

**FAIRFAX COUNTY
BOARD OF SUPERVISORS
November 20, 2012**

AGENDA

9:30	Done	Presentations
10:30	Done	Presentation of the Barbara Varon Award
10:40	Board accepted report and referred recommendations to staff for action.	Presentation of the Environmental Quality Advisory Council (EQAC) Annual Report
10:50	Done with one correction	Appointments to Citizen Boards, Authorities, Commissions, and Advisory Groups
11:00	Done	Items Presented by the County Executive

**ADMINISTRATIVE
ITEMS**

1	Approved	Authorization to Advertise a Public Hearing on Spot Blight Abatement Ordinance for 5412 Franconia Road, Alexandria, VA 22310 (Lee District)
2	Approved	Streets into the Secondary System (Braddock, Dranesville, Mount Vernon, and Sully Districts)
3	Approved	Approval to Change a Portion of the Proposed Street Name from Poplar Tree Road to Westfields Boulevard (Sully District)
4	Approved	Extension of Review Period for 2232 Review Application (Sully District)

ACTION ITEMS

1	Approved	Approval of Updated Memorandum of Understanding (MOU) with Volunteer Fairfax for Volunteer and Donations Management Coordination in an Emergency Situation
2	Approved	Endorsement of Loudoun County's Application for the FY 2014 Virginia Department of Transportation Revenue Sharing Program Funds (Sully District)
3	Approved	Approval of a Standard Project Administration Agreement with the Virginia Department of Transportation to Receive Funding for the McLean Gateway – Old Dominion Drive Transportation Enhancement Project, and Supplemental Appropriation Resolution #13152 (Dranesville District)

**FAIRFAX COUNTY
BOARD OF SUPERVISORS
November 20, 2012**

**ACTION ITEMS
(Continued)**

4	Approved	Adoption of a Resolution that Confirms the Declaration of Local Emergency for Hurricane Sandy, Approves and Consents to those Actions Taken by the Director of Emergency Management and County Staff During that Emergency, and Confirms the Termination of that Declared Local Emergency
11:10	Done	Matters Presented by Board Members
12:00	Done	Closed Session

**PUBLIC
HEARINGS**

3:00	Approved	Public Hearing on SE 2012-PR-007 (Sterling Jewelers, Inc. D/B/A Jared the Galleria of Jewelry) to Permit Waiver of Certain Sign Regulations (Providence District)
3:00	Approved	Public Hearing on RZ 2011-PR-023 (Cityline Partners LLC) to Rezone from C-3, HC and SC to PTC, HC and SC to Permit Mixed Use Development (Providence District)
3:00	Approved	Public Hearing on PCA 88-D-005-07 (Cityline Partners LLC) to Amend the Proffers for RZ 88-D-005 Previously Approved for Commercial Development (Providence District)
3:00	Approved	Public Hearing on PCA 2006-SU-007 (Timber Ridge at EDS, LLC) to Amend the Proffers, Conceptual Development Plans for RZ 2006-SU-007 (Sully District)
3:30	Approved	Public Hearing on SE 2012-HM-006 (Tysons West Residential, LLC) to Permit Waiver of Certain Sign Regulations (Hunter Mill District)
3:30	Approved	Public Hearing on SEA 93-L-014-02 (Burgundy Farm Country Day School, Inc.) to Amend SE 93-L-014 (Lee District)
3:30	Approved	Public Hearing on AF 2012-SU-001 (Jon & Kim Hickox) to Permit the Creation of an Agricultural and Forestal District (Sully District)

**FAIRFAX COUNTY
BOARD OF SUPERVISORS
November 20, 2012**

**PUBLIC
HEARINGS
(Continued)**

3:30	Approved	Public Hearing to Authorize the Conveyance of a Portion of Board-Owned Property to the Virginia Department of Transportation for the Leesburg Pike Widening Project (Hunter Mill District)
3:30	Approved	Public Hearing on RZ 2012-MA-012 (Titan America LLC) to Rezone From C-8 and R-2 to I-6 (Mason District)
3:30	Approved	Public Hearing on SE 2012-MA-011 (Titan America LLC) to Permit Concrete Mixing and Batching Plant and Increase in Building Height (Mason District)
3:30	Deferred to 12/4/12 at 3:30 p.m.	Public Hearing on PCA 89-L-008 (Fairfax County School Board) to Amend the Proffers for RZ 89-L-008 (Lee District)
3:30	Approved	Public Hearing on SEA 87-A-086-03 (College Town Associates Limited Partnership) to Amend SE 87-A-086 (Braddock District)
3:30	Approved	Public Hearing on RZ 2011-MV-031 (MidAtlantic Realty Partners, LLC) to Rezone from I-5 to PRM to Permit Mixed Use Development (Mount Vernon District)
4:00	Approved	Public Hearing to Consider Parking Restrictions on Draco Street, Thunderbolt Place and Flint Lee Road (Springfield and Sully Districts)
4:00	Withdrawn	Public Hearing on Spot Blight Abatement Ordinance for 1830 Peabody Drive, Falls Church, VA 22043 (Dranesville District)
4:00	Approved	Public Hearing on Spot Blight Abatement Ordinance for 7239 Dell Avenue, Clifton, VA 20124 (Springfield District)
4:00	Deferred to 12/4/12 at 3:30 p.m.	Public Hearing on Spot Blight Abatement Ordinance for 11388 Dorsey Place, Lorton, VA 22079 (Mount Vernon District)
4:00	Approved	Public Hearing on Spot Blight Abatement Ordinance for 6629 Spring Valley Drive, Alexandria, VA 22312 (Mason District)
4:00	Approved with amendment	Public Hearing to Consider Proposed Amendments to the Home Child Care Facilities Ordinance, Chapter 30, Articles 1 and 3, of the Fairfax County Code, and Section 10-103 of the Zoning Ordinance

**FAIRFAX COUNTY
BOARD OF SUPERVISORS
November 20, 2012**

**PUBLIC
HEARINGS
(Continued)**

4:30

Held

Public Hearing to Receive Comment from Citizens on the Proposed Legislative Program to be Presented to the 2013 Virginia General Assembly



Fairfax County, Virginia
BOARD OF SUPERVISORS
AGENDA

Tuesday
November 20, 2012

9:30 a.m.

Presentation of a check from Dominion Virginia Power for the Wakefield Run Stream Restoration Project.

PRESENTATIONS

RECOGNITIONS

- RESOLUTION – To recognize Thomas A. Edison High School for its 50th Anniversary. Requested by Supervisor McKay.
- RESOLUTION – To recognize Diane Hoffman for her years of service to the Northern Virginia Soil and Water Conservation District. Requested by Supervisor Cook and Supervisor Gross.
- RESOLUTION – To recognize Congressional Gold Medal of Honor recipients for their service to our country. Requested by Chairman Bulova and Supervisor Cook.
- RESOLUTION – To recognize Bill Gibson and Karen and Bill Brown for their accomplishments and service to the community through Kristi's Christmas. Requested by Supervisor Herrity and Supervisor McKay.

— more —

Board Agenda Item
Nov. 20, 2012

DESIGNATIONS

- PROCLAMATION – To designate November 2012, as American Indian Heritage Month in Fairfax County. Requested by Chairman Bulova.
- PROCLAMATION – To designate December 1, 2012, as AIDS Awareness Day in Fairfax County. Requested by Chairman Bulova.

STAFF:

Merni Fitzgerald, Director, Office of Public Affairs
Lindsey Culin, Office of Public Affairs

Board Agenda Item
November 20, 2012

10:30 a.m.

Presentation of the Barbara Varon Award

ENCLOSED DOCUMENTS:

None.

PRESENTED BY:

Sharon Bulova, Chairman, Board of Supervisors

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Board Agenda Item
November 20, 2012

10:40 a.m.

Presentation of the Environmental Quality Advisory Council (EQAC) Annual Report

ENCLOSED DOCUMENTS:

Environmental Quality Advisory Council Annual Report delivered under separate cover.

PRESENTED BY:

Stella Koch, Chairman, Environmental Quality Advisory Council

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Board Agenda Item
November 20, 2012

10:50 a.m.

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

ENCLOSED DOCUMENTS:

Attachment 1: Appointments to be heard November 20, 2012
(A final list will be distributed at the Board meeting.)

STAFF:

Catherine A. Chianese, Clerk to the Board of Supervisors

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APPOINTMENTS TO BE HEARD NOVEMBER 20, 2012
(ENCOMPASSING VACANCIES PROJECTED THROUGH DECEMBER 31, 2012)
 (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 (Formerly held by John Byers; appointed 2/09-1/10 by Hyland) Term exp. 1/13 <i>Deceased</i>	Mount Vernon District Representative		Hyland	Mount Vernon

ADVISORY SOCIAL SERVICES BOARD
(4 years – limited to 2 full consecutive terms)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Marcus B. Simon; appointed 3/04-9/08 by Connolly) Term exp. 9/12 <i>Not eligible for reappointment</i> <i>Resigned</i>	At-Large Chairman's Representative		Bulova	At-Large Chairman's
VACANT (Formerly held by Narayani Siva; appointed 6/09 b Hudgins) Term exp. 9/13 <i>Resigned</i>	Hunter Mill District Representative		Hudgins	Hunter Mill

**ADVISORY SOCIAL SERVICES BOARD (4 years – limited to 2 full consecutive terms)
continued**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Gretchen Johnson; appointed 3/08 by Hyland) Term exp. 9/12 <i>Resigned</i>	Mount Vernon District Representative		Hyland	Mount Vernon
VACANT (Formerly held by Sosthenes Klu; Appointed 12/05-9/08 by Frey) Term exp. 9/12 <i>Resigned</i>	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>
VACANT (Formerly held by Mark S. Ingrao; appointed 1/03 by Mendelsohn; 5/05 by DuBois) Term exp. 5/09 <i>Resigned</i>	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 Carl Silvertsen; appointed 6/11 by Foust) Term exp. 1/13 <i>Resigned</i>	Dranesville District Representative		Foust	Dranesville
VACANT (Formerly held by Barbara Kreykenbohm; appointed 1/09 by Gross) Term exp. 1/11 <i>Resigned</i>	Mason District Representative		Gross	Mason

**ALCOHOL SAFETY ACTION PROGRAM LOCAL POLICY BOARD (ASAP)
(3 years)**

CONFIRMATION NEEDED:

- Ms. Laura Dawson as the Mothers Against Drunk Driving Representative
- Mr. Nhat Minh Nguyen as the Fairfax-Falls Church Community Services Board Representative

ARCHITECTURAL REVIEW BOARD

(3 years)

[NOTE: Members shall be appointed by the Board of Supervisors as follows: at least two (2) members shall be certified architects; one (1) landscape architect authorized to practice in Virginia; one (1) lawyer with membership in the Virginia Bar; six (6) other members shall be drawn from the ranks of related professional groups such as archaeologists, historians, lawyers, and real estate brokers.]

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Susan W. Notkins (Appointed 11/96-9/03 by Hanley; 9/06 by Connolly; 10/09 by Bulova) Term exp. 9/12	Related Professional Group #3 Representative	Susan Notkins (Bulova)	By Any Supervisor	At-Large

ATHLETIC COUNCIL (2 years)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Michael Champness (Appointed 2/05&3/07 by DuBois; 3/09 by Foust) Term exp. 3/11	Dranesville District Principal Representative		Foust	Dranesville
Clarke Gray Appointed 1/08-9/10 by Smyth) Term exp. 9/12	Providence District Alternate Representative		Smyth	Providence
Christy Winters Scott (Appointed 6/08-7/10 by Hudgins) Term exp. 6/12	Women's Sports Alternate Representative		By Any Supervisor	At-Large

**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
Rachel Rifkind (Appointed 5/09-6/09 by Gross) Term exp. 6/11	Mason District Representative		Gross	Mason
VACANT (Formerly held by John Byers; appointed 6/09-1/12 by Hyland) Term exp. 6/12 <i>Deceased</i>	Mount Vernon District Representative		Hyland	Mount Vernon
VACANT (Formerly held by Robert McDaniel; appointed 9/10 by Herrity) Term exp. 6/11 <i>Resigned</i>	Springfield District Representative		Herrity	Springfield

**BOARD OF EQUALIZATION OF REAL ESTATE ASSESSMENTS (BOE)
(2 years)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Thomas Parr (Appointed 12/04- 12/04 by Connolly; 12/10 by Bulova) Term exp. 12/12	At-Large #1 Representative		By Any Supervisor	At-Large
William C. Harvey (Appointed 9/05- 12/06 by DuBois; 1/09-12/10 by Foust) Term exp. 12/12	Professional #2 Representative		By Any Supervisor	At-Large
Noelle Holmes (Appointed 5/06- 12/08 by Connolly; 12/10 by Smyth) Term exp. 12/12	Professional #4 Representative	Noelle Holmes (Smyth)	By Any Supervisor	At-Large
Yvonne Demory (Appointed 1/07- 12/10 by Hudgins) Term exp. 12/12	Professional #5 Representative		By Any Supervisor	At-Large
Patricia Flavin(Rehill) (Appointed 12/10 by Hyland) Term exp. 12/12	Professional #6 Representative		By Any Supervisor	At-Large

**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 Christina Terpak- Malm; appointed 12/3-9/07 by Frey) Term exp. 9/11 <i>Resigned</i>	Sully District Representative		Frey	Sully

CHILD CARE ADVISORY COUNCIL (2 years)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Tammy K. Derenak; appointed 7/02-9/05 by Kauffman; 2/08- 9/11 by McKay) Term exp. 9/13 <i>Resigned</i>	Lee District Representative		McKay	Lee
Judith Falkenrath (Appointed 12/04-9/10 by Gross) Term exp. 9/12	Mason District Representative		Gross	Mason
VACANT (Formerly held by Karen Hecker; appointed 10/03-9/09 by Hyland) Term exp. 9/11 <i>Resigned</i>	Mount Vernon District Representative		Hyland	Mt. Vernon

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**CHILD CARE ADVISORY COUNCIL (2 years)
continued**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Joan C. Holtz; appointed 5/09 by Smyth) Term exp. 9/11 <i>Resigned</i>	Providence District Representative		Smyth	Providence

**CITIZEN CORPS COUNCIL, FAIRFAX COUNTY
(2 years)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Jean Zettler (appointed 11/08-5/10 by Smyth) Term exp. 5/12	Providence District Representative		Smyth	Providence

CIVIL SERVICE COMMISSION (2 years)

[NOTE: The Commission shall include at least 3 members who are male, 3 members who are female, and 3 members who are from a member of a minority group.]

