department of Code Compliance, 12055 Government Center Parkway, Suite 1016, Fairfax, VA 22035. Persons desiring to speak at the public hearing may call the Clerk to the Board of Supervisors at 703-324-3151 to have their names placed on the speakers' list. TDD 703-324-3903. Questions regarding the plan may be directed to the Department of Code Compliance, Blight Abatement Program, at 703-324-1300. Office hours are Monday through Friday, 8:00 a.m. to 4:30 p.m.



Fairfax County is committed to nondiscrimination on the basis of disability in all county programs, services and activities. Reasonable accommodations will be provided upon request. For information, call the Clerk's Office at least five days in advance of the public hearing.

Alternative listening devices are available at the hearing.

In accordance with the usual procedures of the Board, all individual speakers are asked to limit their presentations to three minutes. Representatives of organizations may be eligible for additional time. The staff in the Office of the Clerk can provide more information on the procedures of the Board.

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Board Agenda Item  
May 24, 2011

ADMINISTRATIVE - 3

Authorization to Advertise a Public Hearing on Spot Blight Abatement Ordinance for 6801 Custis Parkway, Falls Church, VA 22042 (Providence District)

ISSUE:

Board authorization to advertise a public hearing to consider adoption of a Spot Blight Abatement Ordinance for 6801 Custis Parkway, Falls Church, VA 22042 (Tax Map No. 050-4-((05))-0450.

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, June 21, 2011, at 4:30 p.m.

BACKGROUND:

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

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

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

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

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

The property located at 6801 Custis Parkway was referred to the Blight Abatement Program (BAP) on October 21, 2009. Located on the subject property is a vacant one and ½ story dwelling with a full basement. The house has been vacant since at least November 5, 2009, when the first inspection was conducted by BAP staff. The structure is severely neglected from the lack of maintenance and is in poor condition. Several of the windows were replaced at one time but the trim around them was never finished allowing moisture and water to damage to penetrate the structure causing significant decay.

The above described residential structure was constructed in 1955 according to Fairfax County Tax Records. In its current condition BAP staff feels that the dwelling is not economically feasible to repair and recommends demolition.

This property has been reviewed by the Neighborhood Enhancement Task Force (NETF) on March 10, 2010 and the NETF Committee found that the subject property met the blighted property guidelines and the property received a preliminary blight determination. Certified and regular Notice was sent to the owners advising them of this determination. The owners have not responded or made any attempts to improve the property.

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 of the Board's action, the County will proceed with the demolition process for the structures. The County will

Board Agenda Item  
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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 \$38,000.

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

ENCLOSED DOCUMENTS:

Attachment 1: Property Photographs

Attachment 2: Public Hearing Advertisement

STAFF:

Robert A. Stalzer, Deputy County Executive

Jeff Blackford, Director, Department of Code Compliance

Karen McClellan Deputy Chief Operations/Logistics, Department of Code Compliance

Steve Mason, Division Supervisor, Department of Code Compliance

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

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6801 Custis Parkway, Falls Church, VA 22315  
Tax Map # 050-4-((05))-0450  
Providence District  
Attachment 1





**6801 Custis Parkway, Falls Church, VA 22315  
Tax Map # 050-4-((05))-0450  
Providence District  
Attachment 1**



## ATTACHMENT 2

Notice is hereby given that the Fairfax County Board of Supervisors will hold a **PUBLIC HEARING** on

**TUESDAY**  
**June 21, 2011**  
**4:30 P.M.**

in the Board Auditorium of the Government Center, 12000 Government Center Parkway, Fairfax, Virginia to make determinations regarding a proposed Spot Blight Abatement Ordinance for 6801 Custis Parkway in accordance with Virginia Code Annotated § 36-49.1:1 (I) (Supp. 2010).

**The Blight Abatement Case** concerns a blighted; single family structure and several outbuildings located at 6801 Custis Parkway, Falls Church, Virginia on approximately 20,437 square feet parcel of land in the Providence District. The blight abatement plan is to demolish the structures, clear the lot and collect costs of blight abatement, including County overhead, from the owners of this property, Tax Map No. 050-4-((05))-0450.

Copies of the proposed Blight Abatement Ordinance for the subject property may be obtained from the Department of Code Compliance, 12055 Government Center Parkway, Suite 1016, Fairfax, VA 22035. Persons desiring to speak at the public hearing may call the Clerk to the Board of Supervisors at 703-324-3151 to have their names placed on the speakers' list. TDD 703-324-3903. Questions regarding the plan may be directed to the Department of Code Compliance, Blight Abatement Program, at 703-324-1300. Office hours are Monday through Friday, 8:00 a.m. to 4:30 p.m.



Fairfax County is committed to nondiscrimination on the basis of disability in all county programs, services and activities. Reasonable accommodations will be provided upon request. For information, call the Clerk's Office at least five days in advance of the public hearing.

Alternative listening devices are available at the hearing.

In accordance with the usual procedures of the Board, all individual speakers are asked to limit their presentations to three minutes. Representatives of organizations may be eligible for additional time. The staff in the Office of the Clerk can provide more information on the procedures of the Board.

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Board Agenda Item  
May 24, 2011

ADMINISTRATIVE - 4

Authorization to Advertise a Public Hearing on Spot Blight Abatement Ordinance for 6516 Beulah Street, Alexandria, VA 22310 (Lee District)

ISSUE:

Board authorization to advertise a public hearing to consider adoption of a Spot Blight Abatement Ordinance for 6516 Beulah Street, Alexandria, VA 22310 (Tax Map No. 091-1-((01))-0052.

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, June 21, 2011, at 4:30 p.m.

BACKGROUND:

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

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

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

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

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

The property located at 6516 Beulah Street was referred to the Blight Abatement Program (BAP) on April 22, 2010. Located on the subject property are a fire damaged, one and ½ story dwelling, one small shed and several large piles of rubbish strewn about the property. This property was secured after the fire but unknown parties broke in at a later date. BAP Staff asked the owner to secure the property but the owner did not get the property secured in a reasonable timeframe so by order of the Property Maintenance Code Official the property was fenced.

The residential structure on the property was constructed in 1969 according to Fairfax County Tax Records. The dwelling has been vacant since at least September 7, 2009, the date of the fire. The fire investigator's report noted that the house was vacant at the time of the fire and the fire was deemed incendiary in nature. This property poses an attractive nuisance to the surrounding community and in its current condition BAP staff feels that the dwelling is not economically feasible to repair and recommends demolition.

On February 9, 2011, the Neighborhood Enhancement Task Force (NETF) found that the subject property met the blighted property guidelines, and the property received a preliminary blight determination. Certified notice was sent to the owners advising them of this determination. The letter was received and signed for and the registered agent advised that they were going to pursue demolition. To date no plans have been filed with the County for the demolition process.

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

Board Agenda Item  
May 24, 2011

(2008) as authorized under the Spot Blight Abatement Statute. If the owners fail to abate the blighted conditions within thirty days after notification of the Board's action, the County will proceed with the demolition process for the 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 \$38,000.

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

ENCLOSED DOCUMENTS:

Attachment 1: Property Photographs

Attachment 2: Public Hearing Advertisement

STAFF:

Robert A. Stalzer, Deputy County Executive

Jeff Blackford, Director, Department of Code Compliance

Karen McClellan Deputy Chief Operations/Logistics, Department of Code Compliance

Steve Mason, Division Supervisor, Department of Code Compliance

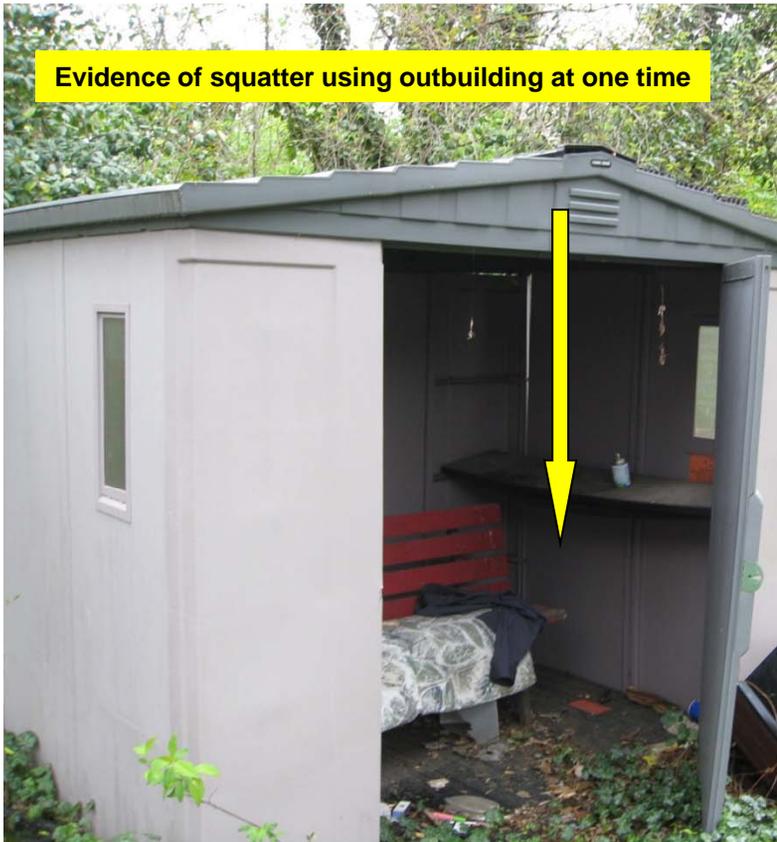
Christina M. Phillips, Blight Abatement Program Coordinator, Department of Code Compliance

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**Evidence of squatter using outbuilding at one time**

**6516 Beulah Street, Alexandria, VA 22310  
Tax Map # 091-1-((01))-0052  
Lee District  
Attachment 1**



Evidence of squatter using outbuilding at one time

6516 Beulah Street, Alexandria, VA 22310  
Tax Map # 091-1-((01))-0052  
Lee District  
Attachment 1

## ATTACHMENT 2

Notice is hereby given that the Fairfax County Board of Supervisors will hold a **PUBLIC HEARING** on

**TUESDAY  
June 21, 2011  
4:30 P.M.**

in the Board Auditorium of the Government Center, 12000 Government Center Parkway, Fairfax, Virginia to make determinations regarding a proposed Spot Blight Abatement Ordinance for 6516 Beulah Street in accordance with Virginia Code Annotated § 36-49.1:1 (I) (Supp. 2010).

**The Blight Abatement Case** concerns a blighted; single family structure and outbuilding located at 6516 Beulah Street, Alexandria, Virginia on approximately 11,166 square feet parcel of land in the Lee District. The blight abatement plan is to demolish the structures, clear the lot and collect costs of blight abatement, including County overhead, from the owners of this property, Tax Map No. 091-1-((01))-0052.

Copies of the proposed Blight Abatement Ordinance for the subject property may be obtained from the Department of Code Compliance, 12055 Government Center Parkway, Suite 1016, Fairfax, VA 22035. Persons desiring to speak at the public hearing may call the Clerk to the Board of Supervisors at 703-324-3151 to have their names placed on the speakers' list. TDD 703-324-3903. Questions regarding the plan may be directed to the Department of Code Compliance, Blight Abatement Program, at 703-324-1300. Office hours are Monday through Friday, 8:00 a.m. to 4:30 p.m.



Fairfax County is committed to nondiscrimination on the basis of disability in all county programs, services and activities. Reasonable accommodations will be provided upon request. For information, call the Clerk's Office at least five days in advance of the public hearing.

Alternative listening devices are available at the hearing.

In accordance with the usual procedures of the Board, all individual speakers are asked to limit their presentations to three minutes. Representatives of organizations may be eligible for additional time. The staff in the Office of the Clerk can provide more information on the procedures of the Board.

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Board Agenda Item  
May 24, 2011

ADMINISTRATIVE - 5

Authorization to Advertise a Public Hearing on Spot Blight Abatement Ordinance for 3412 Arnold Lane, Falls Church, VA 22042 (Providence District)

ISSUE:

Board authorization to advertise a public hearing to consider adoption of a Spot Blight Abatement Ordinance for 3412 Arnold Lane, Falls Church, VA 22042 (Tax Map No. 060-1-((04))-0004.

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, June 21, 2011 at 4:30 p.m.

BACKGROUND:

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

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

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

Board Agenda Item  
May 24, 2011

properties in their communities which were abandoned, dilapidated, or otherwise kept in an unsafe state.

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

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

The property located at 3412 Arnold Lane was referred to the Blight Abatement Program (BAP) on September 25, 2006, 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 is a vacant two story dwelling with a full basement, a very dilapidated attached deck and a partially collapsed outbuilding. The house has been vacant since at least the 2003, according to the owner's admission. The structure is severely neglected from the lack of maintenance and is in very poor condition. The owner advised staff at one point that his plan was to tear the structure down and build a new house but he has never followed through with this plan. Several of the windows are boarded and on April 19, 2011, BAP staff found that the front door of the house was open and unsecure. The dwelling has uncontrolled moisture and water damage which is penetrating the structure and causing significant decay.

The above described residential structure was constructed in 1949 according to Fairfax County Tax Records. In its current condition BAP staff feels that the dwelling is not economically feasible to repair and recommends demolition.

This property has been reviewed by the Neighborhood Enhancement Task Force (NETF) on November 16, 2006, and again on July 21, 2010. 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 first Notice and responded that repairs would be performed. Minor repairs were performed along with minor cleanup of the property and compliance was deemed acceptable. On July 21, 2010, the Neighborhood Enhancement Task Force (NETF) reviewed the subject property once again and the Committee found that the subject property met the blighted property guidelines, and the property received a preliminary blight determination. Certified and regular Notice was sent to the owner advising him of this determination. This time the owner did not respond or make any repairs or improvements toward 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

Board Agenda Item  
May 24, 2011

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 of the Board's action, the County will proceed with the demolition process for the structure. The County will incur the cost, expending funds that are available in Fund 303, County Construction, 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 \$40,000.

It is anticipated that all of the costs (including direct County administrative costs) of the blight abatement will be recovered from the property 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  
Attachment 2: Public Hearing Advertisement

STAFF:

Robert A. Stalzer, Deputy County Executive  
Jeff Blackford, Director, Department of Code Compliance  
Karen McClellan Deputy Chief Operations/Logistics, Department of Code Compliance  
Steve Mason, Division Supervisor, Department of Code Compliance  
Christina M. Phillips, Blight Abatement Program Coordinator, Department of Code Compliance

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**3412 Arnold Lane, Falls Church, VA 22042**  
**Tax Map # 060-1-((04))-0004**  
**Providence District**  
**Attachment 1**





3412 Arnold Lane, Falls Church, VA 22042  
Tax Map # 060-1-((04))-0004  
Providence District  
Attachment 1



3412 Arnold Lane, Falls Church, VA 22042  
Tax Map # 060-1-((04))-0004  
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3412 Arnold Lane, Falls Church, VA 22042  
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Providence District  
Attachment 1





**3412 Arnold Lane, Falls Church, VA 22042**  
**Tax Map # 060-1-((04))-0004**  
**Providence District**  
**Attachment 1**

## ATTACHMENT 2

Notice is hereby given that the Fairfax County Board of Supervisors will hold a **PUBLIC HEARING** on

**TUESDAY**  
**June 21, 2011**  
**4:30 P.M.**

in the Board Auditorium of the Government Center, 12000 Government Center Parkway, Fairfax, Virginia to make determinations regarding a proposed Spot Blight Abatement Ordinance for 3412 Arnold Lane in accordance with Virginia Code Annotated § 36-49.1:1 (I) (Supp. 2010).

**The Blight Abatement Case** concerns a blighted; single family structure located at 3412 Arnold Lane, Falls Church, Virginia on approximately 32,422 square feet parcel of land in the Providence District. The blight abatement plan is to demolish the structure, clear the lot and collect costs of blight abatement, including County overhead, from the owner of this property, Tax Map No. 060-1-((04))-0004.

Copies of the proposed Blight Abatement Ordinance for the subject property may be obtained from the Department of Code Compliance, 12055 Government Center Parkway, Suite 1016, Fairfax, VA 22035. Persons desiring to speak at the public hearing may call the Clerk to the Board of Supervisors at 703-324-3151 to have their names placed on the speakers' list. TDD 703-324-3903. Questions regarding the plan may be directed to the Department of Code Compliance, Blight Abatement Program, at 703-324-1300. Office hours are Monday through Friday, 8:00 a.m. to 4:30 p.m.



Fairfax County is committed to nondiscrimination on the basis of disability in all county programs, services and activities. Reasonable accommodations will be provided upon request. For information, call the Clerk's Office at least five days in advance of the public hearing.

Alternative listening devices are available at the hearing.

In accordance with the usual procedures of the Board, all individual speakers are asked to limit their presentations to three minutes. Representatives of organizations may be eligible for additional time. The staff in the Office of the Clerk can provide more information on the procedures of the Board.

Board Agenda Item  
May 24, 2011

ADMINISTRATIVE - 6

Authorization to Advertise a Public Hearing to Consider Adopting an Ordinance  
Expanding the Skyline Residential Permit Parking District, District 31 (Mason District)

ISSUE:

Board authorization to advertise a public hearing for June 21, 2011, at 4:00 p.m., to consider a proposed amendment to Appendix G, of *The Code of the County of Fairfax, Virginia*, to expand the Skyline Residential Permit Parking District (RPPD), District 31.

RECOMMENDATION:

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

TIMING:

The Board should take action on May 24, 2011, to advertise a public hearing for June 21, 2011, at 4:00 p.m.

BACKGROUND:

Section 82-5A-4(b) of *The Code of the County of Fairfax, Virginia*, authorizes the Board to establish or expand an RPPD in any residential area of the County if: (1) the Board receives a petition requesting establishment or expansion of an RPPD that contains signatures representing at least 60 percent of the eligible addresses of the proposed District and representing more than 50 percent of the eligible addresses on each block of the proposed District, (2) the proposed District contains a minimum of 100 contiguous or nearly contiguous on-street parking spaces 20 linear feet in length per space, unless the subject area is to be added to an existing district, (3) 75 percent of the land abutting each block within the proposed District is developed residential, and (4) 75 percent of the total number of on-street parking spaces of the petitioning blocks are occupied, and at least 50 percent of those occupied spaces are occupied by nonresidents of the petitioning blocks, as authenticated by a peak-demand survey. In addition, an application fee of \$10 per address is required for the establishment or expansion of an RPPD. In the case of an amendment expanding an existing District, the foregoing provisions apply only to the area to be added to the existing District.

Petitions requesting expansion of the RPPD were received to include the following street blocks: South Fourteenth Street (Route 912) east side only, from South

Board Agenda Item  
May 24, 2011

Greenbrier Street to the southern boundary of 6-23((6)) parcel 6 and South Greenbrier Street south side only, from South Fourteenth Street to the Arlington County line. The signatures on the petition represent more than 60 percent of the eligible addresses of the proposed District expansion and represent more than 50 percent of the eligible addresses on each block face of the proposed District expansion, thereby satisfying Code petition requirements. More than 75 percent of the land abutting each block of the proposed District expansion is developed residential, thereby satisfying Code land use requirements. The required application fees were submitted thereby satisfying Code fee requirements.

FISCAL IMPACT:

The cost of sign installation is estimated at \$500 to be paid out of Fairfax County Department of Transportation (FCDOT) funds.