Current Membership: Males - 9 Females – 3 Minorities: 5

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Ronald Copeland (Appointed 9/04-12/10 by Hudgins) Term exp. 12/12	At-Large #2 Representative		By Any Supervisor	At-Large

COMMISSION FOR WOMEN (3 years)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Mattie Palmore (Appointed 5/12 by Bulova) Term exp. 10/12	At-Large Chairman's Representative	Mattie Palmore	Bulova	At-Large Chairman's
Diane Hoyer (Appointed 4/05 by DuBois; 10/06-10/09 by Foust) Term exp. 10/12	Dranesville District Representative	Diane Hoyer	Foust	Dranesville
Catherine A. Baum (Appointed 11/10 by Hudgins) Term exp. 10/12	Hunter Mill District Representative	Catherine Baum	Hudgins	Hunter Mill

**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 4/11 by McKay) Term exp. 1/15 <i>Resigned</i>	Lee District Representative		McKay	Lee

CONSUMER PROTECTION COMMISSION (3 years)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Felicia Boyd; appointed 11/08 by Connolly; 7/09 by Bulova) Term exp. 7/12 <i>Resigned</i>	Fairfax County Resident #3 Representative	Mehmood S. Kazmi (Bulova)	By Any Supervisor	At-Large
VACANT (Formerly held by George Bounacos; appointed 8/09 by Frey) Term exp. 7/12 <i>Resigned</i>	Fairfax County Resident #7 Representative		By Any Supervisor	At-Large

CRIMINAL JUSTICE ADVISORY BOARD (CJAB) (3 years)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Mark Cranfill; appointed 12/09 by Bulova) Term exp. 8/12 <i>Resigned</i>	At-Large Representative	Howard A. Foard (Hudgins)	By Any Supervisor	At-Large
VACANT (Formerly Held by Theo L. Vaughan; appointed 12/09 by Cook) Term exp. 11/12 <i>Resigned</i>	Braddock District Representative		Cook	Braddock

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CRIMINAL JUSTICE ADVISORY BOARD (CJAB) (3 years)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Rose Miles Robinson; appointed 7/06-2/09 by Hudgins) Term exp. 2/12 <i>Resigned</i>	Hunter Mill District Representative		Hudgins	Hunter Mill
Andrew Hunter (Appointed 4/04-2/09 by Gross) Term exp. 2/12	Mason District Representative		Gross	Mason
Glen Robinson (Appointed 11/09 by Smyth) Term exp. 8/12	Providence District Representative		Smyth	Providence

ENVIRONMENTAL QUALITY ADVISORY COUNCIL (EQAC) (3 years)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Frank Crandall (Appointed 1/99-1/00 by Mendelsohn; 1/04- 11/06 by DuBois; 11/09 by Foust) Term exp. 11/12	Dranesville District Representative		Foust	Dranesville
VACANT (Formerly held by Patricia Greenberg; appointed 1/11 by Hudgins) Term exp. 1/12 <i>Resigned</i>	Hunter Mill District Representative		Hudgins	Hunter Mill

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

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Marie Flanagan; appointed 1/10 by Smyth) Term exp. 1/13 <i>Resigned</i>	Providence District Representative		Smyth	Providence
Jeff Allcroft (Appointed 6/12 by Herrity) Term exp. 11/12	Springfield District Representative	Jeff Allcroft	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>
Tapan Banerjee (Appointed 1/09 by Foust) Term exp. 11/12	Dranesville District Representative		Foust	Dranesville
Michelle Hymer Blitz (Appointed 6/06-11/09 by Hudgins) Term exp. 11/12	Hunter Mill District Representative		Hudgins	Hunter Mill
Barbara Lawrence (Appointed 2/09-11/09 by McKay) Term exp. 11/12	Lee District Representative		McKay	Lee

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FAIRFAX AREA DISABILITY SERVICES BOARD
(3 years- limited to 2 full consecutive terms per MOU, after initial term)
continued

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Donald Kissinger (Appointed 7/10 by Herrity) Term exp. 11/12	Springfield District Representative		Herrity	Springfield
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 COUNTY CONVENTION AND VISITORS CORPORATION
BOARD OF DIRECTORS
(3 years)

[Note: Established by Board on 6/21/04 for the general administration and proper operation of the Fairfax County Convention and Visitors Corporation.]

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Terrence Jones; appointed 7/4-6/07 by DuBois; 6/10 by Foust) Term exp. 6/13 <i>Resigned</i>	Dranesville District Representative		Foust	Dranesville

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>
VACANT (Formerly held by Lynne Schlaaf-Crammer; appointed 9/05-6/08 by Connolly; 7/11 by Bulova) Term exp. 6/14 <i>Resigned</i>	At-Large #4 Representative	Willard Ken Garnes (Résumé attached) (Bulova) <i>(Nomination announced on October 30, 2012)</i>	By Any Supervisor	At-Large
VACANT (Formerly held by Lisa Lynne Kania; appointed 10/11 by Frey) Term exp. 6/13 <i>Resigned</i>	Sully District Representative		Frey	Sully

HEALTH SYSTEMS AGENCY BOARD
(3 years - limited to 2 full terms, may be reappointed after 1 year lapse)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by David Braun; appointed 10/06-6/09 by Smyth) Term exp. 6/12 <i>Resigned</i>	Consumer #1 Representative		By Any Supervisor	At-Large
VACANT (Formerly held by Carol Ann Coryell; appointed 6/05-6/08 by Frey) Term exp. 6/11 <i>Resigned</i>	Consumer #6 Representative		By Any Supervisor	At-Large
VACANT (Formerly held by Samuel Jones; appointed 12/09 by Gross) Term exp. 6/12 <i>Resigned</i>	Provider #1 Representative		By Any Supervisor	At-Large
Stephen Goldberger (Appointed 7/04-6/06 by Kauffman; 7/09 by McKay) Term exp. 6/11	Provider #3 Representative		By Any Supervisor	At-Large

HISTORY COMMISSION (3 years)

[NOTE: The Commission shall include at least one member who is a resident from each supervisor district.] Current Membership:

Braddock - 3	Lee - 2	Providence - 1
Dranesville - 2	Mason - 2	Springfield - 2
Hunter Mill - 3	Mt. Vernon - 3	Sully - 2

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Robert Beach (Appointed 11/00 by Hanley; 1/04-12/06 by Connolly; 12/09 by Bulova) <i>Braddock Resident</i>	Architect Representative		By Any Supervisor	At-Large
Jack Hiller (Appointed 3/81-12/82 by Travesky; 11/85 by Herrity; 12/88-12/06 by McConnell; 12/09 by P. Herrity) Term exp. 12/12 <i>Springfield Resident</i>	Citizen #1 Representative	Jack Hiller (Herrity)	By Any Supervisor	At-Large
Sallie Lyons (Appointed 3/05-12/09 by Hyland) Term exp. 12/12 <i>Mt. Vernon Resident</i>	Citizen #2 Representative		By Any Supervisor	At-Large
Lynne G. Hodge (Appointed 11/00-12/06 by McConnell; 12/09 by P. Herrity) Term exp. 12/12 <i>Springfield Resident</i>	Citizen #4 Representative		By Any Supervisor	At-Large
Deborah Robison (Appointed 5/07-12/09 by Frey) Term exp. 12/12 <i>Sully Resident</i>	Citizen #5 Representative		By Any Supervisor	At-Large

HISTORY COMMISSION (3 years)

[NOTE: The Commission shall include at least one member who is a resident from each supervisor district.] Current Membership:

Continued

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Mary Lipsey (Appointed 5/06-12/09 by Bulova) Term exp. 12/12 <i>Braddock Resident</i>	Citizen #6 Representative		By Any Supervisor	At-Large
Michael Irwin (Appointed 12/05-12/06 by Connolly; 1/10 by Smyth) Term exp. 12/12 <i>Providence Resident</i>	Citizen #8 Representative	Michael Irwin (Smyth)	By Any Supervisor	At-Large
Anne Barnes (Appointed 9/03-1/10 by Hyland) Term exp. 12/12 <i>Mt. Vernon Resident</i>	Citizen/Minority Representative		By Any Supervisor	At-Large

HUMAN RIGHTS COMMISSION (3 years)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Michael Kwon (Appointed 12/09 by Bulova) Term exp. 9/12	At-Large #1 Representative	Michael Kwon (Bulova)	By Any Supervisor	At-Large
Victor Dunbar (Appointed 9/91 by Richards; 9/94 by Davis; 7/97-9/03 by Hanley; 9/06 by Connolly; 9/09 by Bulova) Term exp. 9/12	At-Large #3 Representative		By Any Supervisor	At-Large

HUMAN SERVICES COUNCIL (4 years)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by John Byers; appointed 6/07-7/08 by Hyland) Term exp. 7/12 <i>Deceased</i>	Mount Vernon District #1 Representative		Hyland	Mount Vernon
Robert Gaudian (Appointed 6/04-11/04 by McConnell; 11/08 by Herrity) Term exp. 11/12	Springfield District Representative	Robert Gaudian	Herrity	Springfield

**INDUSTRIAL DEVELOPMENT AUTHORITY
(4 years)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Robert Surovell (Appointed 9/84 by Scott; 11/88-10/08 by Hyland) Term exp. 10/12	At-Large #1 Representative		By Any Supervisor	At-Large

**INFORMATION TECHNOLOGY POLICY ADVISORY COMMITTEE (ITPAC)
(3 years)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Kathryn Walsh (Appointed 6/11 by Hanley; 1/04-1/07 by Connolly; 12/09 by Bulova) Term exp. 12/12	At-Large Chairman's Representative		Bulova	At-Large Chairman's
Bhaskar Kuppusamy (Appointed 9/11 by Hudgins) Term exp. 12/12	Hunter Mill District Representative		Hudgins	Hunter Mill
Emily McCoy (Appointed 1/01-12/06 by Kauffman; 12/09 by McKay) Term exp. 12/12	Lee District Representative		McKay	Lee

CONFIRMATION NEEDED:

- Mr. John Hanks as the Federation of Citizens Associations Representativie

LIBRARY BOARD (4 years)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Stephanie Abbott; appointed 6/00-6/08 by Hudgins) Term exp. 6/12 <i>Resigned</i>	Hunter Mill District Representative	Michael Cutrone	Hudgins	Hunter Mill

**NORTHERN VIRGINIA REGIONAL PARK AUTHORITY
(4 years)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Stella M. Koch (Appointed 3/10 by Bulova) Term exp. 10/12	Fairfax County #2 Representative	Stella M. Koch (Bulova)	By Any Supervisor	At-Large

**OVERSIGHT COMMITTEE ON DRINKING AND DRIVING
(3 years)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Adam Parnes; appointed 9/03-6/12 by Hudgins) Term exp. 6/15 <i>Resigned</i>	Hunter Mill District Representative		Hudgins	Braddock
VACANT (Formerly held by Ronald Miner; appointed 8/02-6/11 by Frey) Term exp. 6/14 <i>Resigned</i>	Sully District Representative		Frey	Sully

PARK AUTHORITY (4 years)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Janyce Hedetniemi (Appointed 1/12 by Bulova) Term exp. 12/12	At-Large Chairman's Representative		Bulova	At-Large Chairman's
Kevin Fay (Appointed 1/03-12/04 by DuBois; 12/08 by Foust) Term exp. 12/12	Dranesville District Representative		Foust	Dranesville
William Bouie (Appointed 2/05-12/08 by Hudgins) Term exp. 12/12	Hunter Mill District Representative		Hudgins	Hunter Mill
Ken Quincy (Appointed 12/07- 12/08 by Smyth) Term exp. 12/12	Providence District Representative	Ken Quincy	Smyth	Providence

PLANNING COMMISSION (4 years)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Walter Alcorn (Appointed 11/96- 11/00 by Hanley; 12/04-12/08 by Connolly) Term exp. 12/12	At-Large #1 Chairman's Representative		Bulova	At-Large Chairman's
Jay Donahue (Appointed 1/08 by Foust) Term exp. 12/12	Dranesville District Representative		Foust	Dranesville
Kenneth Lawrence (Appointed 1/04-12/08 by Smyth) Term exp. 12/12	Providence District Representative		Smyth	Providence

ROAD VIEWERS BOARD (1 year)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Joseph Bunnell (appointed 9/05-12/06 by McConnell; 2/08- 12/11 by Herrity) Term exp. 12/12	At-Large #1 Representative	Joseph Bunnell (Herrity)	By Any Supervisor	At-Large
John W. Ewing (Appointed 2/01-11/02 by Hanley; 1/04-12/08 by Connolly; 12/09- 12/11 by Bulova) Term exp. 12/12	At-Large #2 Representative		By Any Supervisor	At-Large
Marcus Wadsworth (Appointed 6/09-12/11 by McKay) Term exp. 12/12	At-Large #3 Representative		By Any Supervisor	At-Large
VACANT (Formerly held by Stephen E. Still; appointed 6/06-12/11 by Smyth) Term exp. 12/12 <i>Resigned</i>	At-Large #4 Representative		By Any Supervisor	At-Large
Micah Himmel (Appointed 12/11 by Smyth) Term exp. 12/12	At-Large #5 Representative	Micah Himmel (Smyth)	By Any Supervisor	At-Large

SMALL BUSINESS COMMISSION, FAIRFAX COUNTY (3 years)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
John Pellegrin (Appointed 9/09-12/09 by Bulova) Term exp. 12/12	At-Large #1 Representative		By Any Supervisor	At-Large
Margaret M. Schottler (Appointed 9/09-12/09 by Bulova) Term exp. 12/12	At-Large #3 Representative		By Any Supervisor	At-Large
Elizabeth Novak (Appointed 10/05-12/09 by Gross) Term exp. 12/12	Mason District Representative		Gross	Mason
VACANT (Formerly held by Joe Brooks; appointed 10/08-1/12 by Smyth) Term exp. 12/14 <i>Resigned</i>	Providence District Representative		Smyth	Providence
Marvin Powell (Appointed 10/04-12/09 by Frey) Term exp. 12/12	Sully District Representative		Frey	Sully

**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	Fairfax County #2 Representative		By Any Supervisor	At-Large

Resigned

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>
Michael Kiffney (Appointed 5/08-12/09 by Herrity) Term exp. 12/12	Citizen Member #3 Representative		By Any Supervisor	At-Large
Karen Geier-Smith (Appointed 6/06-12/09 by Bulova) Term exp. 12/12	Landlord Member #1 Representative		By Any Supervisor	At-Large
Christopher Lee Kocsis (Appointed 3/99-11/00 by Hanley; 1/04-12/06 by Connolly; 12/09 by Bulova) Term exp. 12/12	Landlord Member #2 Representative		By Any Supervisor	At-Large
VACANT (Formerly held by Kevin Denton; appointed 4/10&1/11 by Smyth) Term exp. 1/14 <i>Resigned</i>	Tenant Member #3 Representative		By Any Supervisor	At-Large

TREE COMMISSION (3 years)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Robert Vickers (Appointed 4/07 by DuBois; 11/09 by Foust) Term exp. 10/12	Dranesville District Representative	Robert Vickers	Foust	Dranesville
Ron Rubin (Appointed 1/05-11/09 by Hudgins) Term exp. 10/12	Hunter Mill District Representative	Ron Rubin	Hudgins	Hunter Mill
VACANT (Formerly held by Andrew J. Bernick; appointed 1/10 by McKay) Term exp. 10/12 <i>Resigned</i>	Lee District Representative		McKay	Lee
VACANT (Formerly held by Marie Flanagan; appointed 12/09 by Smyth) Term exp. 10/11 <i>Resigned</i>	Providence District Representative		Smyth	Providence

CONFIRMATION NEEDED:

- Mr. Gerald Peters as the Northern Virginia Soil and Water Conservation Representative

TRESPASS TOWING ADVISORY BOARD (3 years)

[Note: Advisory board created effective 7/1/06 to advise the Board of Supervisors with regard to the appropriate provisions of Va. Code Section 46.2-1233.2 and Fairfax County Code 82.5-32.]

Membership: Members shall be Fairfax County residents. A towing representative shall be defined as a person who, prior to the time of his or her appointment, and throughout his or her term, shall be an operator of a towing business in Fairfax County.

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Ronald P. Miner; appointed 6/06 by Connolly; 9/09 by Bulova) Term exp. 9/12 <i>Resigned</i>	Citizen Alternate Representative		By Any Supervisor	At-Large

WETLANDS BOARD (5 years)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Glenda Booth (Appointed 4/88-12/08 by Hyland) Term exp. 12/12	Mount Vernon District #1 Representative		Hyland	Mount Vernon

YOUTH BASKETBALL COUNCIL ADVISORY BOARD (1 year)

CONFIRMATION NEEDED:

- Ms. Iris Kalman as the Reston Youth Basketball League Representative

Board Agenda Item
November 20, 2012

11:00 a.m.

Items Presented by the County Executive

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Board Agenda Item
November 20, 2012

ADMINISTRATIVE - 1

Authorization to Advertise a Public Hearing on Spot Blight Abatement Ordinance for 5412 Franconia Road, Alexandria, VA 22310 (Lee District)

ISSUE:

Board authorization to advertise a public hearing to consider adoption of a Spot Blight Abatement Ordinance for 5412 Franconia Road, Alexandria, VA, 22310 (Tax Map No. 081-4 ((05)) 0061).

RECOMMENDATION:

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

TIMING:

Authorization to advertise on November 20, 2012, a public hearing to be held Tuesday, January 8, 2013 at 4:00 P.M.

BACKGROUND:

Va. Code Ann. § 36-49.1:1 (2011) (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 (2012) or Va. Code Ann. § 15.2-1115 (2012) (Abatement of Nuisance Statutes). The Abatement of Nuisance Statute permits the County to compel the abatement or removal of nuisances. If, after reasonable notice, the owner(s) fails to abate or obviate the nuisance the County may abate the nuisance in which event the property owner(s) may then be charged for the costs of abatement, which may be collected from the property owner(s) in any manner provided by law for the collection of state or local taxes.

Properties are considered "blighted" under the Spot Blight Abatement Statute as defined in Va. Code Ann. 36-3 (2011) 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
November 20, 2012

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 (2011) 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.

A property maintenance case was opened and investigated in July 2012 for an abandoned and neglected property and on August 13, 2012 the property was referred to the Blight Abatement Program (BAP). The property owner has not responded the Notice of Violation of the Virginia Maintenance Code or the letters from the Blight Abatement staff.

Located on the subject property are an abandoned, one and half story brick dwelling with a 1/3 basement, and a 216 square foot detached garage. The dwelling was constructed in 1938 according to Fairfax County Tax Records. The dwelling lacks normal maintenance, the roof of the dwelling has numerous holes, missing shingles, and in the back appears to have partially collapsed. The property has been the subject of documented complaints, in July 2004 the owner was issued a Notice to Abate Nuisance by the Health Department. The dwelling has been vacant since at least August 11, 2011, when Dominion Power terminated their electric service.

Due to the dilapidated condition of the property and it being an attractive nuisance, BAP staff feels that the dwelling is not economically feasible to repair and recommends demolition.

This property was reviewed by the Neighborhood Enhancement Task Force (NETF) on September 13, 2012 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 him of this determination.

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

Board Agenda Item
November 20, 2012

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 (2012) 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 300-C30010, County Construction, Project 2G97-001-000, 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 300-C30010, County Construction, Project 2G97-001-000, Strike Force Blight Abatement. Funding is available in Project 2G97-001-000 to proceed with the demolition estimated to cost approximately \$34,000.

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

ENCLOSED DOCUMENTS:

Attachment 1: Property Photographs

STAFF:

Robert A. Stalzer, Deputy County Executive
Jeffrey L. Blackford, Director, Department of Code Compliance
Karen McClellan, Operations Manager, Department of Code Compliance
Susan Epstein, Division Supervisor, Department of Code Compliance
Victoria Dzierzek, Code Compliance Investigator III, Department of Code Compliance

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**5412 Franconia Road
Tax Map # 081-4 ((05)) 0061
Lee District
Attachment 1**



**5412 Franconia Road
Tax Map # 081-4 ((05)) 0061
Lee District
Attachment 1**

ADMINISTRATIVE – 2

Streets into the Secondary System (Braddock, Dranesville, Mount Vernon, and Sully Districts)

ISSUE:

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

RECOMMENDATION:

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

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
The Most Reverend Paul S. Loverde – St. Mary of Sorrows	Braddock	Sideburn Road (Route 653) (Additional Right-of-Way (ROW) Only)
		Zion Drive (Route 654) (Additional ROW Only)
Garfield Park Section 4	Dranesville	Glenhaven Drive (Route 10642)
		Founders Ridge Lane
		Meritage Lane
		Twincrest Court
Palmetto Hospitality of Fort Belvoir (Hampton Inn & Suites)	Mt. Vernon	Silent Ridge Court
		Richmond Highway (Route 1) (Additional ROW Only)
Property of Hopkins House	Mt. Vernon	Richmond Highway (Route 1) (Additional ROW Only)

Board Agenda Item
November 20, 2012

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
Rugby Road Section One	Sully	Lee Jackson Memorial Highway (Route 50) (Additional ROW Only) Rugby Road (Route 750) (Additional ROW Only)

TIMING:
Routine.

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

FISCAL IMPACT:
None.

ENCLOSED DOCUMENTS:
Attachment 1 – Street Acceptance Forms

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

Street Acceptance Form For Board Of Supervisors Resolution - June 2005

**FAIRFAX COUNTY BOARD OF SUPERVISORS
FAIRFAX, VA**

Pursuant to the request to inspect certain streets in the subdivisions as described, the Virginia Department of Transportation has made inspections, and recommends that same be included in the secondary system.

VIRGINIA DEPARTMENT OF TRANSPORTATION - OFFICE OF THE ENGINEERING MANAGER, FAIRFAX, VIRGINIA

REQUEST TO THE ENGINEERING MANAGER, FOR INCLUSION OF CERTAIN SUBDIVISION STREETS INTO THE STATE OF VIRGINIA SECONDARY ROAD SYSTEM.

PLAN NUMBER: 2643-SP-02

SUBDIVISION PLAT NAME: The Most Reverend Paul S. Loverde (St. Mary of Sorrows)

COUNTY MAGISTERIAL DISTRICT: Braddock

ENGINEERING MANAGER: Terry L. Yates, P.E.
BY: *Nedia Alphonse*

FOR OFFICIAL USE ONLY

DATE OF VDOT INSPECTION APPROVAL: *08/20/2012*

STREET NAME	LOCATION		MILE LENGTH
	FROM	TO	
Sideburn Road (Route 653) (Additional Right-of-Way Only)	232' S CL Linfield Street (Route 4894)	1,171' S to Section Line	0.0
Zion Drive (Route 654) (Additional Right-of-Way Only)	150' SE CL Concordia Street (Route 4893)	818' SE to Section Line	0.0
NOTES:			TOTALS:
Sideburn Road: 385' of 5' Concrete Sidewalk on and 680' of 8' Asphalt Trail on West Side to be maintained by Fairfax County.			0
Zion Drive: 708' of 8' Asphalt Trail on the North Side to be maintained by Fairfax County.			

Street Acceptance Form For Board Of Supervisors Resolution - June 2005

**FAIRFAX COUNTY BOARD OF SUPERVISORS
FAIRFAX, VA**

Pursuant to the request to inspect certain streets in the subdivisions as described, the Virginia Department of Transportation has made inspections, and recommends that same be included in the secondary system.

VIRGINIA DEPARTMENT OF TRANSPORTATION - OFFICE OF THE ENGINEERING MANAGER, FAIRFAX, VIRGINIA

REQUEST TO THE ENGINEERING MANAGER, FOR INCLUSION OF CERTAIN SUBDIVISION STREETS INTO THE STATE OF VIRGINIA SECONDARY ROAD SYSTEM.

PLAN NUMBER: 9649-SD-05

SUBDIVISION PLAT NAME: Garfield Park Section 4

COUNTY MAGISTERIAL DISTRICT: Dranesville

ENGINEERING MANAGER: Terry L. Yates, P.E.

BY: *Media Alphonse*

FOR OFFICIAL USE ONLY

DATE OF VDOT INSPECTION APPROVAL: 08/07/2012

STREET NAME	LOCATION		MILE LENGTH
	FROM	TO	
Glenhaven Drive (Route 10642)	Existing Glenhaven Drive (Route 10642) - 269' NW CL Dominion Reserve Drive (Route 10644)	216' NW to CL Founders Ridge Lane	0.04
Founders Ridge Lane	CL Glenhaven Drive (Route 10642) - 485' NW CL Dominion Reserve Drive (Route 10644)	1,091' NW to End of Cul-de-Sac and 1,152' SW to End of Cul-de-Sac (Total = 2,243') <input checked="" type="checkbox"/>	0.42
Meritage Lane	CL Founders Ridge Lane - 276' N CL Glenhaven Drive (Route 10642)	358' NE to End of Cul-de-Sac	0.07
Twincrest Court	CL Founders Ridge Lane - 283' SW CL Glenhaven Drive (Route 10642)	294' SE to End of Cul-de-Sac	0.06
Silent Ridge Court	CL Founders Ridge Lane - 599' SW CL Twincrest Court	526' SE to End of Cul-de-Sac	0.10
NOTES:			TOTALS:
			0.69

Street Acceptance Form For Board Of Supervisors Resolution - June 2005

**FAIRFAX COUNTY BOARD OF SUPERVISORS
FAIRFAX, VA**
Pursuant to the request to inspect certain streets in the subdivisions as described, the Virginia Department of Transportation has made inspections, and recommends that same be included in the secondary system.

VIRGINIA DEPARTMENT OF TRANSPORTATION - OFFICE OF THE ENGINEERING MANAGER, FAIRFAX, VIRGINIA
REQUEST TO THE ENGINEERING MANAGER, FOR INCLUSION OF CERTAIN SUBDIVISION STREETS INTO THE STATE OF VIRGINIA SECONDARY ROAD SYSTEM.
PLAN NUMBER: 6090-SP-01
SUBDIVISION PLAT NAME: Property of Hopkins House
COUNTY MAGISTERIAL DISTRICT: Mount Vernon

ENGINEERING MANAGER: Terry L. Yates, P.E.
BY: *Andra Apponey*

FOR OFFICIAL USE ONLY
DATE OF VDOT INSPECTION APPROVAL: 08/23/2012

STREET NAME	LOCATION		MILE LENGTH
	FROM	TO	
Richmond Highway (Route 1) (Additional Right-of-Way Only)	25' NE CL Forest Place (Route 3710)	149' NE to Section Line	0.0
NOTES: 149' of 8' Asphalt Trail on South Side to be maintained by Fairfax County.			TOTALS: 0

Street Acceptance Form For Board Of Supervisors Resolution - June 2005

**FAIRFAX COUNTY BOARD OF SUPERVISORS
FAIRFAX, VA**
Pursuant to the request to inspect certain streets in the subdivisions as described, the Virginia Department of Transportation has made inspections, and recommends that same be included in the secondary system.