ENCLOSED DOCUMENTS:

Attachment I: Proposed Amendment to *The Code of the County of Fairfax, Virginia*  
Attachment II: Map Depicting Proposed Limits of RPPD Expansion

STAFF:

Robert A. Stalzer, Deputy County Executive  
Tom Biesiadny, Acting Director, Fairfax County Department of Transportation (FCDOT)  
Selby Thannikary, Chief, Traffic Operations Section, FCDOT  
Maria Turner, FCDOT  
Hamid Majdi, FCDOT

Proposed Amendment

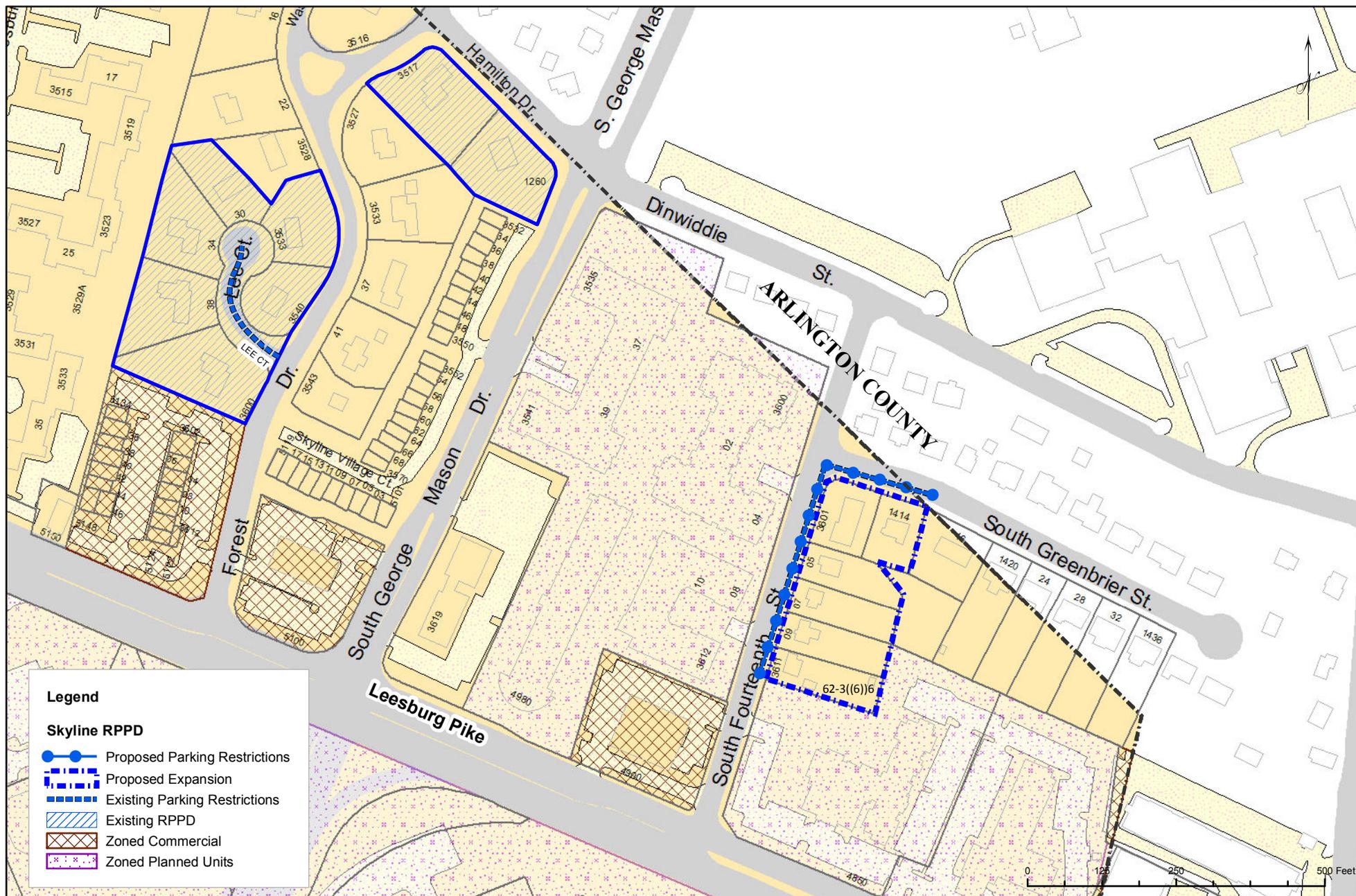
Amend *The Code of the County of Fairfax, Virginia*, by adding the following streets to Appendix G-31, Section (b), (2), Skyline Residential Permit Parking District, in accordance with Article 5A, of Chapter 82:

*South Fourteenth Street (Route 912) east side only*

From South Greenbrier Street to the southern boundary of 6-23((6)) parcel 6.

*South Greenbrier Street south side only*

From South Fourteenth Street to the Arlington County line.



April 6, 2011

Fairfax County Department of Transportation  
 Traffic Operations Section  
**RESIDENTIAL PERMIT PARKING DISTRICT**  
 Proposed Skyline Expansion  
 Mason District

Tax Map: 62-3



Board Agenda Item  
May 24, 2011

ADMINISTRATIVE - 7

Authorization to Advertise a Public Hearing to Consider Adopting an Ordinance Expanding the Langley Residential Permit Parking District, District 20 (Dranesville District)

ISSUE:

Board authorization to advertise a public to consider a proposed amendment to Appendix G, of *The Code of the County of Fairfax, Virginia*, to expand the Langley Residential Permit Parking District (RPPD), District 20.

RECOMMENDATION:

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

TIMING:

The Board should take action on May 24, 2011, to advertise a public hearing for June 21, 2011, at 4:00 p.m.

BACKGROUND:

Section 82-5A-4(a) of *The Code of the County of Fairfax, Virginia*, authorizes the Board to establish RPPD restrictions encompassing an area within 2,000 feet walking distance from the pedestrian entrances and/or 1,000 feet from the property boundaries of an existing or proposed high school, existing or proposed rail station, or existing Virginia college or university campus if: (1) the Board receives a petition requesting the establishment or expansion of such a District, (2) such petition contains signatures representing at least 60 percent of the eligible addresses of the proposed District and representing more than 50 percent of the eligible addresses on each block face of the proposed District, and (3) the Board determines that 75 percent of the land abutting each block within the proposed District is developed residential. In addition, an application fee of \$10 per address is required for the establishment or expansion of an RPPD. In the case of an amendment expanding an existing District, the foregoing provisions apply only to the area to be added to the existing District.

Petitions requesting expansion of the RPPD were received to include the following street block: Ridge Drive (Route 6090) from Ursline Court south to Ridge Drive, which may be subject to an RPPD based on its vicinity to Langley High School. The signatures

Board Agenda Item  
May 24, 2011

on the petition represent more than 60 percent of the eligible addresses of the proposed District expansion and represent more than 50 percent of the eligible addresses on each block face of the proposed District expansion, thereby satisfying Code petition requirements. More than 75 percent of the land abutting each block of the proposed District expansion is developed residential, thereby satisfying Code land use requirements. The required application fees were submitted thereby satisfying Code fee requirements.

FISCAL IMPACT:

The cost of sign installation is estimated at \$1100 to be paid out of Fairfax County Department of Transportation (FCDOT) funds.

ENCLOSED DOCUMENTS:

Attachment I: Proposed Amendment to *The Code of the County of Fairfax, Virginia*  
Attachment II: Map Depicting Proposed Limits of RPPD Expansion

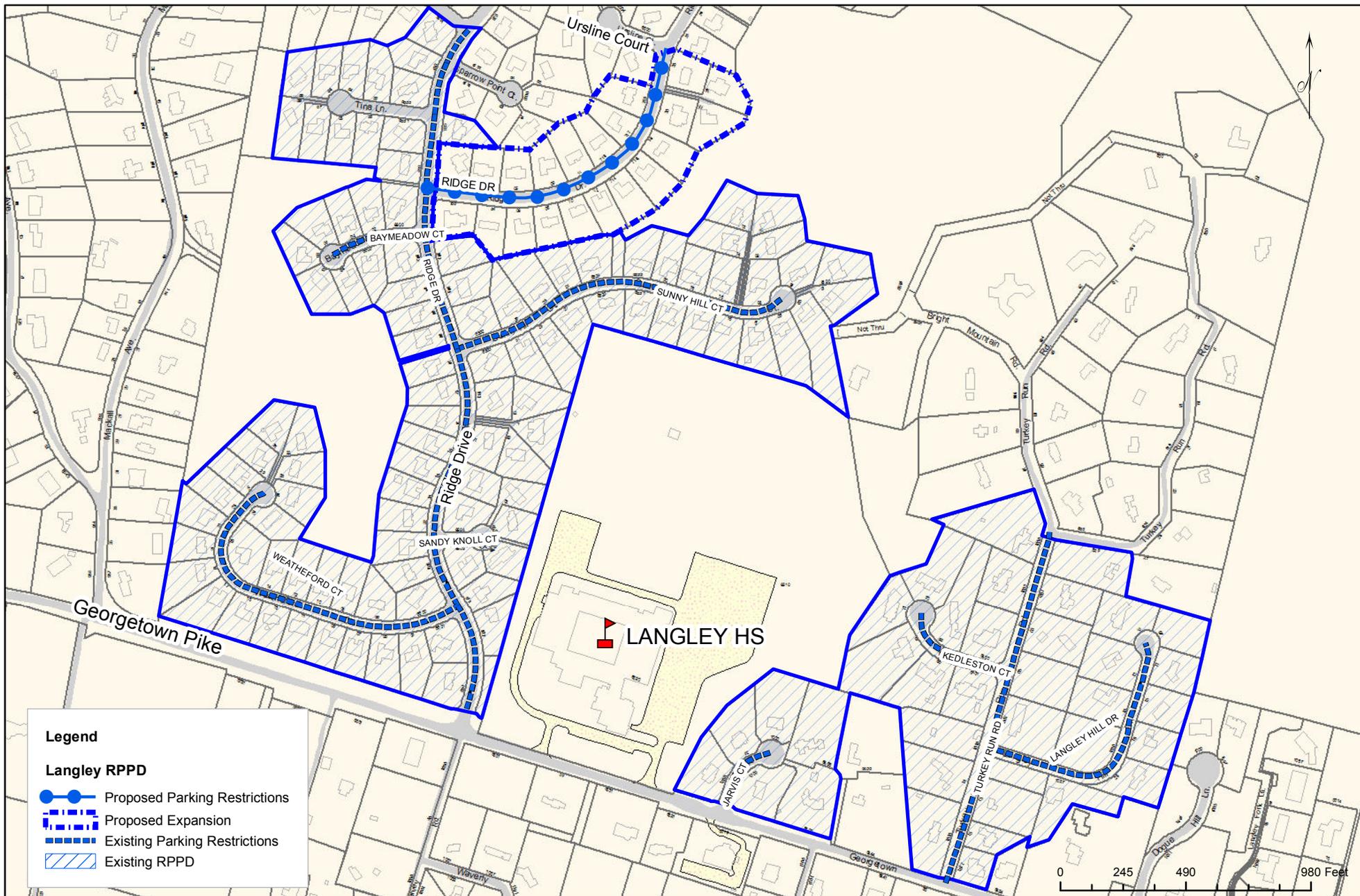
STAFF:

Robert A. Stalzer, Deputy County Executive  
Tom Biesiadny, Acting Director, Fairfax County Department of Transportation (FCDOT)  
Selby Thannikary, Chief, Traffic Operations Section, FCDOT  
Maria Turner, FCDOT  
Hamid Majdi, FCDOT

Proposed Amendment

Amend *The Code of the County of Fairfax, Virginia*, by adding the following streets to Appendix G-20, Section (b), (2), Langley Residential Permit Parking District, in accordance with Article 5A, of Chapter 82:

*Ridge Drive (Route 6090)*  
From Ursline Court south to Ridge Drive.



April 6, 2011

Fairfax County Department of Transportation  
 Traffic Operations Section  
**RESIDENTIAL PERMIT PARKING DISTRICT**  
 Proposed Langley Expansion  
 Dranesville District

Tax Map: 21-4



Board Agenda Item  
May 24, 2011

ADMINISTRATIVE - 8

Approval of “Watch for Children” Signs as Part of the Residential Traffic Administration Program (Springfield District)

ISSUE:

Board endorsement of “Watch for Children” signs, as part of the Residential Traffic Administration Program (RTAP).

RECOMMENDATION:

The County Executive recommends the Board approve a resolution (Attachment I) for the installation of “Watch for Children” signs on the following roads:

- Robert Carter Road (Springfield District)
- Clara Barton Drive (Springfield District)

In addition, the County Executive recommends that the Fairfax County Department of Transportation (FCDOT) be requested to coordinate with the Virginia Department of Transportation (VDOT) to schedule the installation of the approved measures as soon as possible.

TIMING:

Board action is requested on May 24, 2011.

BACKGROUND:

The RTAP allows for installation of “Watch for Children” signs at the primary entrance to residential neighborhoods, or at a location with an extremely high concentration of children relative to the area, such as playgrounds, day care centers, or community centers. In particular, Section 33.1-210.2 of the *Code of Virginia* provides that the Board may request, by resolution to the Commissioner of VDOT, signs alerting motorists that children may be at play nearby. FCDOT reviews each request to ensure the proposed sign will be effectively located and will not be in conflict with any other traffic control devices. On April 12, 2011, FCDOT received written verification from the appropriate local supervisors confirming community support for the referenced “Watch for Children” signs.

Board Agenda Item  
May 24, 2011

FISCAL IMPACT:

The estimated cost of \$500.00 is to be paid out of the VDOT secondary road construction budget.

ENCLOSED DOCUMENTS:

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

STAFF:

Robert A. Stalzer, Deputy County Executive

Tom Biesiadny, Acting Director, Fairfax County Department of Transportation (FCDOT)

Eric M. Teitelman, Chief, Capital Projects and Operations Division, FCDOT

Selby J. Thannikary, Chief, Traffic Operations Section, FCDOT

William P. Harrell, Transportation Planner, FCDOT

RESOLUTION

FAIRFAX COUNTY DEPARTMENT OF TRANSPORTATION  
RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (RTAP)  
WATCH FOR CHILDREN SIGNS

Robert Carter Road (Springfield District)  
Clara Barton Drive (Springfield District)

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium of the Government Center at Fairfax, Virginia on Tuesday, May 24, 2011, at which a quorum was present and voting, the following resolution was adopted:

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

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

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

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

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

A Copy Teste:

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Nancy Vehrs  
Clerk to the Board of Supervisors

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Board Agenda Item  
May 24, 2011

ADMINISTRATIVE - 9

Authorization for the County Executive to Execute a Grant Agreement with the U.S. Environmental Protection Agency

ISSUE:

Board of Supervisors' authorization is needed for the County Executive to execute the attached grant agreement with the U.S. Environmental Protection Agency (U.S. EPA) to receive \$289,300 in grant funding from the FY 2004 Congressional special appropriation. The required local match of \$236,700 will be met through bond funding from Fund 408, Sewer Bond Construction.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors authorize the County Executive to execute the attached U.S. EPA grant agreement on behalf of the County.

TIMING:

Board action is requested on May 24, 2011.

BACKGROUND:

The U.S. Congress awarded the Environmental Protection Agency a special appropriation to its State and Tribal Assistance Grant account in FY 2004. Fairfax County submitted an application to receive funding from this appropriation for their Noman M. Cole Jr. Pollution Control Plant Water Reuse project. The project will divert a minor portion of the treated wastewater discharge (reuse water) from the wastewater treatment plant to the waste-to-energy facility to be used as cooling water and provide reuse water to the Laurel Hill Golf Course and Park." EPA's grant funding for this project is set at 55 percent of \$526,000 of allowable construction costs for a total grant award of \$289,300.

The total projected cost of the Water Reuse project is \$17,650,000. In addition to this EPA grant, the County has received \$6.5 million in American Recovery and Reinvestment Act (ARRA) funds and will receive approximately \$1.8 million in Water Quality Improvement Fund (WQIF) grant funding. Both of the grants under the ARRA and the WQIF were approved by the Board on February 23, 2009, and December 7, 2009, respectively.

Board Agenda Item  
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FISCAL IMPACT:

The total amount of this grant proposal is \$526,000, including \$236,700 in required Local Cash Match. The Local Cash Match is available from Fund 408, Sewer Bond Construction. Upon approval, budget appropriation will be included in Fund 408, Sewer Bond Construction, Project FS0001, Noman Cole Water Reuse, as part of the *FY 2011 Carryover Review*.

ENCLOSED DOCUMENTS:

Attachment 1: U.S. Environmental Protection Agency Grant Agreement (Excerpt) (Entire Grant Agreement distributed to Board Members under separate cover)

STAFF:

Robert A. Stalzer, Deputy County Executive

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

Randy Bartlett, Deputy Director, DPWES

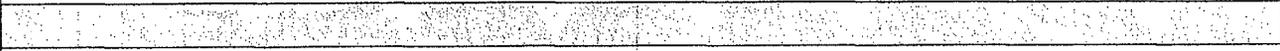


**U. S. ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
ASSISTANCE AGREEMENT/AMENDMENT NOTICE**

**RECIPIENT NAME AND ADDRESS:** **DATE:** **MAR 29 2011**

Mr. Shahram Mohsenin  
Director, Wastewater Planning & Monitoring Division  
County of Fairfax, Virginia  
12000 Government Center Parkway  
Suite 358  
Fairfax, VA 22035

Re: Assistance # XP-963025-01



Enclosed are three copies of an Assistance Agreement/Amendment from the U.S. Environmental Protection Agency.

To accept this award, please carefully review any terms and conditions, sign<sup>1</sup>, and return one original copy to each of the addresses listed below within 21 days after receipt:

<p>Kathleen M. Blinebury Grants Management Officer Grants and Audit Management Branch (3PM70) U.S. Environmental Protection Agency 1650 Arch Street Philadelphia, PA 19103-2029</p>	<p>Mr. William Bishop Grant/Loan Administrator Construction Assistance Program Virginia Department of Environmental Quality 3019 Peters Creek Road Roanoke, VA 24019</p>
---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

The other original should be retained for your official records and copies distributed within your organization as needed. Please note, funds will not be available for payment until we receive your countersigned affirmation of this award.



To assist you with your post award management responsibilities and for instructions on how to receive payments, visit the Grants Office website at:

<http://www.epa.gov/region3/grants/funding.htm>

Please reference the EPA Assistance Number on all future correspondence regarding this Assistance Agreement. Questions on technical matters should be directed to the Project Officer and questions on administrative matters should be directed to the Grants Specialist identified in the Assistance Agreement/Amendment.

<sup>1</sup> Failure to countersign and return within 21 days after receipt may result in termination of this award.

cc: William Bishop, VADEQ

WFP & MONITORING  
DIVISION  
MAR 31 2014

	<b>U.S. ENVIRONMENTAL PROTECTION AGENCY</b>  <b>Grant Agreement</b>		ASSISTANCE ID NO.			DATE OF AWARD 03/22/2011		
			PRG	DOC ID	AMEND#			
			XP - 96302501 - 0			TYPE OF ACTION New		MAILING DATE 03/29/2011
			PAYMENT METHOD: Reimbursement			ACH# 6052		
RECIPIENT TYPE: County			Send Payment Request to: Virginia Department of Environmental Quality					
RECIPIENT: County of Fairfax- Virginia 12000 Government Center Parkway Suite 358 Fairfax, VA 22035-0052 EIN: 54-0787833			PAYEE: Fairfax County 12000 Government Center Parkway Suite 417 Fairfax, VA 22035-0052					
PROJECT MANAGER		EPA PROJECT OFFICER		EPA GRANT SPECIALIST				
Mr. Shahram Mohsenin 12000 Government Center Parkway Suite 417 Fairfax, VA 22035-0052 E-Mail: shahram.mohsenin@fairfaxcounty.gov Phone: 703-324-6026		Dave McAdams 1650 Arch Street, 3WP50 Philadelphia, PA 19103-2029 E-Mail: Mcadams.Dave@epa.gov Phone: 215-814-5764		Baseemah El-Amin Grants and Audit Management Branch, 3PM70 E-Mail: El-Amin.Baseemah@epa.gov Phone: 215-814-5371				
<b>PROJECT TITLE AND DESCRIPTION</b> Fairfax County The project will divert a minor portion of the treated wastewater discharge (reuse water) from recipient's wastewater treatment plant (WWTP) to Covanta waste-to-energy facility to be used as cooling water and provide reuse water to a golf course and park. It will build a reuse water pump station at recipient's WWTP, 17,700 feet of 20" waterline between WWTP and Covanta, a water storage tank at Covanta, upgrade Covanta's wastewater pump station and replace 400 feet of sewer, and install 9,500 feet of 10" and 12" waterline to connect a golf course and park to the reuse waterline.								
BUDGET PERIOD 12/23/2009 - 08/15/2012		PROJECT PERIOD 12/23/2009 - 08/15/2012		TOTAL BUDGET PERIOD COST \$526,000.00	TOTAL PROJECT PERIOD COST \$526,000.00			
<b>NOTICE OF AWARD</b>  Based on your application dated 11/02/2010, including all modifications and amendments, the United States acting by and through the US Environmental Protection Agency (EPA), hereby awards \$289,300. EPA agrees to cost-share 55.00% of all approved budget period costs incurred, up to and not exceeding total federal funding of \$289,300. Such award may be terminated by EPA without further cause if the recipient fails to provide timely affirmation of the award by signing under the Affirmation of Award section and returning all pages of this agreement to the Grants Management Office listed below within 21 days after receipt, or any extension of time, as may be granted by EPA. This agreement is subject to applicable EPA statutory provisions. The applicable regulatory provisions are 40 CFR Chapter 1, Subchapter B, and all terms and conditions of this agreement and any attachments.								
ISSUING OFFICE (GRANTS MANAGEMENT OFFICE)			AWARD APPROVAL OFFICE					
ORGANIZATION / ADDRESS US EPA Region 3, 3PM70 1650 Arch Street Philadelphia, PA 19103-2029			ORGANIZATION / ADDRESS U.S. EPA, Region 3 Water Protection Division 3WP00 1650 Arch Street Philadelphia, PA 19103-2029					
THE UNITED STATES OF AMERICA BY THE U.S. ENVIRONMENTAL PROTECTION AGENCY								
SIGNATURE OF AWARD OFFICIAL Digital signature applied by EPA Award Official		TYPED NAME AND TITLE James W. Newsom, Assistant Regional Administrator for Policy and Management		DATE 03/22/2011				
<b>AFFIRMATION OF AWARD</b> BY AND ON BEHALF OF THE DESIGNATED RECIPIENT ORGANIZATION								
SIGNATURE		TYPED NAME AND TITLE		DATE				

## EPA Funding Information

FUNDS	FORMER AWARD	THIS ACTION	AMENDED TOTAL
EPA Amount This Action	\$	\$ 289,300	\$ 289,300
EPA In-Kind Amount	\$	\$	\$ 0
Unexpended Prior Year Balance	\$	\$	\$ 0
Other Federal Funds	\$	\$	\$ 0
Recipient Contribution	\$	\$	\$ 0
State Contribution	\$	\$	\$ 0
Local Contribution	\$	\$	\$ 0
Other Contribution	\$	\$ 236,700	\$ 236,700
Allowable Project Cost	\$ 0	\$ 526,000	\$ 526,000

Assistance Program (CFDA)	Statutory Authority	Regulatory Authority
66.202 - Congressionally Mandated Projects	Consolidated Appropriations Act of 2004 (PL 108-199)	40 CFR PART 31

Fiscal									
Site Name	Req No	FY	Approp. Code	Budget Organization	PRC	Object Class	Site/Project	Cost Organization	Obligation / Deobligation
	1103LL0094	11	E4C	0300GEE	202B51E	4192			289,300
									289,300

<b>Approved Budget</b>	
Program Element Classification (Construction)	Approved Allowable Budget Period Cost
1. Administration Expense	\$0
2. Preliminary Expense	\$0
3. Land Structure, Right Of Way	\$0
4. Architectural Engineering Basic Fees	\$0
5. Other Architectural Engineering Fees	\$0
6. Project Inspection Fees	\$0
7. Land Development	\$0
8. Relocation Expenses	\$0
9. Relocation Payments to Individuals & Bus.	\$0
10. Demolition and Removal	\$0
11. Construction and Project Improvement	\$526,000
12. Equipment	\$0
13. Miscellaneous	\$0
14. Total (Lines 1 thru 13)	\$526,000
15. Estimate Income	\$0
16. Net Project Amount (Line 14 minus 15)	\$526,000
17. Less: Ineligible Exclusions	\$0
18. Add: Contingencies	\$0
19. Total (Share: Recip 45.00% Fed 55.00%)	\$526,000
20. TOTAL APPROVED ASSISTANCE AMOUNT	\$289,300

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Board Agenda Item  
May 24, 2011

ADMINISTRATIVE - 10

Authorization to Advertise a Public Hearing on Proposed Amendments to Sections 30-3-2, 30-3-4 and 30-3-6 of the *Fairfax County Code* Relating to National Background Checks for Applicants for a Home Child Care Facility Permit and to the Administration of Medication in Home Child Care Facilities

ISSUE:

Board authorization to advertise a public hearing to consider proposed amendments to Fairfax County Code Sections 30-3-2, 30-3-4 and 30-3-6 relating to national background checks for applicants for a home child care facility permit and to the administration of prescription and nonprescription medications in home child care facilities, to become effective July 1, 2011.

RECOMMENDATION:

The County Executive recommends that the Board authorize the advertisement of a public hearing on Tuesday, June 21, 2011, at 4:00 p.m. to consider adoption of amendments to Sections 30-3-2, 30-3-4 and 30-3-6 of the Fairfax County Code (Attachment 1).

TIMING:

Board action is requested on May 24, 2011, to provide sufficient time to advertise a public hearing on the proposed amendments on June 21, 2011 at 4:00 p.m.

BACKGROUND:

The 2011 Session of the Virginia General Assembly enacted two bills affecting the County's regulation of family child care providers. Staff recommends incorporating the changes into the Home Child Care Facilities Ordinance (Chapter 30, Article 3 of the Fairfax County Code). The Child Care Advisory Council has endorsed the proposed amendments.

More specifically, the Virginia Code generally prohibits certain drug-related activities, including giving, distributing, or possessing controlled substances except as authorized in the Virginia Drug Control Act. The Virginia Drug Control Act was amended in 2006 to legalize the administration of prescription medications by *state-licensed* family child care providers who complete a training program and satisfy other criteria established in the law, but that 2006 legislation did not authorize locally regulated/permitted family child

Board Agenda Item  
May 24, 2011

care providers to administer prescription medications to children in their care. During its 2011 Session, at the request of the Board, the Virginia General Assembly responded to that omission by enacting legislation to allow the administration of prescription medications by individuals in a child day program regulated by a local government, so long as they fulfill the same requirements imposed upon state-licensed family child care providers.

The proposed amendment to Section 30-3-6 of the *Fairfax County Code* adds new subsections (bb) and (cc) relating to the administration of prescription and nonprescription medications and topical skin products. The proposed amendment requires providers who administer prescription or nonprescription medications (except nonprescription topical products) to complete medication administration training every three years. The new subsections impose requirements comparable to those imposed by the state regulations applicable to home child care facilities. Proposed language amending Section 30-3-4 clarifies that the medication administration training is in addition to training that family child care providers are already required to complete annually.

The 2011 Session of the Virginia General Assembly also enacted legislation expanding the County's authority to conduct criminal history background checks on applicants for Home Child Care Facilities permits. Section 30-3-2 of the *Fairfax County Code* currently requires an applicant for a Home Child Care Facility Permit to provide consent forms for each provider and each adult who resides in the proposed facility allowing the County to request a search of the Central Criminal Records Exchange for files on each such person. However, in cases when this state background check indicates there is a criminal record in another state, the County does not have the authority to request a national background check in order to obtain specific information on convictions in other states. That 2011 legislation amended the County's enabling authority so that local ordinances may require a national criminal background check. The proposed amendment to Section 30-3-2 provides that when the Central Criminal Records Exchange records indicate that any such person has a criminal record in another state, or when the Director of the Office for Children otherwise deems appropriate, that person must also consent to, and pay for, a national criminal background check.

Both bills will become effective on July 1, 2011 (Attachments 2 & 3). Virginia law permits the Board to take action at this time so long as that action is not effective prior to July 1, 2011. Therefore, the proposed amendments would take effect on July 1, 2011.

FISCAL IMPACT:  
None

Board Agenda Item  
May 24, 2011

ENCLOSED DOCUMENTS:

Attachment 1: Proposed amendments to Fairfax County Code Sections 30-3-2, 30-3-4 and 30-3-6

Attachment 2: 2011 Acts of the Virginia General Assembly, Chapter 251

Attachment 3: 2011 Acts of the Virginia General Assembly, Chapter 292

STAFF:

Patricia D. Harrison, Deputy County Executive

Nannette M. Bowler, Director, Department of Family Services

Anne-Marie D. Twohie, Director, Office for Children

Erin C. Ward, Assistant County Attorney

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**AN ORDINANCE AMENDING CHAPTER 30 OF THE FAIRFAX COUNTY  
CODE RELATING TO NATIONAL CRIMINAL BACKGROUND CHECKS FOR  
HOME CHILD CARE PROVIDERS AND THE ADMINISTRATION OF  
MEDICATIONS TO CHILDREN IN CARE**

Draft of May 11, 2011 v.4

**AN ORDINANCE** to amend Fairfax County Code Section 30-3-2, and 30-3-4,  
and 30-3-6, relating to the administration of medication in home  
child care facilities and national criminal background checks of  
operators and others in home child care facilities.

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

**1. That Sections 30-3-2, 30-3-4, and 30-3-6 are amended and readopted  
as follows:**

**Section 30-3-2. - Annual permit application, issuance or denial.**

(a) A person proposing to operate a home child care facility shall submit an  
application on a form prepared by the Director of the Office for Children, which  
shall include:

- (i) The name and address of the home child care facility;
- (ii) The name of the applicant;
- (iii) A statement of whether the applicant currently holds or previously held  
a home child care facility permit in the County;
- (iv) The names of all providers and all persons who reside in the home;
- (v) Disclosures from the applicant, each provider, and each adult who  
resides in the proposed facility stating whether he or she has committed any  
barrier offense, consent forms signed by the applicant, each provider, and  
each adult who resides in the proposed facility allowing the Director of the  
Office for Children to request a search of the Central Criminal Records  
Exchange for files on each such person, and payment of an investigation fee  
in an amount equal to the fee established by the Virginia State Police for  
conducting a records search multiplied by the number of persons making  
disclosures and providing consent forms. When the Central Criminal  
Records Exchange records indicate that any such person has a criminal  
record in another state, or when the Director otherwise deems appropriate,  
the Director may also require that the applicant, the provider, or the adult  
who resides in the proposed facility consent to and pay for a national

- 1 | criminal background check;
- 2 (vi) Statements from the applicant, each provider, and each adult who  
3 resides in the proposed facility, and statements from a parent, guardian or  
4 legal custodian on behalf of all minors age 14 and older who reside in the  
5 proposed facility, consenting to the release of information to the Director of  
6 the Office for Children from child protective services investigating agencies  
7 reflecting whether any such individual has been the subject of a founded  
8 complaint of abuse or neglect; the terms "child protective services" and  
9 "investigating agencies" shall have the meaning defined by Virginia law;
- 10 (vii) Copies of the applicant's certifications in pediatric first aid and pediatric  
11 cardiopulmonary resuscitation (CPR);
- 12 (viii) Proof of the applicant's compliance with the training requirements  
13 established in Section 30-3-4(b), which shall consist of records provided by  
14 the trainer or, if none are provided by the trainer, records maintained by the  
15 applicant;
- 16 (ix) A description of the structure in which the home child care facility is  
17 proposed to be operated, including a description of all places and areas to  
18 which the children shall have access;
- 19 (x) The proposed hours of operation;
- 20 (xi) A statement of whether the applicant is eighteen or more years old;
- 21 (xii) A certificate from a physician, physician's designee, or Health  
22 Department official stating that acceptable screening methods (tuberculin  
23 skin test and/or tuberculosis risk and symptom screen and/or chest X-ray),  
24 singly or in combination as determined appropriate by the signatory, indicate  
25 that the applicant and all providers are currently free from communicable  
26 tuberculosis. The screen must be performed not more than 24 months prior  
27 to the date on which the application is submitted;
- 28 (xiii) A written policy describing what the applicant will do with children in  
29 care who are sick;
- 30 (xiv) Such other information, including, but not limited to, information  
31 concerning applicant's child care training and special skills, as the Director  
32 of the Office for Children may deem appropriate;
- 33 (xv) The application fee of \$14, which is in addition to any business or  
34 occupation license tax imposed by the County, and any other taxes or fees  
35 that may be required to engage in the business.
- 36 During the term of the permit, the operator must report to the Director of the  
37 Office for Children any change in the information required by subsections (iv), (v),  
38 (vi), and (xii) within 21 days of learning of the change.

- 1 (b) Upon submission of an application to the Office for Children:
- 2 (i) The Director of the Office for Children shall inspect the proposed facility  
3 to determine whether it is in compliance with this Article and all applicable  
4 Virginia law that may affect the health and safety of the children who may  
5 attend or be present at the facility.
- 6 (ii) The Chief of the Fairfax County Fire and Rescue Department or the  
7 agent of the Chief shall conduct a fire safety inspection of the proposed  
8 facility and advise the Director of the Office for Children of any  
9 noncompliance with this Article or any applicable Virginia law that may affect  
10 the health and safety of the children who may attend or be present at the  
11 facility.
- 12 (iii) If the applicant does not hold a permit under this Article at the time of  
13 the application, the Director of the Office for Children shall request a search  
14 of the Central Criminal Records Exchange to determine whether the  
15 applicant, any provider or any persons who reside in the home have  
16 committed any crimes that constitute barrier offenses. When the Central  
17 Criminal Records Exchange records indicate that any such person has a  
18 criminal record in another state, or when the Director otherwise deems  
19 appropriate, the Director may also require that the applicant, the provider, or  
20 the adult who resides in the proposed facility consent to and pay for a  
21 national criminal background check. Otherwise, the Director may request a  
22 criminal records search if five or more years have passed since the last  
23 records search on an individual, or upon receipt of new information  
24 submitted in accordance with this section, or as the Director deems  
25 appropriate in extenuating circumstances.
- 26 (iv) The Director of the Office for Children shall request information from  
27 child protective services investigating agencies as deemed necessary to  
28 determine whether the applicant, any provider or any person age 14 and  
29 older who resides in the proposed facility has been the subject of a founded  
30 complaint of abuse or neglect.
- 31 (c) The Director of the Office for Children shall issue a permit to an applicant if  
32 the Director determines from the information contained in the permit application,  
33 the facility inspections and the records searches that (i) the applicant is an adult;  
34 (ii) neither the applicant, nor any provider or any person who resides in the facility  
35 has committed any barrier offense; and (iii) both the applicant and the proposed  
36 facility are in compliance with this Article and all applicable Virginia laws that may  
37 affect the health and safety of the children who may attend or be present at the  
38 proposed facility. The permit shall be displayed in the home child care facility by  
39 the operator of that facility.
- 40 (d) The Director of the Office for Children shall deny a permit to any applicant if  
41 the Director determines from the information contained in the permit application,  
42 the facility inspections and the records searches that (i) the applicant is not an

1 adult; (ii) the applicant, any provider, or any person who resides in the facility has  
 2 committed any barrier offense; or (iii) either the applicant or the proposed facility  
 3 is not in compliance with this Article and all applicable Virginia laws that may  
 4 affect the health and safety of the children who may attend or be present at the  
 5 proposed facility. If the denial is based on the results of the searches of the  
 6 records of the Central Criminal Records Exchange, the national criminal  
 7 background check, or the Department of Social Services, the Director shall  
 8 provide the applicant a copy of the information upon which the denial was based.

9

#### 10 **Section 30-3-4. - Operator Qualifications.**

11 (a) Each operator must be an adult.

12 (b) Each operator must be trained in areas such as physical, intellectual, social,  
 13 and emotional child development, behavior management and discipline  
 14 techniques, health and safety in the home child care environment, art and music  
 15 activities for children, nutrition, child abuse detection and prevention, or  
 16 recognition and prevention of the spread of communicable diseases. Any  
 17 applicant who does not hold a permit under this Article at the time he or she  
 18 submits a permit application must attend 12 hours of training by an approved  
 19 trainer during the term of the permit. After January 1, 2002, any applicant who  
 20 holds a permit under this Article at the time he or she submits an application for a  
 21 new permit must attend six hours of training by an approved trainer within twelve  
 22 months immediately preceding the date of the application. The Director of the  
 23 Office for Children shall maintain a list of entities that are approved as trainers.  
 24 Upon request from an applicant or operator, accompanied by information about  
 25 the entity and/or the course, the Director of the Office for Children may approve  
 26 additional trainers or a specific course.

27 (c) Each operator must be certified in pediatric first aid and pediatric  
 28 cardiopulmonary resuscitation (CPR). (d) In addition to the training required in  
 29 subsection (b) above, and except as set forth in Section 30-3-6 (bb) and (cc), an  
 30 operator who administers prescription medications or non-prescription  
 31 medications to children in care must satisfactorily complete a training program for  
 32 this purpose developed or approved by the Board of Nursing and taught by a  
 33 registered nurse, licensed practical nurse, doctor of medicine or osteopathic  
 34 medicine, or pharmacist. Providers required to complete the training program  
 35 shall be retrained at three-year intervals

Deleted: ¶

36

#### 37 **Section 30-3-6. - Physical facilities, equipment and operation.**

38 (a) Providers shall supervise children in a manner which ensures that the  
 39 provider is aware of what the children are doing at all times and can promptly  
 40 assist or redirect activities when necessary. In deciding how closely to supervise

4

- 1 children, providers shall consider the ages of the children, individual differences  
2 and abilities, layout of the house and play area, neighborhood circumstances or  
3 hazards and risk activities in which children are engaged.
- 4 (b) All rooms used for child care shall be dry, well-lighted and have adequate  
5 ventilation and shall be smoke free when any child in care is present. Windows  
6 that can be opened shall be screened from April 1 through November 1 of each  
7 year.
- 8 (c) An outdoor recreation area shall be provided for use by the children. Indoor  
9 and outdoor areas shall provide appropriate activities, supplies, and materials  
10 that are safe and accessible. All areas shall be free of dangerous and hazardous  
11 conditions.
- 12 (d) Covered, washable waste receptacles shall be provided for all waste  
13 materials, diapers, garbage, and refuse. Trash and other waste materials shall be  
14 removed as often as necessary to prevent excessive accumulations and shall be  
15 deposited in approved trash or waste disposal containers.
- 16 (e) Toxic or dangerous materials shall be stored in areas that are inaccessible  
17 to children and separate from food supplies and areas in which food is prepared.
- 18 (f) Dogs and cats four months old or older that regularly are present at the  
19 facility shall be immunized for rabies, and records of such immunizations shall be  
20 kept available at the facility for inspection by the Director of the Office for  
21 Children.
- 22 (g) A refrigerator shall be used for perishable food and that refrigerator shall  
23 maintain a constant temperature of 41 degrees Fahrenheit or less. Food brought  
24 into any home child care facility for consumption by nonresident children shall be  
25 clearly marked for consumption by the children for whom the food is intended.  
26 Meals or snacks shall be offered to the children at least once every three hours.
- 27 (h) Each home child care facility that is not served by a public water supply shall  
28 have a private water supply approved by the Department of Health. Each home  
29 child care facility that is not served by a public sewage disposal system shall  
30 have a private sewage disposal system approved by the Department of Health.  
31 Drinking water from a public water supply, well permitted by the Department of  
32 Health, or other source acceptable to the Department of Health shall be available  
33 for all children.
- 34 (i) An operational telephone shall be available and easily accessible within the  
35 home child care facility, and emergency telephone numbers for fire, police and  
36 medical assistance shall be posted near the telephone. Each such facility shall  
37 have the address of the building posted in a manner so as to be visible and  
38 distinguishable from the street or parking lot.
- 39 (j) Providers shall not use corporal punishment or any humiliating or frightening  
40 methods of discipline.

- 1 (k) Firearms of every type and purpose shall be stored unloaded in a locked  
2 container, compartment, or cabinet, and apart from ammunition. Ammunition  
3 shall be stored in a locked container, compartment, or cabinet during the home  
4 child care facility's hours of operation. If a key is used to lock the container,  
5 compartment, or cabinet, the key shall be inaccessible to children.
- 6 (l) Each home child care facility shall be structurally sound and in a good state  
7 of repair. The operator shall not allow oil, grease, dust, lint, and other  
8 combustible materials to accumulate on cooking surfaces; heating, ventilation,  
9 and air conditioning equipment; clothes dryers; and other mechanical equipment.
- 10 (m) All exit stairs, interior or exterior, shall be in good repair and shall be  
11 provided with handrails and guard rails as required by the Virginia Uniform  
12 Statewide Building Code. No exit door that has a double deadbolt lock shall be  
13 locked with the key removed from the interior side of the exit door during the  
14 hours of child care.
- 15 (n) Electric panels and equipment shall be in good working order and free of  
16 loose connections. Protective sheathing on all wiring shall be intact with no  
17 frayed ends or exposed wiring and shall be anchored or supported. Fuses or  
18 circuit breakers shall be of the proper size and type. Electric panels shall be  
19 readily accessible and a minimum clear space measuring three feet out from the  
20 panel and 30 inches wide must be maintained. The use of multi-plug adapters or  
21 extension cords to provide permanent power to electrical equipment is prohibited.  
22 However, the use of power strips with a built-in fuse or circuit breaker is  
23 approved if such power strips are of the type approved and listed by a  
24 recognized testing authority, such as Underwriter's Laboratories or Factory  
25 Mutual Research Corporation.
- 26 (o) Kitchen ranges, other cooking equipment and other appliances shall be kept  
27 in good working order and free from grease, dust, lint, and other combustible  
28 materials. Small appliances, including but not limited to hair dryers, toaster  
29 ovens, toasters, mixers, blenders, and food processors, shall remain unplugged  
30 except when in use.
- 31 (p) Electric portable space heaters shall be of the type approved and listed by a  
32 recognized testing authority, such as Underwriter's Laboratories or Factory  
33 Mutual Research Corporation. Portable heaters shall be provided with suitable  
34 guards to prevent contact with the heating element and shall be located a  
35 minimum of three feet from combustible materials. The use of unvented, fuel fired  
36 space-heating appliances designed for portable use is prohibited during the  
37 hours of child care.
- 38 (q) Fireplaces and chimneys shall be in good condition and free of cracks or  
39 voids in the firebox and flue liner. Fireplaces and chimneys shall be inspected  
40 and cleaned as often as necessary to remove the buildup of creosote and other  
41 flammable residues. A fireplace screen or other protective guard shall be  
42 required for all fireplaces.