VIRGINIA DEPARTMENT OF TRANSPORTATION - OFFICE OF THE ENGINEERING MANAGER, FAIRFAX, VIRGINIA
REQUEST TO THE ENGINEERING MANAGER, FOR INCLUSION OF CERTAIN SUBDIVISION STREETS INTO THE STATE OF VIRGINIA SECONDARY ROAD SYSTEM.
PLAN NUMBER: 1340-SP-01
SUBDIVISION PLAT NAME: Rugby Road Section One
COUNTY MAGISTERIAL DISTRICT: Sully

ENGINEERING MANAGER: Terry L. Yates, P.E.
BY: *Nadia Alphonse*

FOR OFFICIAL USE ONLY
DATE OF VDOT INSPECTION APPROVAL: 08/21/2012

STREET NAME	LOCATION		MILE LENGTH
	FROM	TO	
Lee Jackson Memorial Highway (Route 50) (Additional Right-of-Way Only)	660' SE CL Townwood Drive (Route 7470)	612' SE to Section Line	0.0
Rugby Road (Route 750) (Additional Right-of-Way Only)	436' SW CL Fairfax County Parkway (Route 286)	1,081' SW to Section Line	0.0
NOTES:			TOTALS:
Lee Jackson Memorial Highway: 530' of 8' Asphalt Trail on North Side to be maintained by Fairfax County.			0.0
Rugby Road: 960' of 5' Concrete Sidewalk on West Side to be maintained by VDOT.			

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Board Agenda Item
November 20, 2012

ADMINISTRATIVE - 3

Approval to Change a Portion of the Proposed Street Name from Poplar Tree Road to Westfields Boulevard (Sully District)

ISSUE:

Board approval of a street name change in the Official County Digital Property Map and the Master Addressing Repository for the portion of Poplar Tree Road between Braddock Road (Route 620) and the intersection of Sully Station Drive (Route 6981) and Sequoia Farms Drive (Route 7324) to Westfields Boulevard on Tax Map #044-3 and 054-1.

RECOMMENDATION:

The County Executive recommends that the Board approve the street name change to Westfields Boulevard effective 30 days following Board approval, in accordance with Section 102-1-9 of The Code of the County of Fairfax, Virginia.

TIMING:

Routine.

BACKGROUND:

Supervisor Frey has requested that a portion of the street's name of Poplar Tree Road, between Braddock Road (Route 620) and the intersection of Sully Station Drive (Route 6981) and Sequoia Farms Drive (Route 7324), be changed to Westfields Boulevard. There are no homes or businesses along this stretch of roadway.

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

Attachment I – Copy of Email from Mike Coyle, Administrative Aide to Supervisor Michael Frey
Attachment II – Vicinity Map

STAFF:

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

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From: Shepard, Sherry
Sent: Friday, October 26, 2012 10:25 AM
To: Harris, Deloris
Subject: FW: Renaming Poplar Tree Road
Attachments: 20120412094521805.pdf

Thank you,

Sherry Shepard
Addressing Manager
Direct 703-324-1527
Fax 703-968-0984
sshepa@fairfaxcounty.gov

-----Original Message-----

From: Coyle, Michael
Sent: Thursday, April 12, 2012 10:21 AM
To: Shepard, Sherry
Subject: Renaming Poplar Tree Road

Sherry,

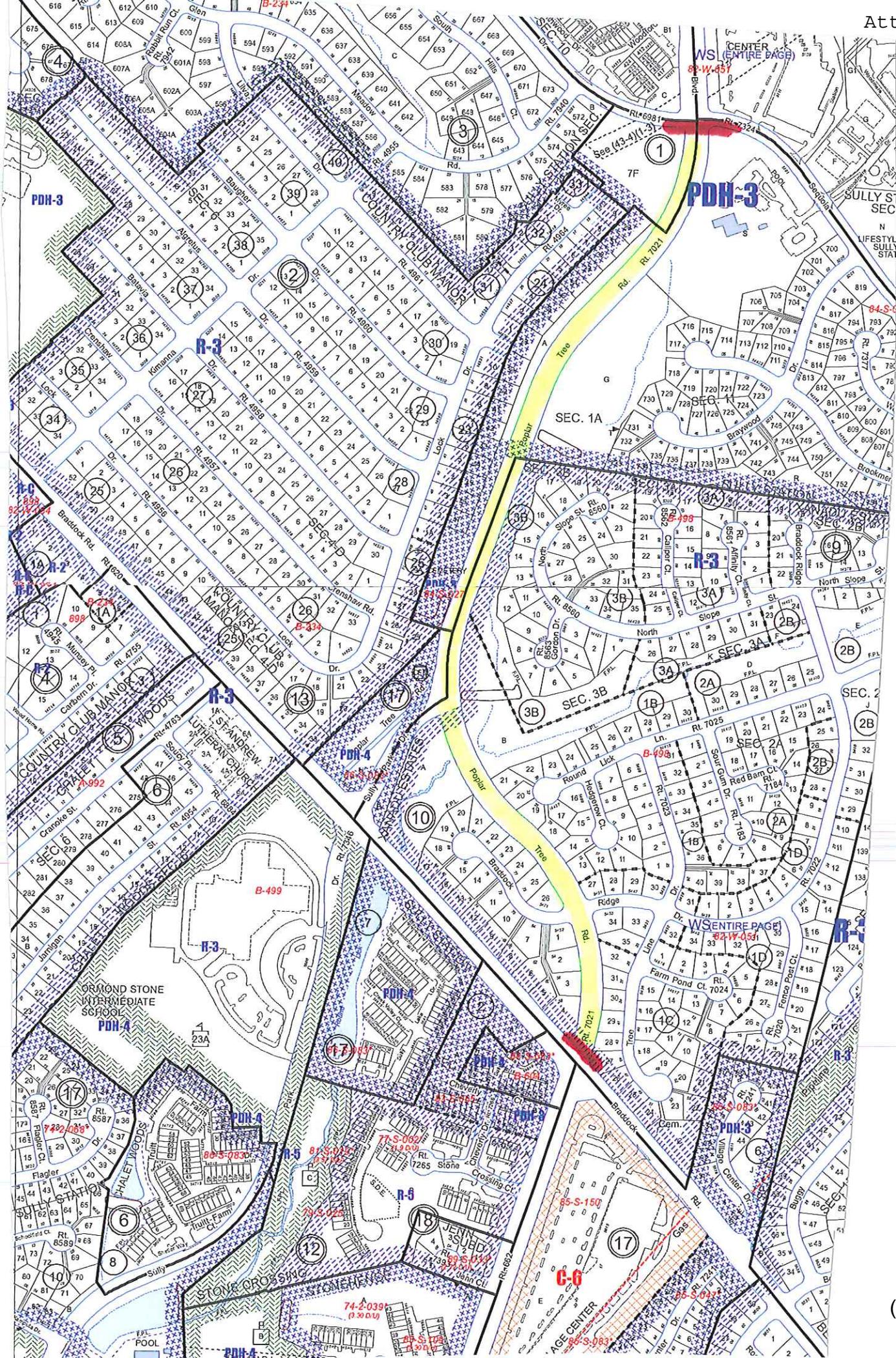
My name is Mike Coyle and I'm a member of Supervisor Frey's staff, and he asked that I inquire about the process to rename Poplar Tree Road to Westfields Boulevard. Poplar Tree Road was recently widened from two lanes to four lanes, and there are no homes or businesses along this stretch of roadway that have an address on Poplar Tree Road. Therefore, to avoid the confusion of the past where motorists traveling on the roadway would go from Stone Road to Poplar Tree Road to Westfields Boulevard all on the same roadway he would like to rename Poplar Tree Road to Westfields Boulevard. Attached is tax map with the section or roadway to be renamed and it encompasses tax maps 44-3 and 54-1.

Please let me know if this information is enough to start the process to rename Poplar Tree Road to Westfields Boulevard, and if not please let me know what information you need. If an official memo from Supervisor Frey is required we can do that.

Thank you.

Mike

Mike Coyle
Administrative Aide
Michael Frey, Sully District Supervisor
Fairfax County Board of Supervisors
4900 Stonecroft Boulevard
Chantilly, VA 20151
Phone: 703-814-7100
Fax: 703-814-7110
E-mail: Michael.Coyle@fairfaxcounty.gov



ADMINISTRATIVE – 4

Extension of Review Period for 2232 Review Application (Sully District)

ISSUE:

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

RECOMMENDATION:

The County Executive recommends that the Board extend the review period for the following application: 2232-Y12-5 to June 3, 2013.

TIMING:

Board action is required on November 20, 2012, to extend the review period of the application noted above before their expiration.

BACKGROUND:

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

The board is asked to extend the review period for application 2232-Y12-5, which was accepted for review by the Department of Planning and Zoning (DPZ) on October 4, 2012. This application is for a non-telecommunication public facility (Virginia Electric and Power Company) and thus, is not subject to the State Code provision for extending the review period by no more than sixty additional days.

The review period for the following application should be extended:

2232-Y12-5	Virginia Electric and Power Company Expand existing utility facility
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Board Agenda Item
November 20, 2012

14600 Compton Road
Sully District

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

FISCAL IMPACT:

None

ENCLOSED DOCUMENTS:

None

STAFF:

Robert A. Stalzer, Deputy County Executive

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

Chris B. Caperton, Chief, Facilities Planning Branch, Planning Division, DPZ

Connie A. Maier, Planner, Facilities Planning Branch, Planning Division, DPZ

Board Agenda Item
November 20, 2012

ACTION – 1

Approval of Updated Memorandum of Understanding (MOU) with Volunteer Fairfax for Volunteer and Donations Management Coordination in an Emergency Situation

ISSUE:

Approval of updated MOU with Volunteer Fairfax to identify additional responsibilities for Volunteer Fairfax in times of disaster.

RECOMMENDATION:

The County Executive recommends that the Board approve the updated MOU between Fairfax County and Volunteer Fairfax and authorize the County Executive to sign it.

TIMING:

Board action is requested on November 20, 2012.

BACKGROUND:

In July 2008, Fairfax County and Volunteer Fairfax executed a MOU to formalize the responsibility of Volunteer Fairfax to process spontaneous volunteers in an emergency situation. From March through August 2012, the Office of Emergency Management (OEM) worked with Volunteer Fairfax and other stakeholders to develop two new annexes to the county Emergency Operations Plan (EOP), the Volunteer Management Annex and the Donations Management Annex. These annexes identify additional responsibilities for Volunteer Fairfax staff in times of disaster, to include collaboration with affiliated volunteer groups and overall coordination of donations management. The MOU between Fairfax County and Volunteer Fairfax was updated in August 2012 to reflect the additional roles outlined in the two new EOP annexes.

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

Attachment 1: MOU with Volunteer Fairfax

STAFF:

David M. Rohrer, Deputy County Executive
David McKernan, Coordinator, Office of Emergency Management

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**MEMORANDUM OF UNDERSTANDING
BETWEEN
FAIRFAX COUNTY
AND VOLUNTEER FAIRFAX FOR
VOLUNTEER AND DONATIONS MANAGEMENT COORDINATION IN AN
EMERGENCY SITUATION**

Purpose

The purpose of this Memorandum of Understanding (MOU) is to define a cooperative working relationship between Fairfax County (hereinafter the County), acting through the Office of Emergency Management (OEM), and Volunteer Fairfax (VF) for the purpose of coordinating donations management for the County and facilitating overall volunteer management, to include coordinating affiliated volunteer groups and processing spontaneous unaffiliated volunteers (SUVs) immediately following an emergency or disaster. This MOU supplements the Volunteer Management and Donations Management Annexes to the County Emergency Operations Plan (EOP) and will outline how Volunteer Fairfax will provide overall volunteer and donations management coordination services to the County.

The Role of Volunteer Fairfax

Volunteer Fairfax is not a first responder organization; through its Disaster Response Plan, Volunteer Fairfax manages a coordinated system for deploying volunteers to government and nonprofit organizations when the emergency situation is deemed safe by County officials. Volunteer Fairfax will provide volunteer registration and referral services through its network of over 700 non-profit organizations in Fairfax County following a significant emergency or disaster situation and for the duration of the recovery effort.

Volunteer Fairfax executive staff will determine reasonable activation capabilities based on an assessment of available staff and resources and will make every effort to respond to a request for activation within 24 hours from the time of request. Volunteer Fairfax will make determinations concerning the use and deployment of staff and volunteers in affected work areas in conjunction with Fire and Rescue, Police, OEM and other County authorities.

By virtue of this agreement Volunteer Fairfax will provide the following services in support of Volunteer and Donations Management in Fairfax County at the discretion of the Director of Emergency Management or his/her Deputy or the Coordinator of the Office of Emergency Management (OEM): 1. Place a representative(s) at the County Emergency Operations Center (EOC) to support communication, planning and activation of the volunteer and donations functions; 2. Establish and operate a virtual information and recruitment structure; 3. Facilitate donations management; and 4. Establish and operate a Volunteer Reception Center (VRC) to register volunteers. Volunteer Fairfax will maintain the ability to establish a VRC within 12 hours of a request.

Volunteer Fairfax acts as a referral agent only and will not be responsible for performing background checks on volunteers. Volunteer Fairfax has the ability to review volunteer criteria based on an agency's request. Any Fairfax County agency that uses volunteers referred by Volunteer Fairfax assumes liability for working with the volunteer, and is

responsible for screening and determining if the volunteer is appropriate for supporting the agency mission.

Methods of Cooperation

Volunteer Fairfax will support the County by activating its Disaster Response Plan and using its Web-based technology and phone bank system to request, register, process, and refer spontaneous unaffiliated volunteers (SUVs). Based on the scope and location of the emergency and/or disaster, Volunteer Fairfax may set up alternate VRCs to meet the needs of different areas of the County.

The Fairfax County Office of Emergency Management (OEM) will help Volunteer Fairfax offer these services by providing alternate locations, and if necessary, equipment and supplies for operating an alternate Volunteer Reception Center and other related systems.

Volunteer Fairfax will support the County by coordinating volunteer requests with affiliated volunteer groups. An affiliated volunteer is a volunteer that is associated with a known organization, has been vetted through that organization, and has gone through an orientation or training session with that organization prior to the incident.

Volunteer Fairfax will support the County by coordinating donations management in conjunction with the County and community partners.

Volunteer Fairfax will communicate with personnel in the Fairfax County Emergency Operations Center (EOC) or the Alternate EOC (in the Government Center) via the internet, e-mail, phone, amateur radio, messenger, and/or in person. Upon activation, Volunteer Fairfax will send a liaison(s) to the County's Emergency Operations Center, if requested.

Nothing in this MOU shall serve to limit the ability of the County to recruit or use volunteers or manage donations on any basis.

Cost Recovery

In the event of a Presidential declaration, Volunteer Fairfax may be eligible for recovery of documented costs beyond normal operating expenses as deemed eligible by the Federal Emergency Management Agency (FEMA).

Fairfax County shall not be liable for any of the normal operating expenses of Volunteer Fairfax, emergency or otherwise, as a result of this MOU. Volunteer Fairfax will pay for its own normal operating expenses and shall receive no compensation from Fairfax County, as it pertains to this MOU.

Term of Memorandum

This Memorandum of Understanding will be in effect as of the date below and shall remain in effect unless terminated by written notification from either party to the other.

Amendments

Amendments to the terms and conditions of this Memorandum of Understanding shall be effective only upon mutual agreement in writing by the parties hereto.

Independent Contractors

Each party hereto shall be solely responsible for the acts and omissions of its officers, agents, employees, contractors, and subcontractors, if any. Nothing herein shall be considered as creating a partnership or joint venture between Fairfax County and Volunteer Fairfax and neither party has the authority to bind the other. Neither party shall represent themselves as officers, agents or employees of the other to third parties.

Other Agreements

This Memorandum of Understanding places no restrictions on either party from participation in similar agreements and/or activities with other public or private entities.

Insurance

Volunteers registered through a VRC and/or who are assigned to support an incident by means described in this MOU become the responsibility of and are considered volunteers of the County department to which they are assigned, and therefore shall be covered under the normal and reasonable insurance protection offered to traditional volunteers within the County. Volunteer Fairfax has no need to obtain liability insurance on such individuals. Volunteer Fairfax maintains liability coverage only on the volunteers that are officially attached to the Volunteer Fairfax emergency program, such as the Volunteer Leadership Team and those volunteers that perform tasks directly under the supervision of Volunteer Fairfax staff or Leadership Team.

Notices

All notices required to be given pursuant to this MOU shall be in writing and shall be delivered in person, delivered by electronic facsimile, or deposited in the United States mail, certified mail, return receipt requested, addressed to the parties as set forth below:

David McKernan, Coordinator

Fairfax County Office of Emergency Management
4890 Alliance Drive
Suite 2200
Fairfax, VA 22030
PH: 571-350-1000, TTY 711
FAX: 571-350-1050

Jeanne Sanders, Executive Director

Volunteer Fairfax
10530 Page Avenue
Fairfax, VA 22030
PH: 703-246-3460
FAX: 703-246-4662

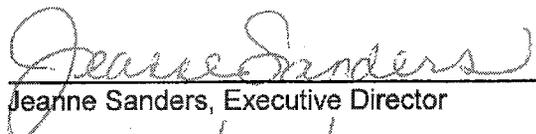
Entered into agreement by:

Fairfax County

By: _____
Edward L. Long Jr., County Executive

Date: _____

Volunteer Fairfax

By: 
Jeanne Sanders, Executive Director

Date: 8/20/12

Board Agenda Item
November 20, 2012

ACTION - 2

Endorsement of Loudoun County's Application for the FY 2014 Virginia Department of Transportation Revenue Sharing Program Funds (Sully District)

ISSUE:

Board endorsement of Loudoun County's application for a maximum of \$1,000,000 in FY 2014 Virginia Department of Transportation (VDOT) Revenue Sharing Program funds in part or whole for intersection improvements at Braddock and Pleasant Valley Roads in Fairfax County.

RECOMMENDATION:

The County Executive recommends that the Board endorse Loudoun County's application for FY 2014 VDOT Revenue Sharing Funds for improvements at the intersection of Braddock and Pleasant Valley Roads in Fairfax County.

TIMING:

The Board of Supervisors should act on this item on November 20, 2012, to allow Loudoun County to complete the application process by the November 28, 2012, VDOT deadline. The Loudoun County Board of Supervisors endorsed the FY14 Revenue Sharing Program on October 3, 2012.

BACKGROUND:

The Loudoun County Board of Supervisors approved \$1 million in FY 2012 Local Gasoline Tax Funds to be used toward construction of the project. VDOT funded the design phase in its FY 2013 Six-Year Improvement Program. Design will begin in the third quarter of FY 2013. Since this project is located just east of the Loudoun/Fairfax border in Fairfax County, it is necessary to obtain a resolution of endorsement from the Fairfax County Board of Supervisors. Loudoun County Office of Transportation staff is coordinating the project with Fairfax County staff. The request is to use the Loudoun County's \$1 million contribution as a local match to obtain an additional \$1 million in funding from the FY 2014 State Revenue Sharing Program.

FISCAL IMPACT:

There is no fiscal impact to Fairfax County.

Board Agenda Item
November 20, 2012

ENCLOSED DOCUMENTS:

Attachment 1: Loudoun County Board of Supervisors Action Item for FY 2014 State Revenue Sharing Program / Endorsement of Applications

Attachment 2: Resolution Endorsing Loudoun County's FY 2014 Application for Revenue Sharing Program Funds

STAFF:

Robert A. Stalzer, Deputy County Executive

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

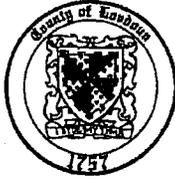
Karyn Moreland, Acting Chief, Capital Projects and Operations Division, FCDOT

Todd Minnix, Chief, Transportation Design Division, FCDOT

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

Ray Johnson, Senior Transportation Planner, Coordination & Funding Division, FCDOT

Janet Nguyen, Transportation Planner, Coordination & Funding Division, FCDOT



Loudoun County, Virginia

www.loudoun.gov

Office of the County Administrator

1 Harrison Street, S.E., 5th Floor, P.O. Box 7000, Leesburg, VA 20177-7000

Telephone (703) 777-0200 • Fax (703) 777-0325

At a business meeting of the Board of Supervisors of Loudoun County, Virginia, held in the County Government Center, Board of Supervisors' Meeting Room, 1 Harrison St., S.E., Leesburg, Virginia, on Wednesday, October 3, 2012 at 9:00 a.m.

IN RE: FY14 REVENUE SHARING PROGRAM/ENDORSEMENT OF APPLICATIONS

Mrs. Volpe moved that the Board of Supervisors endorse the following as candidate projects for the FY 2014 State Revenue Sharing Program: A) Claiborne Parkway Extension; B) Braddock Road/Pleasant Valley Road Intersection Improvements; C) Waxpool Road/Pacific Boulevard and Waxpool Road/Broderick Road Intersection Improvements; D) The Woods Road Realignment and Hard Surfacing; E) Shreve Mill Road Hard Surfacing; F) Belmont Ridge Road and the W&OD Trail Rural Splitter; G) Route 7 Westbound Right Turn lane at Route 719 (Williams Gap Road); H) Cascades Parkway Shared Use Trail at Claude Moore Park; and I) Sugarland Run Drive Resurfacing.

Seconded by Mr. Buona.

Voting on the Motion: Supervisors Buona, Clarke, Delgaudio, Higgins, Letourneau, Volpe, Williams and York – Yes; None – No; Supervisor Reid – Absent for the Vote.

A COPY TESTE:

MARJETTE GILBERT
DEPUTY CLERK FOR THE LOUDOUN
COUNTY BOARD OF SUPERVISORS

(6-FY14 REVENUE SHARING PROGRAM/ENDORSEMENT OF APPLICATIONS)

Date of Meeting: October 3, 2012

**BOARD OF SUPERVISORS
ACTION ITEM**

6

SUBJECT: FY 2014 State Revenue Sharing Program/Endorsement of Applications

ELECTION DISTRICT: Countywide

CRITICAL ACTION DATE: At the pleasure of the Board

STAFF CONTACTS: Terrie L. Laycock, Office of Transportation Services
Rick Conner, Office of Transportation Services

RECOMMENDATION:

Staff: Staff recommends that the Board of Supervisors endorse the candidate projects for the FY 2014 State Revenue Sharing Program: A) Claiborne Parkway Extension; B) Braddock Road/Pleasant Valley Road Intersection Improvements; C) Waxpool Road/Pacific Boulevard and Waxpool Road/Broderick Road Intersection Improvements; D) The Woods Road Realignment and Hard Surfacing; E) Shreve Mill Road Hard Surfacing; F) Belmont Ridge Road and the W&OD Trail Rural Splitter; G) Route 7 Westbound Right Turn lane at Route 719 (Williams Gap Road); H) Cascades Parkway Shared Use Trail at Claude Moore Park; and I) Sugarland Run Drive Resurfacing.

BACKGROUND:

County staff received notice on August 7, 2012 that the Virginia Department of Transportation (VDOT) is accepting applications for the FY 2014 (FY14) State Revenue Sharing Program. Applications must be submitted by November 1, 2012. The purpose of the State Revenue Sharing Program is to provide additional funding for use by a county, city or town to construct, maintain or improve the highway system. The Statewide funding amount for the program will be determined following the 2013 session of the General Assembly. The Commonwealth Transportation Board (CTB) may allocate up to \$200 million annually to the State Revenue Sharing Program (subject to funding availability). A locality may apply for up to a maximum of \$10 million in matching allocation of which \$5 million may be for maintenance projects. Priority will be given first to allocations that accelerate construction projects in the Commonwealth's Transportation Six Year Improvement Program or the locality's capital improvements plan (CIP). If funding is available after funding those requests, second priority will be given to maintenance projects for pavement resurfacing and bridge rehabilitation where the infrastructure has a condition rating that is below the Department's stated maintenance performance targets. Priority three projects are construction and maintenance projects that do not meet the first two criteria.

County staff has considered previous Board approved projects as well as several projects that staff is recommending be included in the CIP as candidate projects. Several of the projects were raised by members of the Board of Supervisors with staff. Staff has reviewed the available cash proffers associated with these projects as well as local gasoline tax funds that have been provisionally approved for the FY14 State Revenue Sharing generally (\$2.1 Million) and other local gasoline tax funds appropriated during the year. Each project being proposed is outlined below:

Claiborne Parkway Four Lane Extension Between Croson Lane to Ryan Road: The Board approved cash proffers to design the project. Design is underway and should be completed in the fourth quarter of 2013. The estimated cost to construct the project is \$6 million. The project has \$4 million from the FY 2013 (FY13) State Revenue Sharing Program. The request is to apply for the balance needed of \$2 million from the FY14 Revenue Sharing Program.

Braddock Road/Pleasant Valley Road Intersection Improvements: The Board approved \$1 million in FY 2012 (FY12) Local Gasoline Tax Fund to be used toward construction of the project. VDOT funded the design phase in its FY13 Six-Year Improvement Program. Design will be kicked off in the third quarter of 2012. As this project is located just east of the Loudoun/Fairfax border, it will be necessary to obtain a resolution of endorsement from the Fairfax County Board of Supervisors. Office of Transportation staff is coordinating with Fairfax County staff on the project. The request is to use the County's \$1 million contribution as a local match to obtain an additional \$1 million in funding from the FY14 State Revenue Sharing Program.

Waxpool Road/Pacific Boulevard and Waxpool Road/Broderick Drive Intersection Improvements: The Board approved \$1 million in FY12 local gasoline tax funds to be used toward the design of the project. A Request for Proposal for Design Services will soon be issued. The estimated cost for design is \$7.4 million. The request is to use a combination of cash proffers and FY12 local gasoline tax funds as a local match to obtain additional funding from the FY14 State Revenue Sharing Program. On September 24th VDOT announced it will budget \$ 7 million for improvements to the Waxpool corridor. Staff is recommending that the Board apply for revenue share funds to match the County's proffer funds allowing for up to \$ 14.4 million total to be used to improve the corridor. Staff will be working with VDOT staff to specify the improvements and will advise the Board on an on-going basis with respect to the status of these efforts.

The Woods Road Realignment and Paving: This project is included in the Secondary Road Six Year Plan. There are sufficient funds for design and a portion of the funds for construction available. To fully fund construction of the project an additional \$2.8 million is needed. The design is underway and will be completed in the third quarter of 2013. The request is to allocate \$1.4 million from FY14 local gasoline tax funds as a local match to obtain \$1.4 million in additional funding from the FY14 State Revenue Sharing Program.

Shreve Mill Road Hard Surface Between Route 621 and the Dulles Greenway: Staff is recommending this project be included in the County's FY14 CIP in the amount of \$1 million. The request is to fund \$500,000 from FY14 local gasoline tax funds as a local match to obtain \$500,000 in additional funding from the FY14 State Revenue Sharing Program.

Belmont Ridge Road – Rural Splitter at the W&OD Trail: Staff is recommending this project be included in the County's FY14 CIP in the amount of \$1 million. This project would install a rural splitter (a physical island that is built in the road to separate the lanes) on Belmont Ridge Road which will serve as a traffic calming measure in the vicinity of the W&OD trail crossing by causing vehicles to slow down on the approaches to the trail. Other elements to improve safety are being added in the vicinity of the trail such as pedestrian activated flashing beacons on the trail, brush trimming to improve sight distance for trail users and closing the parking area. Staff has identified a \$200,000 cash proffer from the Belmont Green development along with \$300,000 in FY14 local gasoline tax funds as a local match to obtain \$500,000 in additional funding from the FY 2014 State Revenue Sharing Program.

Route 7/Route 719 (Williams Gap Road) Right Turn Lane: Staff is recommending this project be included in the County's FY14 CIP in the amount of \$1.35 million. The project would address a safety issue for westbound traffic turning right onto Williams Gap Road. The request is to fund \$675,000 in FY14 local gasoline tax funds as the local match to obtain \$675,000 in additional funding from the FY14 State Revenue Sharing Program.

Cascades Parkway Shared Use Trail: Staff is recommending this project be included in the County's FY14 CIP in the amount of \$400,000. The project is proposed to be divided into two phases. Phase 1 would be for \$370,000 to design and construct the trail between the two entrances into Claude Moore Park from Cascades Parkway. Phase 2 would be for \$30,000 to design the trail between the northern park entrance and Potomac View Road. Phase 2 is more difficult terrain and will allow for the impact of the trail to be known prior to seeking construction funding. The request is to fund \$200,000 in FY14 local gasoline tax funds as the local match to obtain \$200,000 in additional funding from the FY14 State Revenue Sharing Program.