- 1 (r) Wood stoves shall be tested by a recognized testing authority, such as  
2 Underwriter's Laboratories or Factory Mutual Research Corporation, and shall be  
3 installed and inspected as required by the Virginia Uniform Statewide Building  
4 Code. Wood stoves shall be inspected and cleaned as often as necessary to  
5 remove the buildup of creosote and other flammable residues. Providers shall  
6 take all precautions necessary to minimize potential injury from contact with hot  
7 surfaces by any child at the facility.
- 8 (s) Ashes from fireplaces and woods stoves shall be removed to the outside  
9 and stored in a noncombustible container, with a tight fitting lid, that has been  
10 approved by the Fire Marshal.
- 11 (t) Heating systems and associated ductwork shall be clean and in good  
12 working order. Adequate combustion air must be provided as required by the  
13 Virginia Uniform Statewide Building Code. Flues for the exhaust of carbon  
14 monoxide and other by-products of combustion shall be free of leaks and in good  
15 repair. Except for those rooms used by children while sleeping under covers, all  
16 rooms used for child care shall be maintained at a temperature of not less than  
17 68 degrees Fahrenheit.
- 18 (u) An operable smoke detector shall be provided on each floor level and shall  
19 be tested at least once a month. Smoke detectors may be of the fixed-wired or  
20 battery type.
- 21 (v) At least one portable fire extinguisher, having a minimum rating of 1A10BC  
22 shall be provided. The extinguisher shall be properly mounted, readily accessible  
23 and be located near the kitchen.
- 24 (w) The storage of flammable or combustible liquids or gases, hazardous  
25 chemicals, and other highly flammable or toxic materials shall not be permitted  
26 inside the facility unless approved by the Fairfax County Fire Marshal. Storage of  
27 other materials shall be neat and orderly with required clearances provided for  
28 furnaces, hot water heaters, portable heaters, electric panels, fireplaces, and  
29 wood stoves. The exterior of the property shall be kept free from trash or other  
30 materials which in the opinion of the Fairfax County Fire Marshal pose a fire or  
31 safety hazard.
- 32 (x) A fire drill shall be conducted at least once every month in accordance with  
33 instructions provided by the Fire Marshal at the annual inspection of the facility. A  
34 written record of each fire drill shall be kept available for inspection by any  
35 authorized code enforcement official.
- 36 (y) Providers shall handle blood, bodily fluids, and other potentially infectious  
37 materials as if known to be infectious for human immunodeficiency virus,  
38 hepatitis B virus, and other bloodborne pathogens.
- 39 (z) The operator shall have appropriate sleeping arrangements for all children in  
40 care. If children are in care overnight on a regular or frequent basis, then the  
41 operator shall provide cribs that meet the current standards of the United States

1 Consumer Product Safety Commission for full-size baby cribs for children from  
2 birth through 12 months of age and for children over 12 months of age who are  
3 not developmentally ready to sleep on a cot or bed.

4 (aa) All home child care facilities shall be maintained free from insects and  
5 rodents.

6 (bb) Except as set forth in subsection (cc) below, whenever the home child care  
7 facility has agreed to administer prescription medications or non-prescription  
8 medications, the medication shall be administered in compliance with the Virginia  
9 Drug Control Act by a provider who has satisfactorily completed the training  
10 required by Section 30-3-4(d).

11 (cc) Notwithstanding subsection (bb) above, a provider may administer  
12 nonprescription topical skin products such as sunscreen, diaper ointment and  
13 lotion, oral teething medicine, and insect repellent, provided the following  
14 requirements are met:

- 15 i. The provider has obtained written authorization, at least annually, from a  
16 parent or guardian noting any known adverse reactions;
- 17 ii. The product is in the original container and, if the product is provided by the  
18 parent, labeled with the child's name;
- 19 iii. The product is applied in accordance with the manufacturer's instructions;
- 20 iv. Parents are informed immediately of any adverse reaction;
- 21 v. The product is not be used beyond the expiration date of the product;
- 22 vi. Sunscreen must have a minimum sunburn protection factor (SPF) of 15; and
- 23 vii. The product does not need to be kept locked, but shall be inaccessible to  
24 children.

25  
26 **2. That this ordinance shall take effect on July 1, 2011.**

GIVEN under my hand this \_\_\_\_\_ day of \_\_\_\_\_ 2011.

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

## 2011 SESSION

## CHAPTER 251

*An Act to amend and reenact § 15.2-914 of the Code of Virginia, relating to regulation of child-care facilities.*

[H 2100]

Approved March 18, 2011

Be it enacted by the General Assembly of Virginia:

1. That § 15.2-914 of the Code of Virginia is amended and reenacted as follows:

§ 15.2-914. Regulation of child-care services and facilities in certain counties and cities.

Any (i) county that has adopted the urban county executive form of government, (ii) city adjacent to a county that has adopted the urban county executive form of government, or (iii) city which is completely surrounded by such county may by ordinance provide for the regulation and licensing of persons who provide child-care services for compensation and for the regulation and licensing of child-care facilities. "Child-care services" means provision of regular care, protection and guidance to one or more children not related by blood or marriage while such children are separated from their parent, guardian or legal custodian in a dwelling not the residence of the child during a part of the day for at least four days of a calendar week. "Child-care facilities" includes any commercial or residential structure which is used to provide child-care services.

Such local ordinance shall not require the regulation or licensing of any child-care facility that is licensed by the Commonwealth and such ordinance shall not require the regulation or licensing of any facility operated by a religious institution as exempted from licensure by § 63.2-1716.

Such local ordinances shall not be more extensive in scope than comparable state regulations applicable to family-day-care day homes. Such local ordinances may regulate the possession and storage of firearms, ammunition, or components or combination thereof at child-care facilities so long as such regulation remains no more extensive in scope than comparable state regulations applicable to family-day-care day homes. Local regulations shall not affect the manner of construction or materials to be used in the erection, alteration, repair or use of a residential dwelling.

Such local ordinances may require that persons who provide child-care services shall provide certification from the Central Criminal Records Exchange *and a national criminal background check*, in accordance with §§ 19.2-389 and 19.2-392.02, that such persons have not been convicted of any offense involving the sexual molestation of children, the physical or sexual abuse or rape of a child or any offense identified in § 63.2-1719, and such ordinances may require that persons who provide child-care services shall provide certification from the central registry of the Department of Social Services that such persons have not been the subject of a founded complaint of abuse or neglect. If an applicant is denied licensure because of any adverse information appearing on a record obtained from the Central Criminal Records Exchange, *the national criminal background check*, or the Department of Social Services, the applicant shall be provided a copy of the information upon which that denial was based.

## 2011 SESSION

## CHAPTER 292

*An Act to amend and reenact § 54.1-3408 of the Code of Virginia, relating to administration of certain medications to a child.*

[S 1078]

Approved March 18, 2011

Be it enacted by the General Assembly of Virginia:

1. That § 54.1-3408 of the Code of Virginia is amended and reenacted as follows:

§ 54.1-3408. Professional use by practitioners.

A. A practitioner of medicine, osteopathy, podiatry, dentistry, or veterinary medicine or a licensed nurse practitioner pursuant to § 54.1-2957.01, a licensed physician assistant pursuant to § 54.1-2952.1, or a TPA-certified optometrist pursuant to Article 5 (§ 54.1-3222 et seq.) of Chapter 32 of this title shall only prescribe, dispense, or administer controlled substances in good faith for medicinal or therapeutic purposes within the course of his professional practice.

B. The prescribing practitioner's order may be on a written prescription or pursuant to an oral prescription as authorized by this chapter. The prescriber may administer drugs and devices, or he may cause them to be administered by a nurse, physician assistant or intern under his direction and supervision, or he may prescribe and cause drugs and devices to be administered to patients in state-owned or state-operated hospitals or facilities licensed as hospitals by the Board of Health or psychiatric hospitals licensed by the Department of Behavioral Health and Developmental Services by other persons who have been trained properly to administer drugs and who administer drugs only under the control and supervision of the prescriber or a pharmacist or a prescriber may cause drugs and devices to be administered to patients by emergency medical services personnel who have been certified and authorized to administer such drugs and devices pursuant to Board of Health regulations governing emergency medical services and who are acting within the scope of such certification. A prescriber may authorize a licensed respiratory care practitioner as defined in § 54.1-2954 to administer by inhalation controlled substances used in inhalation or respiratory therapy.

C. Pursuant to an oral or written order or standing protocol, the prescriber, who is authorized by state or federal law to possess and administer radiopharmaceuticals in the scope of his practice, may authorize a nuclear medicine technologist to administer, under his supervision, radiopharmaceuticals used in the diagnosis or treatment of disease.

D. Pursuant to an oral or written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize registered nurses and licensed practical nurses to possess (i) epinephrine for administration in treatment of emergency medical conditions and (ii) heparin and sterile normal saline to use for the maintenance of intravenous access lines.

Pursuant to the regulations of the Board of Health, certain emergency medical services technicians may possess and administer epinephrine in emergency cases of anaphylactic shock.

E. Pursuant to an oral or written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize licensed physical therapists to possess and administer topical corticosteroids, topical lidocaine, and any other Schedule VI topical drug.

F. Pursuant to an oral or written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize licensed athletic trainers to possess and administer topical corticosteroids, topical lidocaine, or other Schedule VI topical drugs, or to possess and administer epinephrine for use in emergency cases of anaphylactic shock.

G. Pursuant to an oral or written order or standing protocol issued by the prescriber within the course of his professional practice, and in accordance with policies and guidelines established by the Department of Health pursuant to § 32.1-50.2, such prescriber may authorize registered nurses or licensed practical nurses under the immediate and direct supervision of a registered nurse to possess and administer tuberculin purified protein derivative (PPD) in the absence of a prescriber. The

Department of Health's policies and guidelines shall be consistent with applicable guidelines developed by the Centers for Disease Control and Prevention for preventing transmission of mycobacterium tuberculosis and shall be updated to incorporate any subsequently implemented standards of the Occupational Safety and Health Administration and the Department of Labor and Industry to the extent that they are inconsistent with the Department of Health's policies and guidelines. Such standing protocols shall explicitly describe the categories of persons to whom the tuberculin test is to be administered and shall provide for appropriate medical evaluation of those in whom the test is positive. The prescriber shall ensure that the nurse implementing such standing protocols has received adequate training in the practice and principles underlying tuberculin screening.

The Health Commissioner or his designee may authorize registered nurses, acting as agents of the Department of Health, to possess and administer, at the nurse's discretion, tuberculin purified protein derivative (PPD) to those persons in whom tuberculin skin testing is indicated based on protocols and policies established by the Department of Health.

H. Pursuant to a written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize, with the consent of the parents as defined in § 22.1-1, an employee of a school board who is trained in the administration of insulin and glucagon to assist with the administration of insulin or administer glucagon to a student diagnosed as having diabetes and who requires insulin injections during the school day or for whom glucagon has been prescribed for the emergency treatment of hypoglycemia. Such authorization shall only be effective when a licensed nurse, nurse practitioner, physician or physician assistant is not present to perform the administration of the medication.

I. A prescriber may authorize, pursuant to a protocol approved by the Board of Nursing, the administration of vaccines to adults for immunization, when a practitioner with prescriptive authority is not physically present, by (i) licensed pharmacists, (ii) registered nurses, or (iii) licensed practical nurses under the immediate and direct supervision of a registered nurse. A prescriber acting on behalf of and in accordance with established protocols of the Department of Health may authorize the administration of vaccines to any person by a pharmacist, nurse, certified emergency medical technician-intermediate, or emergency medical technician-paramedic under the direction of an operational medical director when the prescriber is not physically present. Emergency medical services personnel shall provide documentation of the vaccines to be recorded in the Virginia Immunization Information System.

J. A dentist may cause Schedule VI topical drugs to be administered under his direction and supervision by either a dental hygienist or by an authorized agent of the dentist.

Further, pursuant to a written order and in accordance with a standing protocol issued by the dentist in the course of his professional practice, a dentist may authorize a dental hygienist under his general supervision, as defined in § 54.1-2722, to possess and administer topical oral fluorides, topical oral anesthetics, topical and directly applied antimicrobial agents for treatment of periodontal pocket lesions, as well as any other Schedule VI topical drug approved by the Board of Dentistry.

In addition, a dentist may authorize a dental hygienist under his direction to administer Schedule VI nitrous oxide and oxygen inhalation analgesia and, to persons 18 years of age or older, Schedule VI local anesthesia.

K. Pursuant to an oral or written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize registered professional nurses certified as sexual assault nurse examiners-A (SANE-A) under his supervision and when he is not physically present to possess and administer preventive medications for victims of sexual assault as recommended by the Centers for Disease Control and Prevention.

L. This section shall not prevent the administration of drugs by a person who has satisfactorily completed a training program for this purpose approved by the Board of Nursing and who administers such drugs in accordance with a prescriber's instructions pertaining to dosage, frequency, and manner of administration, and in accordance with regulations promulgated by the Board of Pharmacy relating to security and record keeping, when the drugs administered would be normally self-administered by (i) an individual receiving services in a program licensed by the Department of Behavioral Health and Developmental Services; (ii) a resident of the Virginia Rehabilitation Center for the Blind and Vision Impaired; (iii) a resident of a facility approved by the Board or Department of Juvenile Justice for the placement of children in need of services or delinquent or alleged delinquent youth; (iv) a program participant of an adult day-care center licensed by the Department of Social Services; (v) a resident of any facility authorized or operated by a state or local government whose primary purpose is not to provide health care services; (vi) a resident of a private children's residential facility, as defined in § 63.2-100 and licensed by the Department of Social Services, Department of Education, or Department of Behavioral Health and Developmental Services; or (vii) a student in a school for students with disabilities, as defined in § 22.1-319 and licensed by the

Board of Education.

M. Medication aides registered by the Board of Nursing pursuant to Article 7 (§ 54.1-3041 et seq.) of Chapter 30 may administer drugs that would otherwise be self-administered to residents of any assisted living facility licensed by the Department of Social Services. A registered medication aide shall administer drugs pursuant to this section in accordance with the prescriber's instructions pertaining to dosage, frequency, and manner of administration; in accordance with regulations promulgated by the Board of Pharmacy relating to security and recordkeeping; in accordance with the assisted living facility's Medication Management Plan; and in accordance with such other regulations governing their practice promulgated by the Board of Nursing.

N. In addition, this section shall not prevent the administration of drugs by a person who administers such drugs in accordance with a physician's instructions pertaining to dosage, frequency, and manner of administration and with written authorization of a parent, and in accordance with school board regulations relating to training, security and record keeping, when the drugs administered would be normally self-administered by a student of a Virginia public school. Training for such persons shall be accomplished through a program approved by the local school boards, in consultation with the local departments of health.

O. In addition, this section shall not prevent the administration of drugs by a person to a child in a child day program as defined in § 63.2-100 and regulated by the State Board of Social Services, ~~or~~ the Child Day Care Council, *or a local government pursuant to § 15.2-914*, provided such person (i) has satisfactorily completed a training program for this purpose approved by the Board of Nursing and taught by a registered nurse, licensed practical nurse, doctor of medicine or osteopathic medicine, or pharmacist; (ii) has obtained written authorization from a parent or guardian; (iii) administers drugs only to the child identified on the prescription label in accordance with the prescriber's instructions pertaining to dosage, frequency, and manner of administration; and (iv) administers only those drugs that were dispensed from a pharmacy and maintained in the original, labeled container that would normally be administered by a parent or guardian to the child.

P. In addition, this section shall not prevent the administration or dispensing of drugs and devices by persons if they are authorized by the State Health Commissioner in accordance with protocols established by the State Health Commissioner pursuant to § 32.1-42.1 when (i) the Governor has declared a disaster or a state of emergency or the United States Secretary of Health and Human Services has issued a declaration of an actual or potential bioterrorism incident or other actual or potential public health emergency; (ii) it is necessary to permit the provision of needed drugs or devices; and (iii) such persons have received the training necessary to safely administer or dispense the needed drugs or devices. Such persons shall administer or dispense all drugs or devices under the direction, control and supervision of the State Health Commissioner.

Q. Nothing in this title shall prohibit the administration of normally self-administered drugs by unlicensed individuals to a person in his private residence.

R. This section shall not interfere with any prescriber issuing prescriptions in compliance with his authority and scope of practice and the provisions of this section to a Board agent for use pursuant to subsection G of § 18.2-258.1. Such prescriptions issued by such prescriber shall be deemed to be valid prescriptions.

S. Nothing in this title shall prevent or interfere with dialysis care technicians or dialysis patient care technicians who are certified by an organization approved by the Board of Health Professions or persons authorized for provisional practice pursuant to Chapter 27.01 (§ 54.1-2729.1 et seq.) of this title, in the ordinary course of their duties in a Medicare-certified renal dialysis facility, from administering heparin, topical needle site anesthetics, dialysis solutions, sterile normal saline solution, and blood volumizers, for the purpose of facilitating renal dialysis treatment, when such administration of medications occurs under the orders of a licensed physician, nurse practitioner or physician assistant and under the immediate and direct supervision of a licensed registered nurse. Nothing in this chapter shall be construed to prohibit a patient care dialysis technician trainee from performing dialysis care as part of and within the scope of the clinical skills instruction segment of a supervised dialysis technician training program, provided such trainee is identified as a "trainee" while working in a renal dialysis facility.

The dialysis care technician or dialysis patient care technician administering the medications shall have demonstrated competency as evidenced by holding current valid certification from an organization approved by the Board of Health Professions pursuant to Chapter 27.01 (§ 54.1-2729.1 et seq.) of this title.

T. Persons who are otherwise authorized to administer controlled substances in hospitals shall be authorized to administer influenza or pneumococcal vaccines pursuant to § 32.1-126.4.

U. Pursuant to a specific order for a patient and under his direct and immediate supervision, a prescriber may authorize the administration of controlled substances by personnel who have been properly trained to assist a doctor of medicine or osteopathic medicine, provided the method does not include intravenous, intrathecal, or epidural administration and the prescriber remains responsible for such administration.

V. A nurse or a dental hygienist may possess and administer topical fluoride varnish to the teeth of children aged six months to three years pursuant to an oral or written order or a standing protocol issued by a doctor of medicine, osteopathic medicine, or dentistry that conforms to standards adopted by the Virginia Department of Health.

W. A prescriber, acting in accordance with guidelines developed pursuant to § 32.1-46.02, may authorize the administration of influenza vaccine to minors by a licensed pharmacist, registered nurse, licensed practical nurse under the direction and immediate supervision of a registered nurse, certified emergency medical technician-intermediate, or emergency medical technician-paramedic when the prescriber is not physically present.

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ACTION - 1

Endorsement of Application for Safe Routes to School Grant

ISSUE:

Board endorsement of proposed Safe Routes to School (SRTS) project application to be submitted to the Commonwealth Transportation Board (CTB) for FY 2012 funding.

RECOMMENDATION:

The County Executive recommends the Board take the following actions:

1. Endorse the SRTS project for which the applicant has submitted school travel plans and qualify for SRTS infrastructure funding.
2. Approve a Project Endorsement Resolution for the application endorsed by the Board (Attachment II).

The Board should be aware that any approved funds will be distributed by VDOT through the jurisdiction endorsing the project, and that jurisdictions endorsing SRTS projects will be responsible for any cost overruns.

The Board should also be aware that VDOT's SRTS program regulations require the sponsoring jurisdiction to accept responsibility for future maintenance and operating cost of any projects that are funded.

TIMING:

Action should be taken on this item on May 24, 2011. Staff will notify the applicant of the Board's action, so the applicant can complete the application, and submit it to VDOT before the June 3, 2011, program deadline.

BACKGROUND:

Safe Routes To School is a program to encourage community involvement in increasing the number of children that walk or bike to school. In the past, there have been two types of involvement, informational/promotion and infrastructure. For the time being, VDOT is focusing all funding to the infrastructure portion of the SRTS program.

Each SRTS application must be generated from a school travel plan that is coordinated with the schools and the surrounding community. SRTS program grant applications can be submitted by a group or school system, but are subject to public involvement and endorsement by the local jurisdiction.

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The Board is aware that staff from FCDOT and Fairfax County Public Schools (FCPS) are currently investigating process improvement recommendations for FCPS and FCDOT to work more collaboratively on SRTS in future years. However, in February of 2011, VDOT announced the current round of SRTS funding with a Travel Plan deadline of April 29, 2011, and an Infrastructure Grant Application deadline of June 3, 2011. Even though formal agreement has not been reached with FCPS on the future SRTS process, with the deadline approaching one FCPS elementary school emerged to meet the VDOT requirements for Travel Plan submission, and was required to obtain Board endorsement of the Infrastructure Grant. (Separately the FCPS elementary schools within the Town of Vienna are also applying for SRTS funding with Town of Vienna endorsement.) FCDOT prepared this Board Item for Board consideration, and considers it as a pilot application and a model for future SRTS efforts. FCDOT does not anticipate that endorsement of this application will set any precedent as the County discusses an improved SRTS process with FCPS.

The Terra Centre Elementary School SRTS applicant is requesting Board endorsement of their SRTS Infrastructure Grant request for \$290,000 to improve the pedestrian infrastructure and environment on the north side of Burke Centre Parkway from Burke Commons Road across the shopping center frontage, and to improve the unsignalized crosswalk on Burke Centre Parkway at Marshall Pond Road/Schoolhouse Woods Road by widening the concrete median and narrowing the travel lanes. This application is the result of a Task Force set up by Supervisor Cook to address pedestrian safety concerns surrounding Terra Centre ES, especially along Burke Centre Parkway. This application is endorsed by the Task Force and FCPS.

FISCAL IMPACT:

None

ENCLOSED DOCUMENTS:

Attachment I: Project Description

Attachment II: Project Endorsement Resolution

STAFF:

Robert A. Stalzer, Deputy County Executive

Tom Biesiadny, Acting Director, Fairfax County Department of Transportation (FCDOT)

Todd Wigglesworth, Acting Chief, Coordination and Funding Division, FCDOT

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

Kenneth Kanownik, Transportation Planner, Coordination and Funding Division, FCDOT

Chris Wells, Pedestrian Program Manager, FCDOT

Project Descriptions  
(Descriptions Based on Information Provided by Applicants)

1. Terra Centre Elementary School – Burke Centre Parkway Sidewalk and Intersection Improvements

Improve the pedestrian infrastructure and environment on the north side of Burke Centre Parkway from Burke Commons Road across the shopping center frontage. Also improve the unsignalized crosswalk on Burke Centre Parkway at Marshall Pond Road/Schoolhouse Woods Road by widening the concrete median and narrowing the travel lanes.

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium in the Fairfax County Government Center of Fairfax, Virginia on Tuesday, May 24, 2011, at which meeting a quorum was present and voting, the following resolution was adopted.

PROJECT ENDORSEMENT RESOLUTION

WHEREAS, in accordance with 2011 Safe Routes to School guidelines, it is necessary that a request by resolution be received from the local governing body support, by resolution, a proposed Safe Routes to School infrastructure project.

NOW, THEREFORE, BE IT RESOLVED that the County of Fairfax Board of Supervisors supports Terra Centre's Safe Routes to School Grant Application, in the amount of \$290,000, for the proposed project at Burke Centre Parkway.

BE IT FURTHER RESOLVED, that the Board acknowledges this is a locally-administered, reimbursement project. And that Fairfax County will enter into the agreement with the Virginia Department of Transportation.

Adopted this \_\_\_\_ day of \_\_\_\_\_, 2011, Fairfax, Virginia

BY \_\_\_\_\_  
Anthony H. Griffin  
County Executive

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

Board Agenda Item  
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## CONSIDERATION – 1

### Election Year Policies

#### ISSUE:

Adoption of Election Year Policies for the 2011 Board of Supervisors Elections.

#### TIMING:

Once the Board takes action, Election Year policies could commence September 6, 2011, and extend through December 2011.

#### BACKGROUND:

The Board has adopted election year policies since at least 1975. The election year policies remained basically unchanged until election year 1995 when policy provisions were added to address requests for and distribution of information, moratoriums regarding land use cases and appointments, and district-wide mailings. In 1998, an additional Board policy was adopted in conjunction with election year policies that disallowed links from County web pages to an incumbent's personal or campaign web site at any time, including during an election year. In 2002 and 2006, the Board adopted Election Year Policies consistent with those previously adopted.

The following is a list of Election Year Policies that could be considered by the Board for Election Year 2011 to commence after certification of candidates by the State Board of Elections. These policies are consistent with those previously adopted by the Board, with two important changes. First, policies have been suggested that address the County's electronic distribution of materials (such as the Board Package and Clerk's Board Summary) that previously were only available in hard copy and that address the County's use of social media (such as Facebook and YouTube). Second, the suggested date for the policies to commence is reflective of the change in the state-wide election schedule prompted by the 2011 Redistricting process. The General Assembly passed legislation that changed the 2011 primary date from Tuesday, June 14, 2011 to Tuesday, August 23, 2011.

Election Year Policies to be considered are:

- From September 6 through November 8, 2011, material provided to Board incumbents (such as Board Packages, Clerk's Board Summaries, Not-In-Package (NIP) Items, and news releases will also be made available to each

Board Agenda Item  
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official, non-incumbent candidate, in the format consistent with how the material is distributed (i.e. by accessing the county website or by email distribution).

- From September 6 through November 8, 2011, County printing and mailing services are not to be used for the purpose of district-wide newsletters
- From September 6 through November 8, 2011, links from a magisterial district's web page on fairfaxcounty.gov to Board incumbent's personal/campaign websites or social media sites (i.e., Facebook, YouTube) are prohibited.
- From September 6 through November 8, 2011, Board incumbent's official government social media sites (such as Facebook) must not include campaign-related information/updates, nor should any questions or comments the public may ask about the campaign be answered on a government social media site. Board incumbents may refer campaign questions on their government social media sites to their campaign social media sites by using this language (but do not include a direct link to the campaign site): "This is my official Fairfax County government social media site; please visit my campaign social media site to leave this comment/question."
- From November 8, 2011, until the new Board takes office, a moratorium will be observed on land-use public hearings and the appointment of citizens to boards, authorities, and commissions, unless all incumbent Board Members win reelection.

FISCAL IMPACT:

None

ENCLOSED DOCUMENTS:

None

STAFF:

Anthony H. Griffin, County Executive  
Catherine A. Chianese, Assistant County Executive

INFORMATION - 1

Contract Award - Columbia Pike Walkway Phase II (Mason District)

Three sealed bids were received and opened on April 6, 2011, for construction of Columbia Pike Walkway, Phase II, Project 26008G, in Fund 102, Federal/State Grant Fund, and Project 4YP201, in Fund 304, Transportation Improvements. This project provides for construction of approximately 560 linear feet of asphalt trail, 300 linear feet of concrete retaining wall, curb ramps, handrails, and other related items. This project is included in the FY 2012 – FY 2016 Adopted Capital Improvement Program and is part of the Fairfax County Board of Supervisors' Second Four-Year Transportation Program FY 2008 - FY 2011.

The lowest responsive and responsible bidder is Ashburn Contracting Corporation. The firm's bid of \$539,085.75 is \$70,299.25 or 11.54% lower than the Engineer's Estimate of \$609,385.00. The second lowest bid of \$610,028.00 is \$70,942.25 or 13.16% above the low bid. The highest bid of \$730,559.80 is \$191,474.05 or 35.52% above the low bid. Recent bid experience indicates extremely competitive bidding especially in horizontal construction projects. Increased competition combined with the contractor's experience makes this a favorable below estimate bid.

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

This bid may be withdrawn after June 4, 2011.

Unless otherwise directed by the Board of Supervisors, the Department of Public Works and Environmental Services will proceed to award this contract to Ashburn Contracting Corporation in the amount of \$539,085.75.

FISCAL IMPACT:

Funding in the amount of \$656,830 is necessary to award this contract and to fund the associated contingency and other project costs. Funds are currently available as follows: \$355,773 in Project 26008G, Countywide Trails - Columbia Pike Walkway, Phase II, in Fund 102, Federal/State Grant Fund, and \$301,057, in Project 4YP201, Columbia Pike Walkway - South Side West of Powell Lane, in Fund 304, Transportation Improvements.

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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)

Ronald N. Kirkpatrick, Deputy Director, DPWES, Capital Facilities

DEPARTMENT OF PUBLIC WORKS  
& ENVIRONMENTAL SERVICES  
CONSTRUCTION MANAGEMENT DIVISION

COUNTY OF FAIRFAX  
VIRGINIA

DATE OF BID OPENING: APRIL 6, 2011  
NO AWARD OF CONTRACT YET MADE

**COLUMBIA PIKE WALKWAY PHASE II**  
CONTRACT NO. CN09102077  
PROJECT NO. 26008G (07002)  
VDOT PROJECT CPKT-029-804, M501, PPMS #90829

**ORDER OF BIDDERS**

- 1. Ashburn Contracting Corporation .....\$539,085.75  
20666 Coppersmith Drive  
Ashburn, VA 20147
  - 2. Jeffrey Stack, Inc. ....\$610,028.00  
P. O. Box 280  
Jersey, VA 22481
  - 3. Anchor Construction Corp .....\$730,559.80  
2254 25<sup>th</sup> Place, N.E.  
Washington, DC 20018
- ENGINEER'S ESTIMATE ..... \$609,385.00

Contract Time: 120 Calendar Days



## **COLUMBIA PIKE WALKWAY PHASE II**

**CONTRACT NO. CN09102077, PROJECT NO. 26008G (07002)**

**VDOT PROJECT NO. CPKT-029-804, M501 UPC #90829**

**MASON DISTRICT**

**TAX MAP NO. 61-4**

INFORMATION - 2

Standard Project Administration Agreement with the Virginia Department of Transportation for the Mason Neck Trail Project (Mount Vernon District)

The Mason Neck Trail consists of approximately 5.6 miles of 8-foot wide asphalt trail from Route 1 along Gunston Road to the Great Marsh Trail area. The Fairfax County Trails and Sidewalk Committee has divided this trail into five segments. A description of each segment is provided on the attached project map (Attachment 1).

The construction of the Segment 3 portion of the Mason Neck Trail is complete. Segment 2A is currently under construction with an anticipated completion during late spring / early summer 2011. Segment 2B is currently in final design. The Segment 2B portion of the Mason Neck Trail may be completed in phases based on the funding available after the completion of Segment 2A. At this time, no funding has been allocated towards the completion of Segments 1 and 4.

Partial funding to implement the Segment 2A and Segment 2B portions of the Mason Neck Trail is being provided from \$1,522,000 in Enhancement Funds allocated in the Virginia Department of Transportation (VDOT) Six-Year Improvement Program by the Commonwealth Transportation Board (CTB). Additional VDOT Enhancement Funds in the amount of \$656,400 have been approved for the Mason Neck Trail Project, which will result in a total allocation of \$2,178,400. The following summarizes the VDOT Enhancement Program Funds approved for this project and the corresponding required County matching funds:

VDOT Enhancement Funding Allocation	VDOT Contribution (80 Percent)	Fairfax County Contribution (20 Percent)	Total Project Funding
Prior Approved Funds	\$1,522,000	\$380,500	\$1,902,500
Additional Funds Pending Approval	656,400	164,100	820,500
Total	\$2,178,400	\$544,600	\$2,723,000

An agreement with VDOT was approved in 1999 for the development and administration of the Mason Neck Trail Project. However, a Standard Project Administration Agreement with VDOT must be executed in order to expend the additional \$656,400 in Enhancement Funds. This Standard Project Administration Agreement contains updated terms and conditions which will be applicable to the Mason Neck Trail Project, and reflects the total VDOT Enhancement Funding Allocation approved for this project. The original Project Agreement, approved in 1999, is being

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updated in order to be in conformance with the Standard Project Administration Agreement in use by other Virginia municipalities.

The additional \$656,400 in VDOT Enhancement Funds will be used to provide partial funding for the construction of the Segment 2B portion of the Mason Neck Trail. Funding in the amount of \$164,100 is available to provide the required County matching funds for the supplemental VDOT Enhancement Funds.

Unless otherwise directed by the Board of Supervisors, the County Executive will execute the Standard Project Administration Agreement with VDOT for the Mason Neck Trail Project.

FISCAL IMPACT:

This Standard Project Administration Agreement will provide \$820,500 in additional funding for the Segment 2B portion of the Mason Neck Trail, including \$656,400 in VDOT funds and \$164,100 in County matching funds. VDOT funds will be appropriated at a future quarterly review. Funds for the County contribution to this VDOT Enhancement Grant are currently available in the amount of \$95,582 in Project 009473, Mt. Vernon Capital Projects, and \$20,000 in Project 009477, At-Large Capital Projects, in Fund 303, County Construction; \$16,018 in Project W00600, in Fund 307, Pedestrian Walkway Improvements; and \$32,500 as the fair market value of the land rights donated at no cost by the Northern Virginia Regional Park Authority for Segment 2A.

ENCLOSED DOCUMENTS:

Attachment 1 - Project Sketch

(Copy of Proposed Standard Project Administration Agreement delivered to Board Members under separate cover and available in the Office of the Clerk to the Board)

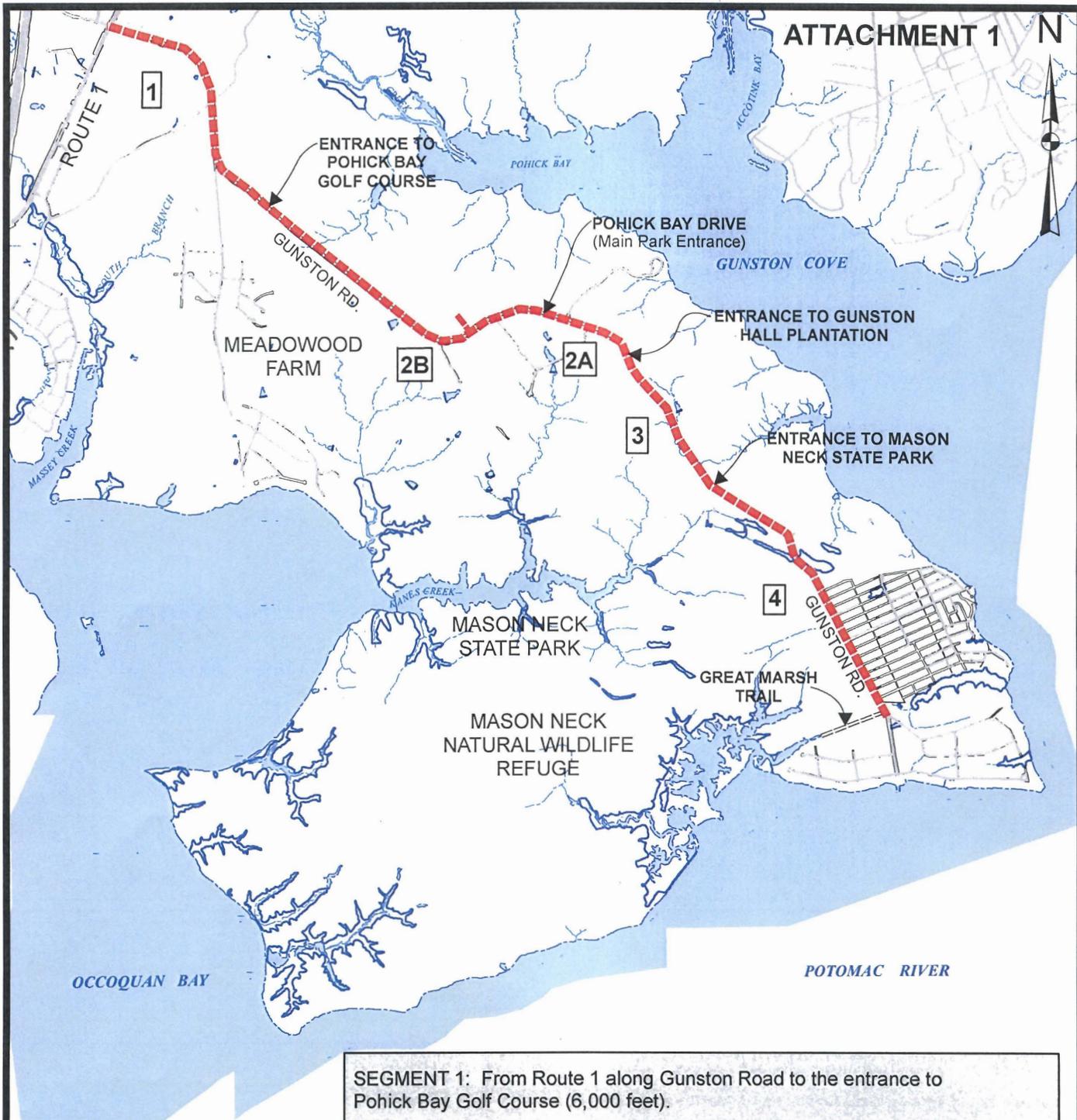
STAFF:

Robert A. Stalzer, Deputy County Executive

Tom Biesiadny, Acting Director, Department of Transportation

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

Ronald N. Kirkpatrick, Deputy Director, DPWES, Capital Facilities



**MASON NECK TRAIL**

Mount Vernon District  
Tax Map: 113-2, 114-1, 3, & 4  
118-2, 119-1, 3 & 4

Scale: 1" = 4,000'

PROPOSED TRAIL ALIGNMENT

- SEGMENT 1: From Route 1 along Gunston Road to the entrance to Pohick Bay Golf Course (6,000 feet).
- SEGMENT 2A: From the Pohick Bay Regional Park main entrance to 300 feet west of the entrance to Gunston Hall Plantation (1,500 feet).
- SEGMENT 2B: From the entrance to Pohick Bay Golf Course to the Pohick Bay Regional Park main entrance (9,900 feet).
- SEGMENT 3: From 300 feet west of the entrance to Gunston Hall Plantation to the entrance of Mason Neck State Park (5,000 feet).
- SEGMENT COMPLETED.
- SEGMENT 4: From State Park entrance to Great Marsh Trail area (7,000 feet).

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### INFORMATION - 3

#### Contract Award – Wolftrap Fire Station (Dranesville District)

A total of 19 contractors were prequalified to bid on the construction of Project 009094, Wolftrap Fire Station, Fund 312, Public Safety Construction. Ten sealed bids were received and opened on April 28, 2011. This contract award will provide for the construction of a new Fire Station of approximately 14,000 square feet. This project is included in the FY 2012 – FY 2016 Adopted Capital Improvement Program (with future Fiscal Years to 2021).

The lowest responsive and responsible bidder is Milestone Construction Services, Inc. Its bid of \$5,388,000 is 5.9% higher than the Independent Engineer's Estimate of \$5,087,576. The second lowest bid of \$5,390,000 is \$2,000 or .03% above the low bid. The highest bid of \$6,097,000 is \$709,000 or 13.15% above the low bid.

It is noted that the apparent low bidder, Harvey-Cleary Builders, withdrew its bid due to an unintentional omission of a quantity of work in the compilation of the bid. The bid was withdrawn in accordance with the provisions of Contract Documents and Purchasing Resolution.

The second bidder, Milestone Construction Services, Inc. was then determined to be the lowest responsive and responsible bidder.

Milestone Construction Services, Inc. has satisfactorily completed several projects for other governmental jurisdictions and is considered a responsible contractor.

The Department of Tax Administration has verified that Milestone Construction Services, Inc. has the appropriate Fairfax County Business, Professional and Occupations License.

This bid may be withdrawn after June 27, 2011.

Unless otherwise directed by the Board of Supervisors, the Department of Public Works and Environmental Services will proceed to award this contract to Milestone Construction Services, Inc. in the amount of \$5,388,000.

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FISCAL IMPACT:

Funding in the amount of \$6,795,480 is necessary to award this contract and fund the associated contingencies and other project costs including construction, contract administration, inspections, utility relocations, and upgrades and fixed equipment. Funding is currently available in Project 009094, Wolftrap Fire Station, Fund 312, Public Safety.