Sugarland Run Drive Resurfacing (Maintenance Project): This project proposes to resurface Sugarland Run Drive in the Sugarland Run community. This project is a maintenance project and, as such, falls into the second priority funding category. The estimated cost is \$530,000. There is no State funding available to resurface secondary roads in Loudoun County. The request is to fund \$265,000 in FY14 local gasoline tax funds as the local match to obtain \$265,000 in additional funding from the FY14 State Revenue Sharing Program.

The County will be notified in June 2013 as to which projects were approved by the Commonwealth Transportation Board.

ISSUES:

The revenue sharing approach represents an opportunity to advance various road improvements where needed. While the overall funded is limiting, opportunities to make improvements to the Waxpool corridor, a priority improvement for the Board of Supervisors can be realized. Staff will continue exploring funding options for the other priority projects which include Route 606, Route 659 between Gloucester Parkway and Hay Road, and the Route 606 and Route 50 interchange.

FISCAL IMPACT:

The proposed projects together require local funding as follows: \$2.4 million from FY12 Local Gasoline Tax Fund balance that has already been appropriated by the Board; \$2.1 million from FY13 Adopted budgeted appropriation of State Revenue Sharing funding within the Local Gasoline Tax Fund; \$2.1 million from FY14 Provisional budgeted appropriation of State Revenue Sharing funding within the Local Gasoline Tax Fund ; \$1.2 million from FY12 Purcellville Park and Ride Lot Project Balance; \$2,143,829 in Cash Proffers and \$1,796,171 from Local Gasoline Tax Anticipated Fund Balance.

If the Board approves the proposed project list and funding plan, staff will submit the project applications to VDOT and submit the projects for inclusion in the County's FY 2014 CIP. Staff will also prepare funding appropriation requests and budget adjustments as needed.

ALTERNATIVES:

The Board can propose alternatives to the staff recommendations.

DRAFT MOTIONS:

1. I move that the Board of Supervisors endorse the following as candidate projects for the FY 2014 State Revenue Sharing Program: A) Claiborne Parkway Extension; B) Braddock Road/Pleasant Valley Road Intersection Improvements; C) Waxpool Road/Pacific Boulevard and Waxpool Road/Broderick Road Intersection Improvements; D) The Woods Road Realignment and Hard Surfacing; E) Shreve Mill Road Hard Surfacing; F) Belmont Ridge Road and the W&OD Trail Rural Splitter; G) Route 7 Westbound Right Turn lane at Route 719 (Williams Gap Road); H) Cascades Parkway Shared Use Trail at Claude Moore Park; and I) Sugarland Run Drive Resurfacing.

OR

2. I move an alternate motion.

ATTACHMENT:

1. FY 2014 Revenue Share Proposal Chart

PROJECT NAME	DESCRIPTION	COST ESTIMATE	PREVIOUS FUNDING	FUTURE REQUIRED FUNDING	PROJECT ADMIN.	STATUS
Claiborne Parkway Extension – Croson Lane to Ryan Road	Construction Phase – Four lanes	\$6 Million	\$4 Million (\$2 M FY 2013 State Revenue Share / \$2M FY 2013 Local Gas Tax)	\$2 Million (\$1 M FY 2014 State Revenue Share - State Funds/\$1 M FY 2014 Local Gas Tax)	Loudoun County	Project is in design. Design completed in 4 th Q 2013. Construction in 2 nd Q 2014
Braddock/Pleasant Valley Road	Intersection Improvements	\$2 Million	\$1 Million (FY 2012 Local Gas Tax – BOS approved 6-5-12)	\$1 Million (FY 2014 State Revenue Share funds)	VDOT	VDOT funded design phase. Design to be kicked off in 3 rd Q 2012. No construction date.
Waxpool Road/Pacific Blvd and Waxpool Road/Broderick Drive	Intersection Improvements	\$7.4 Million	\$2,943,829 (\$1,943,829 cash proffer from Dulles 28 Center/ \$1,000,000 FY 2012 Local Gas Tax)	\$4,456,171 (\$3.2M -FY 2014 State Revenue Share - State funds/ \$1,256,171 FY 2012 Local Gas Tax from Purcellville P&R lot)	Loudoun County	Mtg. with VDOT on 9/7/12 to discuss project scope. RFP for design to be issued then. \$1M in FY 13 local gas tax approved for design by BOS on 7/17/12
The Woods Road	Realignment and Construction of Two Lanes from Route 621 to north of LC Landfill	\$2.8 Million	\$0	\$2.8 M (\$1.4 M FY 2014 State Revenue Share funds/ \$1.4 M FY 2014 Local Gas Tax)	VDOT	Design completed in 3 rd Q 2013 – Construction Ad 1s5 Q 2015
Shreve Mill Road from Route 621 to Dulles Greenway	Paving 0.4 miles and modify intersection with Route 621	\$1 Million	\$0	\$1 Million (\$500k –FY 2014 State Revenue Share funds / \$500k FY 2014 Local Gas Tax)	VDOT	New Project
Belmont Ridge Road – W&OD Trail	Install a Rural Splitter	\$1 Million	\$200,000 (cash proffer from Belmont Green)	\$800,000 (\$500k- FY 2014 State Revenue Share funds/ \$300k from Subdivision Contribution from Ashburn Farm or FY 2014 Local Gas Tax)	VDOT	New Project
Route 7/Route 719 – Williams Gap Road Intersection	Design and Construct a WB right turn lane	\$1.35 Million	\$0	\$1.35 Million (\$675k FY 2014 State Revenue Share funds/ \$675k FY 2014 Local Gas Tax)	VDOT	New Project

PROJECT NAME	DESCRIPTION	COST ESTIMATE	PREVIOUS FUNDING	FUTURE REQUIRED FUNDING	PROJECT ADMIN.	STATUS
Sugarland Run Drive	Paving	\$530,000	\$0	\$530,000 (\$265k- FY 2014 State Revenue funds/ \$265k FY 2014 Local Gas Tax)	VDOT	New Project
Cascades Parkway Shared Use Trail (Claude Moore Park)	Eight Foot Shared Use Trail – Phase 1 Design and Construct between Park Entrances and Phase 2 Design from North Entrance to Potomac View Road	Phase 1 - \$370,000 Phase 2 - \$30,000	\$0	\$400,000 (\$200k- FY 2014 State Revenue Share funds/ \$200k FY 2014 Local Gas Tax)	County	New Project
FUNDING TOTAL		\$22,480,000	\$8,143,829	\$14,336,171		

County Appropriated Funding Sources

FY 2012 Local Gas Tax Appropriated Fund Balance	\$2,400,000
FY 2013 Local Gas Tax Adopted Budget	\$2,100,000
FY 2014 Local Gas Tax Provisional Budget	\$2,100,000
<u>Recommended Cash Proffers</u>	<u>\$2,143,829</u>
Subtotal	\$8,743,829

Anticipated/ Received State Revenue Sharing Funding

FY 2013 State Revenue Sharing Funds	\$2,000,000
Projected FY 2014 State Revenue Sharing Funds	\$8,740,000
Subtotal	\$10,740,000

**TOTAL APPROPRIATED/
ANTICIPATED FUNDING**

\$19,483,829

TOTAL “GAP” Funding Required

\$2,996,171

FY 2012 Purcellville P&R Lot Project Balance	\$1,200,000
Cash Proffer from Ashburn Farm	\$0
Subtotal	\$1,200,000

TOTAL FY 2014 County Funding Required **\$1,796,171**

RESOLUTION

ENDORISING LOUDOUN COUNTY'S FY 2014 APPLICATION FOR REVENUE SHARING PROGRAM FUNDS

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium of the Fairfax County Government Center in Fairfax, Virginia, on Tuesday, November 20, 2012, at which meeting a quorum was present and voting, the following resolution was adopted.

WHEREAS, Loudoun County desires to submit an application for an allocation of funds of up to \$1,000,000 through the Virginia Department of Transportation Fiscal Year 2014 Revenue Sharing Program; and,

WHEREAS, \$1,000,000 of these funds are requested to fund intersection improvements at Braddock Road and Pleasant Valley Road in Fairfax County;

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Fairfax County hereby supports Loudoun County's application for an allocation of \$1,000,000 through the Virginia Department of Transportation Revenue Sharing Program.

BE IT FURTHER RESOLVED THAT the Board of Supervisors of Fairfax County hereby grants authority for the County Executive (or his Designee) to execute the project administration agreements for any approved revenue sharing projects.

A Copy Teste:

Catherine A. Chianese
Clerk to the Board of Supervisors

ACTION - 3

Approval of a Standard Project Administration Agreement with the Virginia Department of Transportation to Receive Funding for the McLean Gateway – Old Dominion Drive Transportation Enhancement Project, and Supplemental Appropriation Resolution 13152 (Dranesville District)

ISSUE:

Board of Supervisors authorization is requested for the Department of Transportation to enter into a construction and funding agreement with the Virginia Department of Transportation (VDOT) for the McLean Gateway – Old Dominion Drive project (EN12-029-024 P101, C501). Grant funding of \$120,000 is available in Transportation Enhancement grants. No County Local Cash Match is required; however, a local match requirement of \$30,000 is being provided by the McLean Revitalization Corporation. This brings total funding to the project to \$150,000. Funding will support the design and construction of a median island with an identifiable McLean Gateway sign on Old Dominion Drive on the southeastern approach to the McLean Central Business District, as well as pedestrian scaled lampposts and signage for vehicle/bicycle shared use lanes.

RECOMMENDATION:

The County Executive recommends the Board authorize the Department of Transportation enter into the Standard Project Administration Agreement (Attachment 1) in substantial form; approve the resolution authorizing County staff to execute the agreement (Attachment 2); and approve Supplemental Appropriation Resolution AS 13152 (Attachment 3) to accept grant funding in the amount of \$120,000 from VDOT to construct the McLean Gateway – Old Dominion Drive Project

TIMING:

Board approval is requested on November 20, 2012.

DISCUSSION:

The Board of Supervisors endorsed the application for the McLean Gateway – Old Dominion Drive project on October 18, 2011. The project includes the design and construction of a landscaped median island with an identifiable McLean Gateway sign on Old Dominion Drive on the southeastern approach to the McLean Central Business District at the intersection with McLean Drive, as well as pedestrian scaled lampposts

Board Agenda Item
November 20, 2012

and signage for vehicle/bicycle shared use lanes. The grant was selected by the Commonwealth Transportation Board (CTB) in June 2012. The grant award and local match fully fund the project for design and construction. The current project estimate is \$148,500. This estimate assumes that all work will be done in the existing right-of-way. However, if the project cost should exceed the current estimate, this project is eligible for additional funding under the new Transportation Alternatives Program (successor to the Transportation Enhancement Program). Additional funding can be obtained by new grants, as long as additional local match is provided. Should that be necessary, County staff will return to the Board with an appropriate request for additional authorization.

FISCAL IMPACT:

Grant funding in the amount of \$120,000 is available from the VDOT for the design and construction of a median island with an identifiable McLean Gateway sign on Old Dominion Drive, as well as pedestrian scaled lampposts and signage for vehicle/bicycle shared use lanes. No County local cash match is required; however, the required local match of \$30,000 is being provided by the Mclean Revitalization Corporation. This action does not increase the expenditure level in the Federal-State Grant Fund, as funds are held in reserve for unanticipated grant awards in FY 2013. This grant does not allow for the recovery of indirect costs.

CREATION OF POSITIONS:

No positions will be created through this grant award.

ENCLOSED DOCUMENTS:

Attachment 1 - Project Agreement for McLean Gateway with VDOT
Attachment 2 - Resolution to Execute Agreement
Attachment 3 - Supplemental Appropriations Resolution #13152

STAFF:

Robert A. Stalzer, Deputy County Executive
Tom Biesiadny, Director, Fairfax County Department of Transportation (FCDOT)
Todd Wigglesworth, Acting Chief, Coordination and Funding Division, FCDOT
Ken Kanownik, Transportation Planner, Coordination and Funding Division, FCDOT

STANDARD PROJECT ADMINISTRATION AGREEMENT
Federal-aid Projects

Project Number	UPC	Local Government
EN12-029-024, P101, C501	103594	Fairfax County McLean Gateway – Old Dominion Drive

THIS AGREEMENT, made and executed in triplicate this ____ day of _____, 20____, by and between the County of Fairfax, Virginia, hereinafter referred to as the LOCALITY and the Commonwealth of Virginia, Department of Transportation, hereinafter referred to as the DEPARTMENT.

WHEREAS, the LOCALITY has expressed its desire to administer the work described in Appendix A, and such work for each improvement shown is hereinafter referred to as the Project; and

WHEREAS, the funds shown in Appendix A have been allocated to finance each Project; and

WHEREAS, the LOCALITY is committed to the development and delivery of each Project described in Appendix A in an expeditious manner; and;

WHEREAS, both parties have concurred in the LOCALITY's administration of the phase(s) of work for the respective Project(s) listed in Appendix A in accordance with applicable federal, state, and local law and regulations.

NOW THEREFORE, in consideration of the mutual premises contained herein, the parties hereto agree as follows:

1. The LOCALITY shall:
 - a. Be responsible for all activities necessary to complete the noted phase(s) of each Project shown in Appendix A, except for activities, decisions, and approvals which are the responsibility of the DEPARTMENT, as required by federal or state laws and regulations or as otherwise agreed to, in writing, between the parties. Each Project will be designed and constructed to meet or exceed current American Association of State Highway and Transportation Officials standards or supplementary standards approved by the DEPARTMENT
 - b. Meet all funding obligation and expenditure timeline requirements in accordance with all applicable federal and state laws and regulations, and Commonwealth Transportation Board and DEPARTMENT policies and as identified in Appendix A to this Agreement. Noncompliance with this requirement can result in deallocation of the funding, rescinding of state funding match, termination of this Agreement, or DEPARTMENT denial of future requests to administer projects by the LOCALITY.

- c. Receive prior written authorization from the DEPARTMENT to proceed with preliminary engineering, right-of-way acquisition and utility relocation, and construction phases of each Project.
- d. Administer the project(s) in accordance with guidelines applicable to Locally Administered Projects as published by the DEPARTMENT.
- e. Maintain accurate and complete records of each Project's development and documentation of all expenditures and make such information available for inspection or auditing by the DEPARTMENT. Records and documentation for items for which reimbursement will be requested shall be maintained for no less than three (3) years following acceptance of the final voucher on each Project.
- f. No more frequently than monthly, submit invoices with supporting documentation to the DEPARTMENT in the form prescribed by the DEPARTMENT. The supporting documentation shall include copies of related vendor invoices paid by the LOCALITY and an up-to-date project summary and schedule tracking payment requests and adjustments. A request for reimbursement shall be made within 90 days after any eligible project expenses are incurred by the Locality. For federally funded projects and pursuant to the Code of Federal Regulations, Title 49, Section 18.43, violations of the provision may result in the imposition of sanctions including but not limited to possible denial or delay of payment of all or a part of the costs associated with the activity or action not in compliance.
- g. Reimburse the DEPARTMENT all Project expenses incurred by the DEPARTMENT if, due to action or inaction solely by the LOCALITY, federally funded Project expenditures incurred are not reimbursed by the Federal Highway Administration (FHWA), or reimbursements are required to be returned to the FHWA, or in the event the reimbursement provisions of Section 33.1-44 or Section 33.1-70.01 of the Code of Virginia, 1950, as amended, or other applicable provisions of federal, state, or local law or regulations require such reimbursement.
- h. On Projects that the LOCALITY is providing the required match to state or federal funds, pay the DEPARTMENT the LOCALITY's match for eligible Project expenses incurred by the DEPARTMENT in the performance of activities set forth in paragraph 2.a.
- i. Administer the Project in accordance with all applicable federal, state, or local laws and regulations. Failure to fulfill legal obligations associated with the project may result in forfeiture of federal or state-aid reimbursements
- j. Provide certification by a LOCALITY official that all LOCALITY administered Project activities have been performed in accordance with all

federal, state, and local laws and regulations. If the locality expends over \$500,000 annually in federal funding, such certification shall include a copy of the LOCALITY's single program audit in accordance with Office of Management and Budget Circular A-133.

- k. If legal services other than that provided by staff counsel are required in connection with condemnation proceedings associated with the acquisition of Right-of-Way, the LOCALITY will consult the DEPARTMENT to obtain an attorney from the list of outside counsel approved by the Office of the Attorney General. Costs associated with outside counsel services shall be reimbursable expenses of the project.
 - l. For Projects on facilities not maintained by the DEPARTMENT, provide, or have others provide, maintenance of the Project upon completion, unless otherwise agreed to by the DEPARTMENT.
 - m. Ensure compliance with the provisions of Title VI of the Civil Rights Act of 1964, regulations of the United States Department of Transportation (USDOT), Presidential Executive Orders and the Code of Virginia relative to nondiscrimination.
2. The DEPARTMENT shall:
- a. Perform any actions and provide any decisions and approvals which are the responsibility of the DEPARTMENT, as required by federal and state laws and regulations or as otherwise agreed to, in writing, between the parties and provide necessary coordination with the FHWA as determined to be necessary by the DEPARTMENT.
 - b. Upon receipt of the LOCALITY's invoices pursuant to paragraph 1.f., reimburse the LOCALITY the cost of eligible Project expenses, as described in Appendix A. Such reimbursements shall be payable by the DEPARTMENT within 30 days of an acceptable submission by the LOCALITY.
 - c. If appropriate, submit invoices to the LOCALITY for the LOCALITY's share of eligible project expenses incurred by the DEPARTMENT in the performance of activities pursuant to paragraph 2.a.
 - d. Audit the LOCALITY's Project records and documentation as may be required to verify LOCALITY compliance with federal and state laws and regulations.
 - e. Make available to the LOCALITY guidelines to assist the parties in carrying out responsibilities under this Agreement.
3. Appendix A identifies the funding sources for the project, phases of work to be administered by the LOCALITY, and additional project-specific requirements agreed to by the parties. There may be additional elements that, once identified,

shall be addressed by the parties hereto in writing, which may require an amendment to this Agreement.

4. If designated by the DEPARTMENT, the LOCALITY is authorized to act as the DEPARTMENT's agent for the purpose of conducting survey work pursuant to Section 33.1-94 of the Code of Virginia, 1950, as amended.
5. Nothing in this Agreement shall obligate the parties hereto to expend or provide any funds in excess of funds agreed upon in this Agreement or as shall have been included in an annual or other lawful appropriation. In the event the cost of a Project is anticipated to exceed the allocation shown for such respective Project on Appendix A, both parties agree to cooperate in providing additional funding for the Project or to terminate the Project before its costs exceed the allocated amount, however the DEPARTMENT and the LOCALITY shall not be obligated to provide additional funds beyond those appropriated pursuant to an annual or other lawful appropriation.
6. Nothing in this Agreement shall be construed as a waiver of the LOCALITY's or the Commonwealth of Virginia's sovereign immunity.
7. The Parties mutually agree and acknowledge, in entering this Agreement, that the individuals acting on behalf of the Parties are acting within the scope of their official authority and the Parties agree that neither Party will bring a suit or assert a claim against any official, officer, or employee of either party, in their individual or personal capacity for a breach or violation of the terms of this Agreement or to otherwise enforce the terms and conditions of this Agreement. The foregoing notwithstanding, nothing in this subparagraph shall prevent the enforcement of the terms and conditions of this Agreement by or against either Party in a competent court of law.
8. The Parties mutually agree that no provision of this Agreement shall create in the public, or in any person or entity other than the Parties, rights as a third party beneficiary hereunder, or authorize any person or entity, not a party hereto, to maintain any action for, without limitation, personal injury, property damage, breach of contract, or return of money, or property, deposit(s), cancellation or forfeiture of bonds, financial instruments, pursuant to the terms of this Agreement or otherwise. Notwithstanding any other provision of this Agreement to the contrary, unless otherwise provided, the Parties agree that the LOCALITY or the DEPARTMENT shall not be bound by any agreements between the either party and other persons or entities concerning any matter which is the subject of this Agreement, unless and until the LOCALITY or the DEPARTMENT has, in writing, receive a true copy of such agreement(s) and has affirmatively agreed, in writing, to be bound by such Agreement.
9. This Agreement may be terminated by either party upon 30 days advance written notice. Eligible Project expenses incurred through the date of termination shall be reimbursed in accordance with paragraphs 1.f, 1.g., and 2.b, subject to the limitations established in this Agreement and Appendix A. Upon termination, the

DEPARTMENT shall retain ownership of plans, specifications, and right of way, unless all state and federal funds provided for the Project have been reimbursed to the DEPARTMENT by the LOCALITY, in which case the LOCALITY will have ownership of the plans, specifications, and right of way, unless otherwise mutually agreed upon in writing.

10. Prior to any action pursuant to paragraphs 1.b or 1.g of this Agreement, the DEPARTMENT shall provide notice to the LOCALITY with a specific description of the breach of agreement provisions. Upon receipt of a notice of breach, the LOCALITY will be provided the opportunity to cure such breach or to provide a plan to cure to the satisfaction to the DEPARTMENT. If, within sixty (60) days after receipt of the written notice of breach, the LOCALITY has neither cured the breach, nor is diligently pursuing a cure of the breach to the satisfaction of the DEPARTMENT, then upon receipt by the LOCALITY of a written notice from the DEPARTMENT stating that the breach has neither been cured, nor is the LOCALITY diligently pursuing a cure, the DEPARTMENT may exercise any remedies it may have under this Agreement.

THE LOCALITY and DEPARTMENT acknowledge and agree that this Agreement has been prepared jointly by the parties and shall be construed simply and in accordance with its fair meaning and not strictly for or against any party.

THIS AGREEMENT, when properly executed, shall be binding upon both parties, their successors, and assigns.

THIS AGREEMENT may be modified in writing by mutual agreement of both parties.

IN WITNESS WHEREOF, each party hereto has caused this Agreement to be executed as of the day, month, and year first herein written.

COUNTY OF FAIRFAX, VIRGINIA:

Typed or printed name of signatory

Date

Title

Signature of Witness

Date

NOTE: The official signing for the LOCALITY must attach a certified copy of his or her authority to execute this Agreement.

**COMMONWEALTH OF VIRGINIA, DEPARTMENT OF
TRANSPORTATION:**

Commissioner of Highways
Commonwealth of Virginia
Department of Transportation

Date

Signature of Witness

Date

Attachment

Appendix A

Fairfax County Board of Supervisors Resolution

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, November 20, 2012, at which meeting a quorum was present and voting, the following resolution was adopted.

AGREEMENT EXECUTION RESOLUTION

WHEREAS, in accordance with Virginia Department of Transportation project agreement procedures, it is necessary that a resolution be received from the local government authorizing execution of an agreement.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Fairfax County, Virginia, authorizes County staff to execute, on behalf of the County of Fairfax, a Project Administration Agreement with the Virginia Department of Transportation for the McLean Gateway – Old Dominion Drive Transportation Enhancement Project by the County of Fairfax.

Adopted this ____ day of _____, 2012, Fairfax, Virginia

ATTEST _____
Catherine A. Chianese
Clerk to the Board of Supervisors

SUPPLEMENTAL APPROPRIATION RESOLUTION AS 13152

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium in the Government Center at 12000 Government Center Parkway, Fairfax Virginia on November 20, 2012, at which a quorum was present and voting, the following resolution was adopted:

BE IT RESOLVED by the Board of Supervisors of Fairfax County, Virginia, that in addition to appropriations made previously for FY 2013, the following supplemental appropriation is authorized and the Fiscal Planning Resolution is amended accordingly:

Appropriate to:

Fund: 500-C50000, Federal-State Grant Fund
(formerly Fund 102, Federal/State Grant Fund)

Agency: G4040, Department of Transportation \$120,000
Grant: 1400091-2013, McLean Gateway – Old Dominion Drive Transportation
Enhancement Project

Reduce Appropriation to:

Agency: G8787, Unclassified Admin \$120,000
Fund: 500-C50000, Federal-State Grant Fund
(formerly Fund 102, Federal/State Grant Fund)

Source of Funds: Commonwealth of Virginia Department of Transportation,
\$120,000

A Copy - Teste:

Catherine A. Chianese
Clerk to the Board of Supervisors

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ACTION – 4

Adoption of a Resolution that Confirms the Declaration of Local Emergency for Hurricane Sandy, Approves and Consents to those Actions Taken by the Director of Emergency Management and County Staff During that Emergency, and Confirms the Termination of that Declared Local Emergency

ISSUE:

Board adoption of a resolution that (1) confirms the declaration of local emergency by the County Executive on October 28, 2012, to respond to the impacts of Hurricane Sandy causing widespread damage and utility outages; (2) approves and consents to all actions taken by the County Executive and County staff pursuant to that declared local emergency, and (3) confirms the termination of that declared local emergency by the County Executive on October 31, 2012, at 10 a.m.

RECOMMENDATION:

The County Executive recommends that the Board adopt the draft resolution set forth in Attachment 1.

TIMING:

Virginia law requires Board action at the next regularly scheduled meeting of the Board following the declaration of local emergency. The Board was briefed about the declaration at its meeting on October 30, 2012. Board action is needed at its meeting on November 20, 2012, to adopt the attached Resolution.

BACKGROUND:

In the aftermath of Hurricane Sandy causing wide-spread damage and utility outages, the County Executive, acting in his capacity as Director of Emergency Management, signed a Declaration of Local Emergency, effective October 28, 2012. That Declaration officially activated the County's Emergency Operations Plan and authorized the furnishing of aid and assistance under the Plan in order to mitigate the results of the violent storms. The Governor of Virginia also declared a state of emergency for Virginia. The County Executive terminated the local emergency effective October 31, 2012, at 10 a.m., after determining that all coordinated local government emergency actions had been taken, and it was no longer necessary for the Declaration of Local Emergency to remain in effect.

The Commonwealth of Virginia Emergency Services and Disaster Law of 2000, codified at Virginia Code §§ 44-146.13 through 44-146.28.1, authorizes the County Director of Emergency Management to declare the existence of a local emergency when the governing body cannot convene. Any such declaration is subject to confirmation by the governing body at its next regularly scheduled meeting or at a special meeting within fourteen days of the declaration, whichever occurs first. Virginia Code § 44-146.21(a). On October 30, 2012, the next regularly scheduled meeting of the Board, the Board was briefed about the disaster and actions taken as of that time by County staff. Since the response to the disaster was still underway a formal resolution was not presented to the Board for adoption. Therefore, staff requests the Board to adopt a Resolution (Attachment 1) to confirm the Declaration of Local Emergency, the termination of the local emergency, and to approve and consent to all actions taken by the Director of Emergency Management and County staff pursuant to the declaration and the Fairfax County Emergency Operations Plan.

FISCAL IMPACT:

Wide-spread damage in the County was caused by Hurricane Sandy. The hurricane caused significant utility interruption, including loss of power to many traffic control devices, and significant damage to property from hundreds of fallen trees. Confirmation of this declaration of a local emergency by the Board will permit the County to seek funds as appropriate for evaluation, recovery, and clean-up actions.