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)  
Ronald N. Kirkpatrick, Deputy Director, DPWES, Capital Facilities

DEPARTMENT OF PUBLIC WORKS  
& ENVIRONMENTAL SERVICES  
CONSTRUCTION MANAGEMENT DIVISION

COUNTY OF FAIRFAX  
VIRGINIA

DATE OF BID OPENING: April 28, 2011  
NO AWARD OF CONTRACT YET MADE

**WOLFTRAP FIRE STATION  
CONTRACT NO. CN06312186  
PROJECT NO. 312/009094**

**ORDER OF BIDDERS**

1. Harvey-Cleary Builders.....\$5,093,000\*  
207-A Perry Parkway, Suite 1  
Gaithersburg, MD 20877
2. Milestone Construction Services, Inc.....\$5,388,000  
21495 Ridgetop Circle, Suite 300  
Sterling, VA 20166
3. R.J.Crowley, Inc., .....\$5,390,000  
8740 – 30, Cherry Ln.,  
Laurel, MD 20707
4. Falls Church Construction Corporation.....\$5,427,000  
11244-A Waples Mill Road  
Fairfax, VA 22030
5. Biscayne Contractors Inc.....\$5,519,000  
5845 Richmond Hwy, Suite 500  
Alexandria, VA 22303
6. CFI Construction Corporation.....\$5,658,000  
4945 Wyconda Rd.,  
Rockville, MD 20852
7. Keller Brothers, Inc.....\$5,698,000  
1012 Rising Ridge Road  
Mount Airy, MD 21771

- 8. Sigal Construction.....\$5,825,000  
2231 Crystal Drive, Suite 200  
Arlington, VA 22202
- 9. E. E. Reed Construction, L.P. ....\$5,838,000  
3076 Centreville Road, Suite 210  
Herndon, VA 20171
- 10. V.F. Pavone Construction, Co.....\$6,097,000  
11120 Industrial Road  
Manassas, VA 20109

INDEPENDENT ENGINEER’S ESTIMATE.....\$5,087,576

Contract Time: 417 Calendar Days

\* Harvey-Cleary Builders withdrew its bid for this contract due to unintentional omission of portions of the scope of work.

**ATTACHMENT 2**



**VICINITY MAP  
WOLFTRAP FIRE STATION**

**1315 BEULAH ROAD, VIENNA, VIRGINIA  
CONTRACT NO. CN06312186  
PROJECT NO. 312/009094  
DRANESVILLE DISTRICT      TAX MAP**

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INFORMATION – 4

Contract Award – Zion Drive Spot Improvement (Braddock District)

Six sealed bids were received and opened on May 10, 2011, for construction of the Zion Drive, Project 4YP205, in Fund 304, Transportation Improvements. This project provides for realignment of 1,600 linear feet of Zion Drive between Windsor Hill Drive and Grovewood Way. This project is included in the FY 2012 – FY 2016 Adopted Capital Improvement Program and is part of the Fairfax County Board of Supervisors' Second Four Year Transportation Program FY 2008 - FY 2011.

The lowest responsive and responsible bidder is Omni Excavators, Inc. The firm's bid of \$1,097,470.64 is \$2,799.36 or 0.25%, lower than the Engineer's Estimate of \$1,100,270.00. The second lowest bid of \$1,239,077.55 is \$141,606.91 or 12.9% above the low bid. The highest bid of \$1,605,684.70 is \$508,214.06 or 46.3% above the low bid.

Omni Excavators, Inc. has satisfactorily completed several County projects and is considered a responsible contractor. The Department of Tax Administration has verified that Omni Excavators, Inc. has the appropriate Fairfax County Business, Professional and Occupational License. Omni Excavators, Inc. is a small and minority owned business.

This bid may be withdrawn after June 23, 2011.

Unless otherwise directed by the Board of Supervisors, the Department of Public Works and Environmental Services will proceed to award this contract to Omni Excavators, Inc. in the amount of \$1,097,470.64.

FISCAL IMPACT:

Funding in the amount of \$1,390,404 is necessary to award this contract and fund the associated contingency and other project costs including design, testing, contract administration, and inspection. Funding in the amount of \$1,683,502 is currently available in Project 4YP205, Zion Drive in Fund 304, Transportation Improvements.

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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)

Ronald N. Kirkpatrick, Deputy Director, DPWES, Capital Facilities

DEPARTMENT OF PUBLIC WORKS  
& ENVIRONMENTAL SERVICES  
CONSTRUCTION MANAGEMENT DIVISION

COUNTY OF FAIRFAX  
VIRGINIA

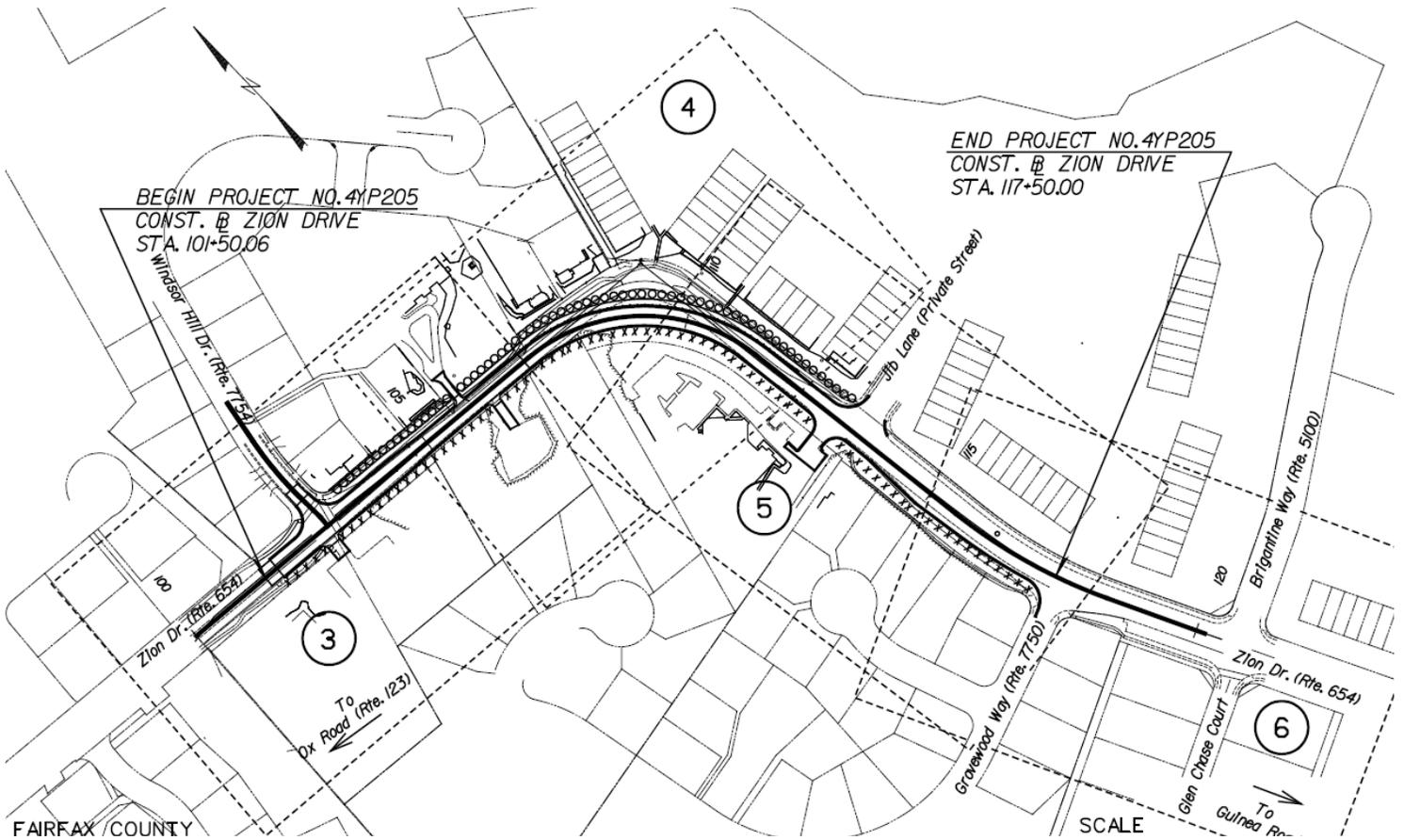
DATE OF BID OPENING: May 10, 2011  
NO AWARD OF CONTRACT YET MADE

**ZION DRIVE SPOT IMPROVEMENT**  
CONTRACT NO. CN11304113  
PROJECT NO. 4YP205

ORDER OF BIDDERS

1.	Omni Excavators, Inc..... 4130 48 <sup>th</sup> Street Bladensburg, MD 20710	\$1,097,470.64
2.	Jeffrey Stack, Inc..... P. O. Box 280 Jersey, VA 22481	\$1,239,077.55
3.	A&M Concrete Corp..... 43760 Trade Center PL, #160 Dulles, VA 20166	\$1,245,808.00
4.	Sagres Construction Corp. .... 5420 Oakwood Road Alexandria, VA 22310	\$1,363,756.50
5.	Fort Myer Construction Corp. .... 2237 33 <sup>rd</sup> Street, NE Washington, DC 20018	\$1,530,773.79
6.	Anchor Construction Corp. .... 2254 25 <sup>th</sup> Place, NE Washington, DC 20018	\$1,605,684.70
	ENGINEER'S ESTIMATE .....	\$1,100,270.00

Contract Time: 180 Calendar Days



## ZION DRIVE SPOT IMPROVEMENT

CONTRACT NO. CN11304113, PROJECT NO. 4YP205

BRADDOCK DISTRICT, TAX MAP #68-4 & 77-2

Board Agenda Item  
May 24, 2011

INFORMATION - 5

Planning Commission Action on Application 2232-H11-4, Dominion Virginia Power  
(Hunter Mill District)

On Wednesday, May 11, 2011, the Planning Commission voted unanimously (Commissioner Sargeant having recused himself from the vote; Commissioners Alcorn and Hall absent from the meeting) to approve 2232-H11-4.

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

Application 2232-H11-4 sought approval to construct and operate an electric substation to provide power to the Metro Silver Line and more efficiently serve businesses and households within a 1-2 mile radius of the site, on property located approximately 400 feet northwest of the intersection of Clay Lane and Sunset Hills Road in Reston. (Tax Map 18-3 ((1)) 13B).

ENCLOSED DOCUMENTS:

Attachment 1: Verbatim excerpts from the 5/11/11 Commission meeting

Attachment 2: Vicinity map

STAFF:

Robert A. Stalzer, Deputy County Executive

Fred R. Selden, Acting Director, Department of Planning and Zoning (DPZ)

Chris Caperton, Chief, Public Facilities Branch, Planning Division, DPZ

Barbara J. Lipka, Executive Director, Planning Commission Office

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2232-H11-4 – DOMINION VIRGINIA POWER

After the Close of the Public Hearing

Chairman Murphy: Public hearing is closed; Mr. de la Fe.

Commissioner de la Fe: Thank you, Mr. Chairman. I believe that when we look at the location, character, and extent as the Reston Planning and Zoning said, "It couldn't be a better place to put this." There are the specific issues we've discussed tonight. There's also the issue which was raised on buffering and landscaping around and that - - that will also - - Dominion has committed to working with the Northern Virginia Regional Park Authority on that. Therefore, Mr. Chairman, I agree with staff, and I would MOVE THAT THE PLANNING COMMISSION agree with staff that - - and we FIND THAT THE PROPOSAL BY DOMINION VIRGINIA POWER TO CONSTRUCT AND OPERATE AN ELECTRIC SUBSTATION ON PROPERTY LOCATED APPROXIMATELY 400 FEET NORTHWEST FROM THE INTERSECTION OF CLAY LANE (ABANDONED) AND SUNSET HILLS ROAD, RESTON, IS SUBSTANTIALLY IN ACCORD WITH THE PROVISIONS OF THE ADOPTED COMPREHENSIVE PLAN.

Commissioner Hart: Second.

Chairman Murphy: Seconded by Mr. Hart. Is there a discussion of the motion? All those in favor of the motion to approve 2232-H11-4, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner de la Fe: Thank you very much.

Chairman Murphy: Thank you very much.

//

(The motion carried unanimously with Commissioner Sargeant having recused himself from the vote; Commissioners Alcorn and Hall absent from the meeting.)

KAD

# PLANNING DETERMINATION

Section 15.2 -2232 of the Code of Virginia



**Number:** 2232-H11-4

**District:** Hunter Mill

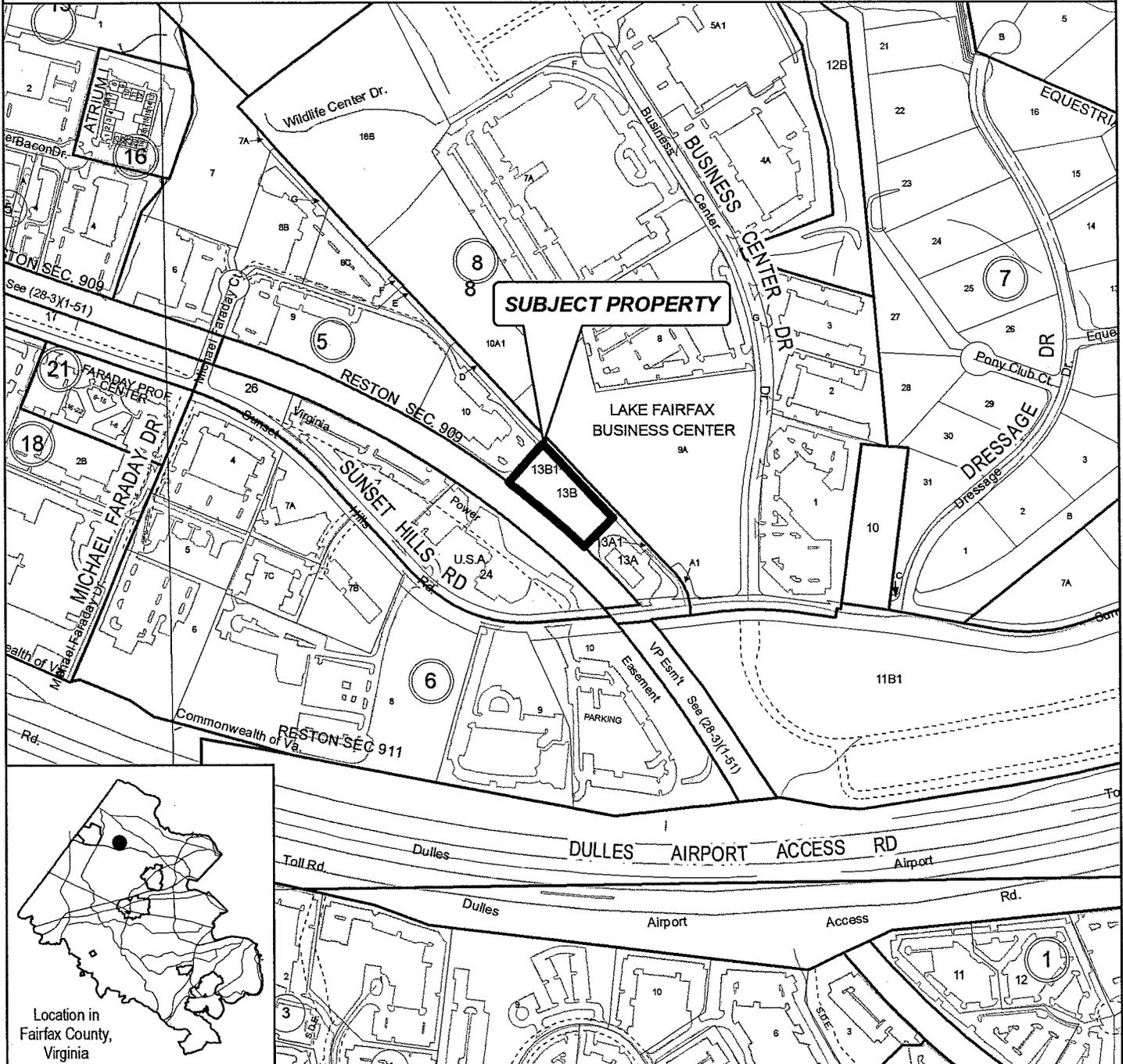
**Acreage:** 1.265 Ac.

**Subject Property:** 18-3 ((1)) 13B

**Planned Use:** Mixed Use

**Applicant:** Dominion Virginia Power

**Proposed Use:** Electric Substation



500 FEET

PREPARED BY THE DEPARTMENT OF PLANNING AND ZONING  
USING FAIRFAX COUNTY GIS



Board Agenda Item  
May 24, 2011

11:15 a.m.

Matters Presented by Board Members

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12:05 p.m.

CLOSED SESSION:

- (a) Discussion or consideration of personnel matters pursuant to Virginia Code § 2.2-3711(A) (1).
- (b) Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Virginia Code § 2.2-3711(A) (3).
- (c) Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, and consultation with legal counsel regarding specific legal matters requiring the provision of legal advice by such counsel pursuant to Virginia Code § 2.2-3711(A) (7).
  - 1. Application of Virginia Electric and Power Company, PUE-2011-00027 (Va. State Corp. Comm'n) (County-wide)
  - 2. *Glenn S. Ovrevik, Mary R. Ovrevik, and James H. Wessels v. Board of Supervisors of Fairfax County, Virginia, and Hilltop Sand and Gravel Company, Inc.*, Case No. CL-2009-0005160 (Fx. Co. Cir. Ct.) (Lee District)
  - 3. *Mary Getts Bland v. Fairfax County, Virginia*, Case No.1:10cv01030 (E.D. Va.)
  - 4. *Nicholas W. Jones v. David M. Rohrer, Chief, Fairfax County Police*, Case No. 2011-0003999 (Fx. Co. Cir. Ct.)
  - 5. *Bourj, Ltd. v. Board of Supervisors of Fairfax County*, Case No. CL-2011-0003966 (Fx. Co. Cir. Ct.) (Braddock District)
  - 6. *Board of Supervisors of Fairfax County, Virginia v. Xicheng Qi and Xiao Cai*, Record No. 110052 (Va. Sup. Ct.) (Dranesville District)
  - 7. *Eileen M. McLane, Fairfax County Zoning Administrator v. Nina Catherine Ford and Aubrey L. Lane*, Case No. CL-2009-0015972 (Fx. Co. Cir. Ct.) (Mason District)

8. *Eileen M. McLane, Fairfax County Zoning Administrator v. SCI Virginia Funeral Services, Inc.*, Case No. CL-2010-0004119 (Fx. Co. Cir. Ct.) (Providence District)
9. *Eileen M. McLane, Fairfax County Zoning Administrator v. Miguel Angel Alvarez and Delmi Aurora Alvarez*, Case No. CL-2010-0010724 (Fx. Co. Cir. Ct.) (Mount Vernon District)
10. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Guillermo Renato Garcia and Lenny Quiroz*, Case No. CL-2010-0007947 (Fx. Co. Cir. Ct.) (Lee District)
11. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. U.S. Bank National Association*, Case No. CL-2009-0015518 (Fx. Co. Cir. Ct.) (Providence District)
12. *Eileen M. McLane, Fairfax County Zoning Administrator v. Chau Quynh Nguyen and Sarah K. Nguyen*, Case No. CL-2009-0016344 (Fx. Co. Cir. Ct.) (Mason District)
13. *Eileen M. McLane, Fairfax County Zoning Administrator v. Rosa E. Martinez*, Case No. CL-2010-0011285 (Fx. Co. Cir. Ct.) (Mason District)
14. *Eileen M. McLane, Fairfax County Zoning Administrator v. M-G Apartments, LLC*, Case No. CL-2011-0001769 (Fx. Co. Cir. Ct.) (Dranesville District)
15. *Eileen M. McLane, Fairfax County Zoning Administrator v. James Lindley*, Case No. CL-2010-0015851 (Fx. Co. Cir. Ct.) (Mason District)
16. *Eileen M. McLane, Fairfax County Zoning Administrator v. Doan-Tran T. Luong*, Case No. CL-2011-0000049 (Providence District)
17. *Eileen M. McLane, Fairfax County Zoning Administrator v. Elmer Lopez and Sandra Lopez*, Case No. CL-2011-0002317 (Fx. Co. Cir. Ct.) (Providence District)

18. *Eileen M. McLane, Fairfax County Zoning Administrator v. Hanh Thi My Huynh and Sinh Nhan Ha*, Case No. CL-2010-0017150 (Fx. Co. Cir. Ct.) (Mason District)
19. *Eileen M. McLane, Fairfax County Zoning Administrator v. Samy Kassar*, Case No. CL-2010-0016996 (Fx. Co. Cir. Ct.) (Springfield District)
20. *Eileen M. McLane, Fairfax County Zoning Administrator v. Estella A. Hernandez and Lawrence Behery*, Case No. CL-2010-0009727 (Fx. Co. Cir. Ct.) (Lee District)
21. *Eileen M. McLane, Fairfax County Zoning Administrator v. Mai Land Corporation*, Case No. CL-2010-0014967 (Fx. Co. Cir. Ct.) (Mason District)
22. *Eileen M. McLane, Fairfax County Zoning Administrator v. William S. Grammer and Penelope F. Grammer*, Case No. CL-2011-0002180 (Fx. Co. Cir. Ct.) (Springfield District)
23. *Eileen M. McLane, Fairfax County Zoning Administrator v. Christopher F. Trigg and Mi S. Trigg*, Case No. CL-2011-0002185 (Fx. Co. Cir. Ct.) (Springfield District)
24. *Eileen M. McLane, Fairfax County Zoning Administrator v. Leonard Eugene Bumbaca and Priscilla Bumbaca*, Case No. CL-2010-0016332 (Fx. Co. Cir. Ct.) (Mason District)
25. *Eileen M. McLane, Fairfax County Zoning Administrator v. Evelin Y. Mendoza, Sulma Patricia Flores de Sanchez, and Beltran Sanchez Carbajal*, Case No. CL-2010-0017224 (Fx. Co. Cir. Ct.) (Mason District)
26. *Eileen M. McLane, Fairfax County Zoning Administrator v. Manuel Martinez*, Case No. CL-2011-0000216 (Fx. Co. Cir. Ct.) (Mason District)
27. *Eileen M. McLane, Fairfax County Zoning Administrator v. Lawrence G. Rich and Vanessa C. Rich*, Case No. CL-2011-0000231 (Fx. Co. Cir. Ct.) (Providence District)
28. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Christine M. Antal*, Case No. CL-2010-0016994 (Fx. Co. Cir. Ct.) (Sully District)

29. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. William R. Daniel and Monika M. Daniel, Case No. CL-2011-0005793 (Fx. Co. Cir. Ct.) (Mount Vernon District)*
30. *Eileen M. McLane, Fairfax County Zoning Administrator v. Mark Bedell Stamer, Trustee of the Mark Bedell Stamer Trust, Case No. CL-2011-0005846 (Fx. Co. Cir. Ct.) (Providence District)*
31. *Eileen M. McLane, Fairfax County Zoning Administrator v. Julia E. Freeman and Samuel H. King, Case No. CL-2011-0005858 (Fx. Co. Cir. Ct.) (Mount Vernon District)*
32. *Eileen M. McLane, Fairfax County Zoning Administrator v. Denzal L. Williams and Lucille M. Williams, Case No. CL-2011-0005856 (Fx. Co. Cir. Ct.) (Lee District)*
33. *Eileen M. McLane, Fairfax County Zoning Administrator v. Mohammad R. Abu-Ghannam, Case No. CL-2011-0005918 (Fx. Co. Cir. Ct.) (Hunter Mill District)*
34. *Eileen M. McLane, Fairfax County Zoning Administrator v. Patricia S. Cummings, Case No. CL-2011-0005999 (Fx. Co. Cir. Ct.) (Lee District)*
35. *Eileen M. McLane, Fairfax County Zoning Administrator v. Victoriano Zurita, Charles Fredy Zurita Martinez, Sandro Zurita Martinez, Guido Zurita Martinez, Orlex Alexander Zurita Martinez, and Wilmer Genry Zurita Martinez, Case No. CL-2011-0005998 (Fx. Co. Cir. Ct.) (Mason District)*
36. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. George G. Van Massenhove, Suzy E. Van Massenhove, and The Suzy E. Van Massenhove Trust, Case No. CL-2011-0006000 (Fx. Co. Cir. Ct.) (Mason District)*
37. *Eileen M. McLane, Fairfax County Zoning Administrator v. E. Virginia Aguilar, Case No. CL-2011-0005997 (Fx. Co. Cir. Ct.) (Mason District)*
38. *Eileen M. McLane, Fairfax County Zoning Administrator v. Jose I. Pardo and Hilda C. Pardo, Case No. CL-2011-0006092 (Fx. Co. Cir. Ct.) (Lee District)*

Board Agenda Item  
May 24, 2011

3:30 p.m.

Public Hearing to Sublease County-Leased Property at 4027-B Olley Lane, Fairfax, VA 22032- to Inova Health Care Services, Inc. (Braddock District)

ISSUE:

Public hearing to sublease county-leased property to Inova Health Care Services, Inc. for the operation of a Program of All-inclusive Care for the Elderly (PACE) at the current location of the Braddock Glen Adult Day Health Care (ADHC) facility.

RECOMMENDATION:

The County Executive recommends that the Board authorize staff to execute a Sublease Agreement with Inova Health Care Services, Inc., for the county-leased property at 4027-B Olley Lane for the operation of a Program of All-inclusive Care for the Elderly (PACE) at the current Braddock Glen ADHC facility.

TIMING:

On April 26, 2011, the Board of Supervisors authorized the advertisement of a public hearing to be held on May 24, 2011, at 3:30 p.m.

BACKGROUND:

The Fairfax County Redevelopment and Housing Authority (FCRHA) is the owner of the facility that houses both the 60 unit Braddock Glen Assisted Living residential facility and the Braddock Glen ADHC. It is located at 4027-B Olley Lane in Fairfax and identified as Tax Map Number 0584 01 0047A1 (the "Property"). The FCRHA Little River Glen II, LLC ("LRG II") leased the building to the County in August 2006 for the period ending December 31, 2056, with the option to renew for another 50 years. On October 29, 2009, the LRG II conveyed to the FCRHA all its interest in the Property, including the lease with the County, and adjacent land. The Property to be subleased is currently used by the Fairfax County Health Department as an adult day health care (ADHC) facility, and is connected to the Braddock Glen Assisted Living Facility operated for the FCRHA through a contract with Sunrise Assisted Living, Inc. Inova Health Care Services, Inc. proposes to operate a Program of All-inclusive Care for the Elderly (PACE) in the space currently occupied by the ADHC. It is proposed that the County enter into a Sublease, substantially in the form of the attached, which will permit Inova to lease the ADHC portion of the building for three (3) years, with the option of two one year extensions.

Board Agenda Item  
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Inova plans to operate a PACE program at the site. PACE is a community-based alternative to nursing home care for adults 55 years of age and older who meet the criteria for both Medicaid and Medicare. An interdisciplinary team provides comprehensive care for all services needed by participants to include primary health care, hospitalizations, medications, home care, physical and occupational therapy, adult day health care services and nursing home care when needed. The benefits of PACE include a high level of customer satisfaction, cost savings, predictable expenditures and the opportunity for older adults to remain in the community and out of institutional settings. PACE is funded by a capitated amount from Medicare and Medicaid for each participant to cover the cost of all care provided.

Inova will take over the operation of the Braddock Glen ADHC and provide adult day health care services to the current program participants at no cost to the County. Current participants will continue to receive services at their current level for as long as they remain eligible. Inova will gradually transition the services to PACE, which is administered by the Virginia Department of Medical Assistance Services. Both programs will be operated in strict compliance with all applicable governmental requirements, including all licensure guidelines. In addition to providing PACE and ADHC services, Inova will provide transportation to and from the premises at a fee equal to the County's FASTRAN transportation fee schedule and will charge Adult Day Health Care participants at the fee scale as determined by the County (PACE enrollees do not pay for transportation). The County donated four former Fastran buses to Inova to use in transporting enrollees in both programs.

The terms of the lease include provisions for Inova to pay for renovations, utilities, cleaning and maintenance at the facility. During the first three years of the lease, the County will charge a nominal rent. In years four and five, if Inova exercises its option to extend the lease for those years, the County will receive fair market rent for the space (approximately 9,510 square feet).

In a written opinion by staff from the County's Zoning Administration Division, the use of the facility for PACE is within the requirements of the Special Exception granted for the facility (SEA 87-A-017) approved by the Board of Supervisors on March 9, 1998. In addition, staff from the Office of the County Attorney and the Departments of Health, Housing and Community Development, and Facilities Management has contributed to the lease provisions.

Current County staff at the Braddock Glen ADHC will be redeployed to the maximum extent possible to other County ADHC programs to increase capacity at those sites. Staff will also have the opportunity to apply for positions with Inova, if they choose.

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The Board of Supervisors was previously informed of this proposal by memorandum on October 18, 2010 and by a presentation to the Board's Human Services Committee on December 14, 2010. Staff made several presentations to the public about the proposal: with Supervisor Cook on December 6, 2010, to the Adult Day Health Care Associates on January 29, 2011, and to ADHC participant families on March 28, 2011. Staff also gave presentations to the Health Care Advisory Board and the Long Term Care Coordinating Council. The Health Care Advisory Board subsequently sent a letter of support to the Board of Supervisors.

On April 28, 2011, the FCRHA approved a resolution for the County to sublease the property to Inova Health Care Services.

FISCAL IMPACT:

The proposed sublease will relieve the County of approximately \$55,000 per year for utility and maintenance expenses during the first three years of the sublease. If Inova exercises the option to renew the sublease for years four and five, the County will gain revenue for rent at fair market value (estimated at \$200,000 to \$300,000 per year for the 9,510 square foot facility).

ENCLOSED DOCUMENTS:

Attachment A: Location Tax Map 0584 01 0047A1

Attachment B: Proposed Sublease (Distributed to Board Members under separate cover and available online at <http://www.fairfaxcounty.gov/hd/ltccc/ltcpdf/pace-braddock.pdf>)

STAFF:

Dr. Gloria Addo-Ayensu, Director, Health Department

Paula Sampson, Director, Department of Housing and Community Development

Robert Eiffert, Long Term Care Program Manager



Board Agenda Item  
May 24, 2011

3:30 p.m.

Board Decision on SE 2009-MA-026 (Gossom Family Limited Partnership I, RLLLP) to Permit Uses in a Floodplain, Located on Approximately 21,784 Square Feet Zoned R-4, Mason District

Also under the Board's Consideration will be the applicant's Resource Protection Area Encroachment Exception (RPA) Request # 25172-WRPA-001-2, accompanied by a Water Quality Impact Assessment # 25172-WQ-001-4 under Section 118-6-7 (Chesapeake Bay Preservation Ordinance) of Chapter 118 of the Code of the County of Fairfax to permit encroachment within an RPA to allow modifications to a single family detached dwelling unit.

The application property is located at 3404 Hockett Street, Tax Map 60-1 ((1)) 58A.

PLANNING COMMISSION RECOMMENDATION:

On Thursday, January 13, 2011, the Planning Commission voted unanimously (Commissioner Murphy absent for the votes) to recommend the following actions to the Board of Supervisors:

- Approval of SE 2009-MA-026, subject to the Development Conditions dated December 29, 2010; and
- Approval of RPA Encroachment Exception 25172-WRPA-001-2, subject to the Development Conditions contained in Attachment A of Appendix 1 of the staff report.

ENCLOSED DOCUMENTS:

Attachment 1 - Verbatim

Staff Report previously furnished and available online at

<http://ldsnet.fairfaxcounty.gov/ldsnet/ldsdfw/4337621.PDF>

STAFF:

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

SE 2009-MA-026 – GOSSOM FAMILY LIMITED PARTNERSHIP I, RLLLP

After the Close of the Public Hearing

Vice Chairman Alcorn: Close the public hearing; recognize Commissioner Hall.

Commissioner Hall: Just when you learn one system, they replace it with another one. And it will take awhile to get used to it. Very quickly, I don't think anyone of us are in favor of building on a floodplain. If this was a new application, it would not probably be receiving my support or the Mason District's support, but as you saw this is an existing dwelling unit. The neighbors have been waiting a very long time for somebody to do something with it to correct the problems and the applicant has stepped forward to do so. The application was reviewed by the Mason District Land Use Committee and it does receive their support. And after reviewing the application, I also am willing to support the application. So, I MOVE THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF SE 2010-MA-026 [sic], SUBJECT TO THE DEVELOPMENT CONDITIONS CONSISTENT WITH THOSE DATED DECEMBER 29, 2010.

Commissioner Litzenberger: Second.

Cathy Lewis, Zoning Evaluation Division (ZED), Department of Planning and Zoning (DPZ): Commissioner Hall, is that 2009-MA-026? It should be.

Commissioner Hall: Well, let's just - -

Vice Chairman Alcorn: It is 2009 but not in the motion.

William O'Donnell, ZED, DPZ: Yes. It's 2009.

Commissioner Hall: I'm going to get you.

Mr. O'Donnell: I apologize.

Commissioner Hall: The other application is 2010. This one is 2009. That's correct.

Vice Chairman Alcorn: Okay. That motion's been made and clarified as 2009. Is there a second to the motion?

Commissioner Litzenberger: Second.

Vice Chairman Alcorn: Seconded by Commissioner Litzenberger. Any discussion on that motion? All those in favor of recommending approval of SE 2009-MA-026, subject to the proposed development conditions dated December 29, 2010, please say aye.

Commissioners: Aye.

Vice Chairman Alcorn: All those opposed? That motion carries. Commissioner Hall.

Commissioner Hall: Thank you, Mr. Chairman. Finally, I MOVE THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF RPA ENCROACHMENT EXCEPTION NUMBER 25172-WRPA-001-2, SUBJECT TO THE DEVELOPMENT CONDITIONS CONTAINED IN ATTACHMENT A OF APPENDIX 1 OF THE STAFF REPORT.

Commissioner Litzenberger: Second.

Vice Chairman Alcorn: Seconded by Commissioner Litzenberger. Any discussion on that motion? All those in favor of recommending approval of the RPA Encroachment Exception, subject to development conditions in the staff report as articulated by Commissioner Hall, please say aye.

Commissioners: Aye.

Vice Chairman Alcorn: All opposed? That motion carries.

Commissioner Hall: Thank you, Mr. Chairman. I'm sure the neighbors who've been looking at this eyesore for many, many years will appreciate an improvement, and that's what we're hoping for. Thank you.

Vice Chairman Alcorn: Thank you. Thank you, Mr. Farrell.

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(The motions carried unanimously with Commissioner Murphy not present for the votes.)

KAD

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Board Agenda Item  
May 24, 2011

3:30 p.m.

Public Hearing on AR 01-H-001-02 (Hiu Newcomb Family, LLC, Mariette H., Sarah, Hana, Lani, Charles Newcomb and Anna Newcomb Bradford) Local A&F District Application Renewal Authorized by Chapter 115 (County Code), Effective June 30, 1983, to Permit Renewal of a Previously Approved Agricultural and Forestal District, Located on Approximately 26.42 Acres Zoned PDH-1 and R-A, Dranesville District

The application property is located at 9627 Leesburg Pike, Tax Map 19-1 ((14)) Z, 20Z – 23Z and 19-3 ((1)) 42A.

PLANNING COMMISSION RECOMMENDATION:

On Wednesday, May 11, 2011, the Planning Commission voted unanimously (Commissioners Alcorn and Hall absent from the meeting) to recommend that the Board of Supervisors approve AR 01-H-001-02 to renew the Potomac Vegetable Farm II Local Agricultural and Forestal District, subject to the Ordinance Provisions dated April 27, 2011.

ENCLOSED DOCUMENTS:

Attachment 1 - Verbatim

Staff Report previously furnished and available online at  
<http://ldsnet.fairfaxcounty.gov/ldsnet/ldsdfw/4347525.PDF>

STAFF:

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

AR 01-H-001-02 – HIU NEWCOMB FAMILY LLC (Dranesville District)

After the Close of the Public Hearing

Chairman Murphy: Without objection, the public hearing is closed; recognize Mr. Donahue.

Commissioner Donahue: Thank you, Mr. Chairman. We've enjoyed every minute of the 10 years, and we're sorry to lose you very much so. Eighteen months ago it was when we talked about this application, and I've never seen a situation where so many people wanted to get to the resolution we're finally getting to tonight 18 months later. And we thank you for your work, and we thank the County Attorney for the work that had to be done. I'm not going to get into the details of that whole thing. We're just - - we're just happy it's turned out this way. It is a great property. Its intention is to maintain the scenic and low density residential character of the area. More than 50 percent of this property, I understand, is in environmental control parcels and other type of Resource Protection Areas. The AFD Advisory Committee voted in favor of this Renewal, Mr. Chairman, on April 12th. And I want to read something to you. I don't know how many - - it's going to take a very short time - - I don't know how many of you saw *The Washington Post* Food section this morning, but it went into great detail about things that are going to have to change nationally, domestically, and internationally if we're going to continue to feed ourselves. I want to point to page - - a paragraph on page 4 of the staff report, which says as follows: "The method of farming practiced at this farm does not involve the use of commercial fertilizer or pesticide at any stage of growth. By growing a wide variety of crops, rotating the types of crops planted in the various plots, and by using timely and appropriate practices, insect invasion and disease damages are kept to acceptable minimums. These soil conservation practices should be continued under the property's Soil and Water Conservation Plan. In addition, streams and drainage swales and the RPA should be left undisturbed with natural vegetative buffers, as outlined in the Plan." And I thought the timing of today's news article and this hearing tonight were - - were quite good for reasons that I think are made obvious in that paragraph. So, Mr. Chairman, I MOVE THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT AR 01-H-001-02 BE APPROVED AND APPENDIX F OF THE FAIRFAX COUNTY CODE BE AMENDED TO RENEW THE POTOMAC VEGETABLE FARM II LOCAL AGRICULTURAL AND FORESTAL DISTRICT, SUBJECT TO ORDINANCE PROVISIONS DATED APRIL 27, 2011.

Commissioners Sargeant and de la Fe: Second.

Chairman Murphy: Seconded by Mr. Sargeant and Mr. de la Fe. Is there a discussion of that motion? All those in favor of the motion to recommend to the Board of Supervisors that it approve AR 01-H-001-02, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Thank you very much. May all the Dranesville applications henceforth be this simple. Save the doughnut money.

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(The motion carried unanimously with Commissioners Alcorn and Hall absent from the meeting.)

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Board Agenda Item  
May 24, 2011

3:30 p.m.

Public Hearing on AR 85-V-002-03 (Martin B. Jarvis and Vivian I. Jarvis) Local A&F District Application Renewal Authorized by Chapter 115 (County Code), Effective June 30, 1983, to Permit Renewal of a Previously Approved Agricultural and Forestal District, Located on Approximately 36.4 Acres Zoned R-E, Mount Vernon District

The application property is located at 10808 Harley Road Tax Map 118-2 ((1)) 11Z and 118-2 ((2)) 1Z.

PLANNING COMMISSION RECOMMENDATION:

On Wednesday, May 11, 2011, the Planning Commission voted unanimously (Commissioners Alcorn and Hall absent from the meeting) to recommend that the Board of Supervisors approve AR 85-V-002-03 to renew the Jarvis Local Agricultural and Forestal District, subject to the Ordinance Provisions dated April 27, 2011.

ENCLOSED DOCUMENTS:

Attachment 1 - Verbatim

Staff Report previously furnished and available online at  
<http://ldsnet.fairfaxcounty.gov/ldsnet/ldsdfw/4347703.PDF>

STAFF:

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

AR 85-V-002-03 – MARTIN B. AND VIVIAN I. JARVIS

After the Close of the Public Hearing

Chairman Murphy: If there is no objection, the public hearing is closed; recognize Mr. Flanagan.

Commissioner Flanagan: Thank you, Mr. Chairman. I was very happy to proceed very quickly on this particular one since we have some more detailed hearings later on. And as such, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT AR 85-V-002-03 BE APPROVED AND APPENDIX F OF THE FAIRFAX COUNTY CODE BE AMENDED TO RENEW THE JARVIS LOCAL AGRICULTURAL AND FORESTAL DISTRICT, SUBJECT TO ORDINANCE PROVISIONS DATED APRIL 27, 2011.

Commissioners Sargeant and Litzenberger: Second.

Chairman Murphy: Seconded by Mr. Sargeant and Mr. Litzenberger. Is there a discussion of the motion? All those in favor of the motion to recommend to the Board of Supervisors that it approve AR 85-V-002-03, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Thank you very much. Motion carries. Thank you, Ms. Zottl again, great presentation. We enjoyed every minute of it.

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(The motion carried unanimously with Commissioners Alcorn and Hall absent from the meeting.)

KAD

Board Agenda Item  
May 24, 2011

3:30 p.m.

Public Hearing on RZ 2010-HM-006 (Sekas Homes, LTD.) to Rezone from R-1 to R-3 to Permit Residential Development at a Density of 2.6 Dwelling Units Per Acre, Located on Approximately 2.3 Acres, Hunter Mill District

The application property is located on the north side of Old Courthouse Road approximately 355 feet west of its intersection with Larkmeade Drive, Tax Map 28-4 ((1)) 29.

PLANNING COMMISSION RECOMMENDATION:

On Wednesday, April 20, 2011, the Planning Commission voted 8-0-2 (Commissioners Hall and Murphy abstaining; Commissioners Donahue and Lawrence absent from the meeting) to recommend the following actions to the Board of Supervisors:

- Approval of RZ 2010-HM-006, subject to the execution of proffers consistent with those dated March 14, 2011;
- Waiver of the Public Facilities Manual requirement for a sidewalk 5-feet in width along the Old Courthouse Road frontage of the property in order to provide a trail 10-feet in width;
- Modification of the Comprehensive Plan countywide trail requirement along the Old Courthouse Road frontage of the property in order to provide a 10-foot wide trail; and
- Deviation of the tree preservation target in favor of that shown on the Generalized Development Plan.

ENCLOSED DOCUMENTS:

Attachment 1 - Verbatim

Staff Report previously furnished and available online at

<http://ldsnet.fairfaxcounty.gov/ldsnet/ldsdfw/4347245.PDF>

STAFF:

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

RZ 2010-HM-006 – SEKAS HOMES, LTD. (Decision Only)  
(Public Hearing held on December 2, 2010)

During Commission Matters

Commissioner de la Fe: Mr. Chairman, I have a decision only tonight on RZ 2010-HM-006, Sekas Homes, Limited. Mr. Chairman, the public – let me turn that up. The public hearing –

Commissioner Hart: No, you just cut it off.

Commissioner de la Fe: Oh, I turned it off. Sorry. I keep forgetting about these new – – The public hearing for this case was held on December 2<sup>nd</sup>, 2010. At that hearing, six speakers testified. The majority of issues raised at that time concerned traffic impact, off-site sidewalk connections, overall density, and the size of the houses. There was also a consensus that there should not be vehicular access to Palm Springs Drive. The decision was deferred because the applicant had agreed to make a number of changes in response to comments from the neighbors, especially during the meeting of the Hunter Mill Land Use Committee that had just occurred prior to the public hearing. So they had not been able to make the changes in the official documents. Subsequently – excuse me – the decision was further deferred until the VDOT response to the requested waivers had been received. The issue of traffic is always present in rezoning requests. However, the addition of six houses will not represent an overwhelming increase in traffic. The proposed density is within the recommendations of the Comprehensive Plan. There is no question that the houses that will be constructed will reflect today's market and will be larger than those built in the surrounding neighborhood already. With respect to the request for off-site sidewalk connections, both at the public hearing and subsequently, the applicant indicated a willingness to construct connections. However, construction of those off-site connections require the agreement of the property owners. There is no such agreement. The applicant will construct a pedestrian connection to Palm Springs Drive as requested by many of the neighbors. As indicated in the Addendum dated April 13<sup>th</sup>, 2011, VDOT has approved the SSAR waiver and the Access Management Exception requests. The staff has recommended approval and the Hunter Mill Land Use Committee has also recommended approval. The only issue, from my perspective, that has not been satisfactorily resolved relates to the off-site sidewalk connections. However, since such connections are not possible without the consent of the property owners, even though the applicant has stated that he would be willing to construct the connections, I do not believe that action on this application should be deferred any longer. I would urge the applicant to continue to attempt to obtain the necessary agreements to build the connections. Therefore, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF RZ-2010-HM-006, SUBJECT TO THE PROFFERS DATED MARCH 14<sup>TH</sup>, 2011.

Commissioners Hart and Alcorn: Second.

Chairman Murphy: Seconded by Mr. Hart and Mr. Alcorn. Is there a discussion of the motion?

Commissioner Hall: Mr. Chairman, not present for the hearing. I'll be abstaining.

Chairman Murphy: Okay. All those in favor of the motion to recommend to the Board of Supervisors that it approve RZ-2010-HM-006, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Hall: Abstain.

Chairman Murphy: Ms. Hall and the Chair abstain; not present for the public hearing.

Commissioner de la Fe: Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF THE WAIVER OF THE PUBLIC FACILITIES MANUAL 5-FOOT WIDE SIDEWALK REQUIREMENT ALONG THE OLD COURTHOUSE ROAD FRONTAGE OF THE PROPERTY IN ORDER TO PROVIDE A 10-FOOT WIDE TRAIL.

Commissioner Hart: Second.

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

Commissioners: Aye.

Commissioner Hall: Abstain.

Chairman Murphy: Opposed? Motion carries. Same abstentions.

Commissioner de la Fe: Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF THE MODIFICATION OF THE COMPREHENSIVE PLAN COUNTYWIDE TRAIL REQUIREMENT ALONG THE OLD COURTHOUSE ROAD FRONTAGE OF THE PROPERTY IN ORDER TO PROVIDE A 10-FOOT WIDE TRAIL.

Commissioner Hart: Second.

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

Commissioners: Aye.

Commissioner Hall: Abstain.

Chairman Murphy: Opposed? Motion carries. Same abstentions.

Commissioner de la Fe: And finally, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF A DEVIATION OF THE TREE PRESERVATION TARGET, IN FAVOR OF THAT SHOWN ON THE GDP.

Commissioner Hart: Second.

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

Commissioners: Aye.

Commissioner Hall: Abstain.

Chairman Murphy: Opposed? Motion carries. Same abstentions.

//

(The motions carried by votes of 8-0-2 with Commissioners Hall and Murphy abstaining; Commissioners Donahue and Lawrence absent from the meeting.)

JN

Board Agenda Item  
May 24, 2011

3:30 p.m.

Public Hearing on RZ 2010-LE-013 (WPPI Springfield HS, LLC) to Rezone from C-6, CRD, HC and SC to PDC, CRD, HC and SC to Permit Commercial Development with an Overall Floor Area Ratio (FAR) of 1.68 and Approval of the Conceptual Development Plan, Located on Approximately 1.63 Acres, Lee District

The application property is located in the northwest quadrant of the intersection of Old Keene Mill Road and Amherst Avenue, Tax Map 80-4 ((9)) 4, 5 and 6.

PLANNING COMMISSION RECOMMENDATION:

On Thursday, February 24, 2011, the Planning Commission unanimously voted (Commissioners Hall, Harsel, and Murphy absent from the meeting) to recommend the following actions to the Board of Supervisors:

- Approval of RZ 2010-LE-013 and the associated Conceptual Development Plan, subject to the execution of proffers consistent with those dated February 11, 2011, with corrections to the sheet numbers referenced in Proffer 8C;
- Approval of an increase in maximum FAR from 1.5 to 1.68, pursuant to Par. 3 of Sect. 6-208 of the Zoning Ordinance;
- Modification of the off-street loading space requirement;
- Approval of a 20% parking reduction;
- Modification of the 20-foot minimum rear yard requirement to permit a minimum rear yard of 8 feet along the eastern boundary; and
- Modification of the front yard 45-degree bulk plane requirements to permit a front yard bulk plane of 4 degrees.

In a related action, the Planning Commission voted unanimously (Commissioners Hall, Harsel, and Murphy absent from the meeting) to approve FDP 2010-LE-013, subject to the Board's approval of RZ 2010-LE-013 and the Conceptual Development Plan.

ENCLOSED DOCUMENTS:

Attachment 1 - Verbatim

Staff Report previously furnished and available online at

<http://ldsnet.fairfaxcounty.gov/ldsnet/ldsdwf/4341564.PDF>

STAFF:

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

RZ/FDP 2010-LE-013 – WPPI SPRINGFIELD HS, LLC

After the Close of the Public Hearing

Vice Chairman Alcorn: I'll close the public hearing; recognize Commissioner Migliaccio.

Commissioner Migliaccio: Thank you, Mr. Chairman. What we have tonight is a fairly straightforward case. It is a request to take a vacant piece of commercial land from the C-6 District to a PDC District in order to allow for a proposed 120,000 square foot hotel. This location is in the Springfield CRD nearby to what was the old mixing bowl. The applicant has met with the community on multiple occasions from the start to make this a better project and I think they have succeeded. The application has the support of the Lee District Land Use Committee and staff's recommendation for approval. I concur. Therefore, Mr. Chairman, I have a series of motions to make.

Vice Chairman Alcorn: Yes, you do.

Commissioner Migliaccio: And I apologize.

Vice Chairman Alcorn: Not a problem.

Commissioner Migliaccio: First, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF RZ 2010-LE-013, SUBJECT TO THE PROFFERS CONSISTENT WITH THOSE DATED FEBRUARY 11<sup>TH</sup>, 2011.

Commissioner Flanagan: Second.

Vice Chairman Alcorn: Does he need to reference the CDP in that motion as well?

Mr. Williams: The FDP?

Commissioner Migliaccio: That's the next one.

Vice Chairman Alcorn: The CDP.

Commissioner Migliaccio: Oh, CDP. I'm sorry.

Vice Chairman Alcorn: Okay, and so, would your motion also include the associated Conceptual Development Plan, Commissioner?

Commissioner Migliaccio: Yes.

Vice Chairman Alcorn: Okay. That motion's been made. Is there a second?

Commissioner Flanagan: Second.

Vice Chairman Alcorn: Seconded by Commissioner Flanagan. Any discussion on that motion?  
Commissioner Hart.

Commissioner Hart: Thank you, Mr. Chairman. I'm sorry, got my light here. The – just, I would request, as a FRIENDLY AMENDMENT, that that be SUBJECT TO STRAIGHTENING OUT THIS PAGE NUMBER business in – wherever that is – [PROFFER] 8C, AS TO WHICH PAGES WE'RE TALKING ABOUT. IT'S NOT 14, 15, 16; IT'S SOMETHING ELSE. Straighten that out before we get to the Board.

Commissioner Migliaccio: I accept that as a friendly amendment.

Commissioner Hart: Thanks.

Vice Chairman Alcorn: Okay, any other discussion on the motion? All those in favor of recommending approval of RZ 2010-LE-013 and the associated Conceptual Development Plan, subject to the proffers consistent with those dated February 11<sup>th</sup>, 2011, please say aye.

Commissioners: Aye.

Vice Chairman Alcorn: All opposed? That motion carries. Commissioner Migliaccio.

Commissioner Migliaccio: Thank you. I MOVE THAT THE PLANNING COMMISSION APPROVE FDP 2010-LE-013, SUBJECT TO THE BOARD OF SUPERVISORS' APPROVAL OF RZ-2010-LE-013.

Commissioner Flanagan: Second.

Commissioner de la Fe: – and the Conceptual Development Plan.

Vice Chairman Alcorn: – and the Conceptual Development Plan?

Commissioner Migliaccio: Yes.

Commissioner Sargeant: Second.

Vice Chairman Alcorn: Okay, so moved. Seconded by Commissioners Flanagan and Sargeant. Is there a discussion of that motion? All those in favor of recommending approval - - I'm sorry - -

all those in favor of approving FDP 2010-LE-013, subject to the Board of Supervisors' approval of the rezoning and the CDP, please say aye.

Commissioners: Aye.

Vice Chairman Alcorn: All opposed? That motion carries. Commissioner Migliaccio.

Commissioner Migliaccio: Thank you. I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF AN INCREASE IN MAXIMUM FAR FROM 1.5 TO 1.68, PURSUANT TO PARAGRAPH 3 OF SECTION 6-208 OF THE ZONING ORDINANCE.

Commissioners Flanagan and Sargeant: Second.

Vice Chairman Alcorn: Seconded by Commissioners Flanagan and Sargeant. Any discussion of that motion? All those in favor of recommending approval of an increase in maximum FAR from 1.5 to 1.68, pursuant to Paragraph 3 of Section 6-208 of the Zoning Ordinance, please say aye.

Commissioners: Aye.

Vice Chairman Alcorn: All opposed? That motion carries. Commissioner Migliaccio.

Commissioner Migliaccio: Thank you. I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF THE MODIFICATION OF THE OFF-STREET LOADING SPACE REQUIREMENT.

Commissioners Flanagan and Sargeant: Second.

Vice Chairman Alcorn: Seconded by Commissioners Sargeant and Flanagan. Any discussion of that motion? All those in favor of recommending approval of the modification of the off-street loading space requirement, please say aye.

Commissioners: Aye.

Vice Chairman Alcorn: All opposed? That motion carries. Commissioner Migliaccio.

Commissioner Migliaccio: I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF THE 20 PERCENT PARKING REDUCTION.

Commissioners Flanagan and Sargeant: Second.

Vice Chairman Alcorn: Seconded by Commissioners Flanagan and Sargeant. Any discussion of that motion? All those in favor of recommending approval of the 20 percent parking reduction, please say aye.

Commissioners: Aye.

Vice Chairman Alcorn: All opposed? That motion carries. Commissioner Migliaccio.

Commissioner Migliaccio: Thank you. Just two more. I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF THE MODIFICATION OF THE 20-FOOT MINIMUM REAR YARD REQUIREMENT TO PERMIT A MINIMUM REAR YARD OF EIGHT FEET ALONG THE EASTERN BOUNDARY.

Commissioners Flanagan and Sargeant: Second.

Vice Chairman Alcorn: Seconded by Commissioners Flanagan and Sargeant. Any discussion of that tongue-twister motion? All those in favor of approving the motion as articulated by Commissioner Migliaccio, please say aye.

Commissioners: Aye.

Vice Chairman Alcorn: All opposed? That motion carries. And finally, Commissioner Migliaccio.

Commissioner Migliaccio: Yes, finally, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF THE MODIFICATION OF THE FRONT YARD 45-DEGREE BULK PLANE REQUIREMENTS TO PERMIT A FRONT YARD BULK PLANE OF FOUR DEGREES.

Commissioners Flanagan and Sargeant: Second.

Vice Chairman Alcorn: Seconded by Commissioners Flanagan and Sargeant. Any discussion of that motion? All those in favor of recommending approval of the modification of the front yard 45-degree bulk plane requirements to permit a front yard bulk plane of four degrees, please say aye.

Commissioners: Aye.

Vice Chairman Alcorn: All opposed? That motion carries as well.

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(The motions carried unanimously with Commissioners Hall, Harsel, and Murphy absent from the meeting.)

JN

Board Agenda Item  
May 24, 2011

3:30 p.m.

Public Hearing on SE 2008-MA-011 (Washington Baptist University, Inc.) to Permit a University and Modifications and Waivers in a CRD, Located on Approximately 50,225 Square Feet Zoned C-3, HC, SC and CRD, Mason District

**Public Hearing on SE 2008-MA-011 (Washington Baptist University, Inc.) is TO BE DEFERRED to JUNE 7, 2011 at 3:00 p.m.**

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Board Agenda Item  
May 24, 2011

4:00 p.m.

Public Hearing to Expand the Amberwood Community Parking District (Hunter Mill District)

ISSUE:

Public hearing to consider a proposed amendment to Appendix M of *The Code of the County of Fairfax, Virginia* (Fairfax County Code), to expand the Amberwood Community Parking District (CPD).

RECOMMENDATION:

The County Executive recommends that the Board adopt the amendment to the Fairfax County Code shown in Attachment I to expand the Amberwood CPD in accordance with existing CPD restrictions.

TIMING:

The public hearing was authorized on April 26, 2011, for May 24, 2011, at 4:00 p.m.

BACKGROUND:

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

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

Board Agenda Item  
May 24, 2011

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

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

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

FISCAL IMPACT:

The cost of sign installation is estimated at \$150 to be paid out of Fairfax County Department of Transportation (FCDOT) funds.

ENCLOSED DOCUMENTS:

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

STAFF:

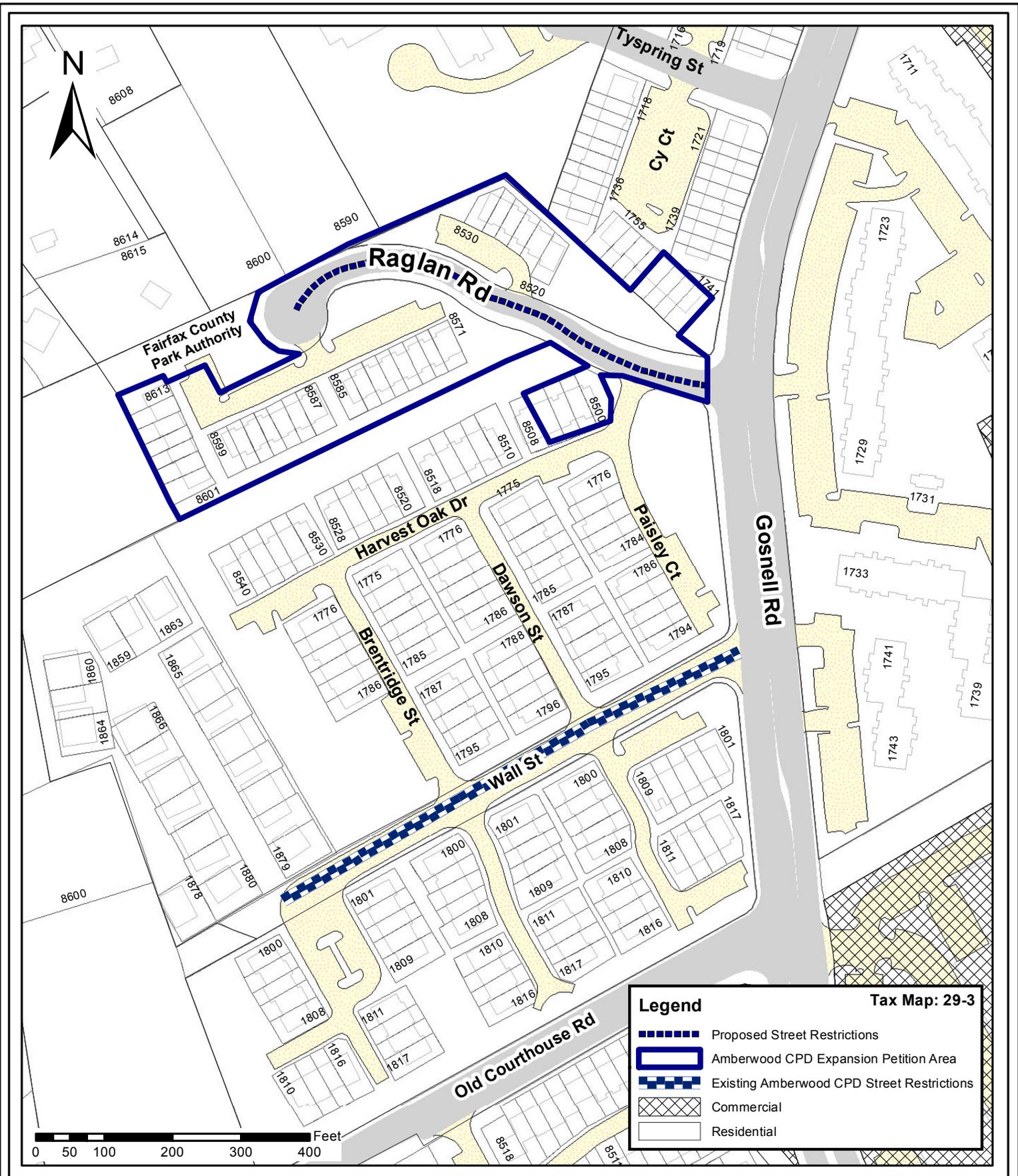
Tom Biesiadny, Acting Director, Fairfax County Department of Transportation (FCDOT)  
Eric Teitelman, Division Chief, Capital Projects and Operations Division, FCDOT  
Selby Thannikary, Section Chief, Traffic Operations Section, FCDOT  
Maria Turner, Sr. Transportation Planner, FCDOT  
Janet Nguyen,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

PROPOSED CODE AMENDMENT

THE CODE OF THE COUNTY OF FAIRFAX, VIRGINIA  
APPENDIX M

Amend *The Code of the County of Fairfax, Virginia*, by adding the following street to Appendix M-69, Section (a)(2), Amberwood Community Parking District, in accordance with Article 5B of Chapter 82:

*Raglan Road (Route 8733)*  
From Gosnell Road to cul-de-sac inclusive.



Legend		Tax Map: 29-3
	Proposed Street Restrictions	
	Amberwood CPD Expansion Petition Area	
	Existing Amberwood CPD Street Restrictions	
	Commercial	
	Residential	



March 16, 2011

Fairfax County Department of Transportation  
 Traffic Operations Section  
 COMMUNITY PARKING DISTRICT  
 PROPOSED AMBERWOOD CPD EXPANSION  
 Hunter Mill District