ENCLOSED DOCUMENTS:

Attachment 1 – Draft Board Resolution

Attachment 2 – Declaration of a Local Emergency by the County Executive on October 28, 2012

Attachment 3 – Termination of a Declared Local Emergency by the County Executive on October 31, 2012

Attachment 4 – News Release of Virginia Declaration of State of Emergency

STAFF:

Edward L. Long Jr., County Executive

David M. Rohrer, Deputy County Executive for Public Safety

David M. McKernan, Coordinator, Office of Emergency Management

**Resolution Confirming the
Declaration of Local Emergency
(Hurricane Sandy)**

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, November 20, 2012, at which a quorum was present and voting, the following resolution was adopted:

WHEREAS, the Commonwealth of Virginia Emergency Services and Disaster Law of 2000, codified at Virginia Code §§ 44-146.13 through 44-146.28.1, authorizes the Director of Emergency Management to declare the existence of a local emergency when the governing body cannot convene, subject to confirmation by the governing body at its next regularly scheduled meeting or at a special meeting within fourteen days of the declaration; and

WHEREAS, the impacts of Hurricane Sandy were wide-spread and caused significant utility interruption and significant damage to property from hundreds of fallen trees in Fairfax County, Virginia, with dangerous circumstances of sufficient severity and magnitude to warrant coordinated local government action to alleviate the damage, loss, hardship, or suffering threatened or caused thereby; and

WHEREAS, such an emergency necessitated the Declaration of a Local Emergency by the Director of Emergency Management, effective October 28, 2012; and

WHEREAS, circumstances did not permit the governing body to convene to consent to the declaration of a local emergency; and

WHEREAS, the Director of Emergency Management determined that all coordinated local government emergency actions had been taken and that it was not necessary to extend the Declaration of Local Emergency beyond October 31, 2012; and

WHEREAS, the Board of Supervisors of Fairfax County seeks to confirm the Declaration of Local Emergency and to approve and consent to all actions taken by the Director of Emergency Management and County staff pursuant to the declaration and the Fairfax County Emergency Operations Plan;

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Fairfax County

1. Confirms the Declaration of a Local Emergency on October 28, 2012; and
2. Approves and consents to all actions taken by the Director of Emergency Management and County staff pursuant to the Declaration of Local Emergency and the Fairfax County Emergency Operations Plan; and
3. Approves and consents to the Evacuation Order for the Huntington neighborhood dated October 29, 2012, and the Termination of Evacuation Order dated October 30, 2012; and
4. Confirms the Termination of a Declared Local Emergency at 10 a.m. on October 31, 2012.

A Copy Teste:

Catherine A. Chianese
Clerk of the Board of Supervisors

**Declaration Of A Local Emergency
(Hurricane Sandy)**

WHEREAS, due to the impacts of Hurricane Sandy and the potential for heavy rains and tropical storm force winds, resulting in wide-spread power outages and flooding, the County of Fairfax is facing dangerous conditions of sufficient severity and magnitude to warrant coordinated local government action to prevent or alleviate the damage, loss, hardship or suffering threatened or caused thereby; and

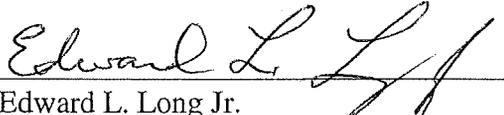
WHEREAS, the conditions of extreme peril to life and property necessitate the proclamation of the existence of a local emergency; and

WHEREAS, circumstances do not permit the governing body to convene to consent to the declaration of a local emergency;

NOW, THEREFORE, subject to confirmation by the Board of Supervisors, which is the governing body of Fairfax County, Virginia, in accordance with Virginia Code § 44-146.21, the Director of Emergency Management declares and proclaims the existence of a local emergency in Fairfax County; and

It is further proclaimed and ordered that during the existence of said emergency the powers, functions, and duties of the Director of Emergency Management and the Emergency Management organization of the County of Fairfax shall be those proclaimed by State law and the ordinances, resolutions, and approved plans of the County of Fairfax in order to mitigate the effects of said emergency.

Dated: 10/28/12


Edward L. Long Jr.
Director of Emergency Management

**Termination of a Declared Local Emergency
(Hurricane Sandy)**

WHEREAS, due to the impacts of Hurricane Sandy and the potential for heavy rains and tropical storm winds, resulting in wide-spread power outages and flooding, Fairfax County, Virginia, faced dangerous conditions of sufficient severity and magnitude to necessitate the proclamation of the existence of a local emergency on October 28, 2012; and

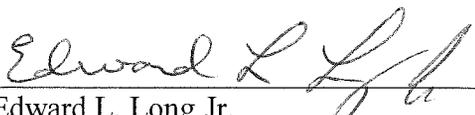
WHEREAS, such a declaration of a local emergency was issued on October 28, 2012, subject to confirmation by the Board of Supervisors, which is the governing body of Fairfax County, in accordance with Virginia Code § 44-146.21; and

WHEREAS, all coordinated local government emergency actions necessary to prevent or alleviate the damage, loss, hardship or suffering threatened or caused by Hurricane Sandy have been taken, and it is no longer necessary for that declaration of a local emergency to remain in effect;

NOW, THEREFORE, that previously declared local emergency is hereby terminated effective 10 a.m. on October 31, 2012.

All actions taken by the Director of Emergency Management, including, but not limited to, the Declaration of a Local Emergency issued on October 28, 2012, and this termination of that declared local emergency shall be subject to confirmation by the Board of Supervisors of Fairfax County pursuant to Virginia Code § 44-146.21.

Dated: 10/31/12


Edward L. Long Jr.
Director of Emergency Management



Commonwealth of Virginia
Office of Governor Bob McDonnell

FOR IMMEDIATE RELEASE

Oct. 26, 2012

Office of the Governor

Contact: Jeff Caldwell
Phone: (804) 225-4260
Email: Jeff.Caldwell@Governor.Virginia.Gov

Department of Emergency Management
Contact: Bob Spieldenner
Phone: (804) 674-2400
Email: Bob.Spieldenner@VDEM.Virginia.Gov

Governor McDonnell Declares State of Emergency in Preparation for Hurricane Sandy

– Long Duration Storm Has Potential to Produce Extensive Power Outages; Significant Flooding –

Impact in Commonwealth to Begin Saturday Night, Possibly Continue Through Wednesday; Storm Will be Followed by Colder Temperatures

RICHMOND - Governor Bob McDonnell has declared a state of emergency in Virginia in preparation for Hurricane Sandy, which is anticipated to affect the Commonwealth over the weekend and early next week. There is some uncertainty with the storm's final track, but all forecasts call for significant impacts to Virginia. Sandy will be transitioning to an extratropical storm as it reaches Virginia, leading to a broader wind field with a wider reach across the Commonwealth. In addition, current models predict a slower storm and therefore a longer duration event than usual.

Based on current forecasts, the eastern third of Virginia could experience tropical storm force winds for more than 48 hours, several inches of rain and coastal flooding. Even inland areas of Virginia could see strong winds and significant rainfall. There is a strong possibility of extensive power outages. Residents in the western and southwestern parts of the state could see some snowfall, and all areas of the Commonwealth will experience colder temperatures in the wake of Sandy, which, when coupled with anticipated power outages, could produce additional challenges for Virginians.

Speaking about the State of Emergency, Governor McDonnell noted, "We are issuing this state of emergency today as a precautionary measure in order to ensure that we are ready for any potential effects of Hurricane Sandy in the Commonwealth. Weather forecasters are predicting significant weather impacts across much of Virginia, and a long duration event. Due to the track of this storm, and the fact that it will be a hurricane transitioning into a more nor'easter like system, we could see severe weather lasting for 48 hours or more in the state. In that scenario, saturated soil coupled with high winds could lead to major tree damage and extensive power outages. Now is the time for all Virginians to prepare for those possible power outages and disruptions to public services. In addition, forecasters predict falling temperatures during and behind this system, and in areas that suffer power outages this will lead to new challenges in the days after the storm departs. Virginians should make sure their family members, friends and neighbors are prepared for this storm. I encourage all Virginians to gather batteries, blankets, water, canned goods, and other necessities prior to the anticipated onset of storm conditions late Saturday and early Sunday."

Eastern Virginia residents who live in low-lying areas should be ready to evacuate ahead of the storm. Citizens should listen to local TV and radio stations for instructions, such as an evacuation order for specific areas, details about evacuation routes and locations of evacuation shelters. If an evacuation is ordered for your area, take your emergency supplies with you, including all medications. For a list of suggested emergency supplies you should collect for your family, visit: <http://www.vaemergency.gov/readyvirginia/getakit>.

At this time, the Commonwealth does not plan to reverse lanes on Interstate 64, however a final decision on this matter will be reached this evening. Residents should review the evacuation routes for their area to determine the best route for their families. In the event that a mandatory evacuation is necessary in specific areas, citizens will be provided further instructions through local and state authorities.

A state of emergency is declared under state law so that state resources can be made available. The governor's emergency declaration ensures a fully coordinated state response to support local initial recovery efforts. A declaration also decreases time needed to get personnel, equipment and supplies on scene.

State agencies are preparing for Sandy in the following ways:

- The Commonwealth has activated the Virginia Emergency Response Team.
- The Virginia Emergency Operations Center is coordinating the state's response with increased staffing available 24 hours a day.
- Virginia State Police personnel have been placed on stand-by and will be pre-positioned to the areas where they will be needed based on the final projected path of the hurricane. The Virginia State Police Swift Water Rescue Team is standing by in strategic locations.
- Chainsaw crews from the Virginia Department of Forestry are standing by with emergency response personnel and to help with debris removal.
- Virginia Department of Transportation crews are ready to clear roads and ensure roads are safe for travel.
- The Virginia National Guard has been authorized to bring personnel on state active duty and begin repositioning resources.

- The Virginia Department of Health is coordinating with hospitals and long-term care facilities to ensure that they are prepared for storm impacts.

Emergency preparedness is everyone's responsibility. For information about preparing for Hurricane Sandy and for regular updates, visit <http://www.vaemergency.gov/>. For general information about the storm, dial 211.

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Board Agenda Item
November 20, 2012

11:10 a.m.

Matters Presented by Board Members

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12:00 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. *Louise Root v. County of Fairfax*, Case No. 1:12-CV-1148 (E.D. Va.)
 - 2. *Michael Nelson Martino v. County of Fairfax, Virginia Department of Public Works and Environmental Services*, Civil Action No.1:12cv1116 (E.D. Va.); *Michael Nelson Martino v. County of Fairfax, Virginia Department of Public Works and Environmental Services*, Case No. CL-2012-0014777 (Fx. Co. Cir. Ct.)
 - 3. *Joseph F. and Juliana Campagna, Fairfax Christian School, Inc., Hunter Mill East, LLC, Hunter Mill West, LLC, Robert L. and Rosemary S. Thoburn, and Thoburn Limited Partnership v. Fairfax County Board of Supervisors*, Case No. CL-2010-0005862 (Fx. Co. Cir. Ct.) (Hunter Mill District)
 - 4. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Manote Auandee, Sandra Auandee, and Amnart Tic Auandee*, Case No. CL-2009-0007328 (Fx. Co. Cir. Ct.) (Mason District)
 - 5. *Eileen M. McLane, Fairfax County Zoning Administrator v. Bahram Sadeghian and Shahrzad Marzban*, Case No. CL-2012-0005049 (Fx. Co. Cir. Ct.) (Dranesville District)
 - 6. *Eileen M. McLane, Fairfax County Zoning Administrator v. Russell J. Young and Kathryn L. Young*, Case No. CL-2012-0003527 (Fx. Co. Cir. Ct.) (Mason District)

7. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Robert E. Stroup, Case No. CL-2012-0000352 (Fx. Co. Cir. Ct.) (Providence District)*
8. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Michele Ann Von Kelsch, Case No. GV12-014861 (Fx. Co. Gen. Dist. Ct.) (Hunter Mill District)*
9. *Eileen M. McLane, Fairfax County Zoning Administrator v. Michael A. Agge and Annabel M. Agge, Case No. CL-2012-0008511 (Fx. Co. Cir. Ct.) (Lee District)*
10. *Eileen M. McLane, Fairfax County Zoning Administrator v. Richard D. Green, Case No. CL-2012-0009832 (Fx. Co. Cir. Ct.) (Braddock District)*
11. *Eileen M. McLane, Fairfax County Zoning Administrator v. Joaquin A. Villagomez and Eliana M. Villagomez, Case No. CL-2012-0009080 (Fx. Co. Cir. Ct.) (Providence District)*
12. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Home Properties Huntington Metro, LLC, Case No. CL-2012-0011235 (Fx. Co. Cir. Ct.) (Mount Vernon District)*
13. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Git Rid of It, LLC, and Michael L. Barnes, Case No. CL-2012-0012708 (Fx. Co. Cir. Ct.) (Providence District)*
14. *Eileen M. McLane, Fairfax County Zoning Administrator v. Lucy W. Berkebile, Case No. 2011-0012842 (Fx. Co. Cir. Ct.) (Dranesville District)*
15. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Rajendra Bernard Edwards, Case No. CL-2012-0008576 (Fx. Co. Cir. Ct.) (Hunter Mill District/Town of Vienna)*
16. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Richard C. Hayward, Case No. CL-2012-0011387 (Fx. Co. Cir. Ct.) (Mount Vernon District)*
17. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Frank L. Stevens and Mary E. T. Stevens, Case No. CL-2012-0005051 (Fx. Co. Cir. Ct.) (Providence District)*

18. *Eileen M. McLane, Fairfax County Zoning Administrator v. Kevin R. Ankney and Roxanne L. Ankney, Case No. CL-2012-0002740 (Fx. Co. Cir. Ct.) (Braddock District)*
19. *Eileen M. McLane, Fairfax County Zoning Administrator v. Orlando Camacho and Yolanda Camacho, Case No. CL-2012-0012541 (Fx. Co. Cir. Ct.) (Lee District)*
20. *Leslie B. Johnson, Fairfax County Zoning Administrator v. T & C Foods, Inc., 3 "W" Inc., Lindsay Foods, and Home Depot U.S.A., Inc., Case No. CL-2012-0015617 (Fx. Co. Cir. Ct.) (Mason District)*
21. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Seven Corners Center, LLC, and Home Depot U.S.A., Inc., Case No. CL-2012-0015618 (Fx. Co. Cir. Ct.) (Mason District)*
22. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Janice A. York-Brown and Willie I. Brown, Case No. CL-2012-0015616 (Fx. Co. Cir. Ct.) (Lee District)*
23. *Leslie B. Johnson, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Jihyon Kim, Case No. CL-2012-0015616 (Fx. Co. Cir. Ct.) (Mount Vernon District)*
24. *Leslie B. Johnson, Fairfax County Zoning Administrator v. R. Joun Enterprises, LLC, Roland G. Joun, Trustee, Maria Joun, Trustee, Roland G. Joun Revocable Living Trust, and Maria Joun Revocable Living Trust, Case No. CL-2012-0015804 (Fx. Co. Cir. Ct.) (Lee District)*
25. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Marisol Ferrel, Case No. CL-2012-0016071 (Fx. Co. Cir. Ct.) (Providence District)*
26. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Luis Alonso Cueva, Adan Francisco Castillo, and Blanca E. Lopez, Case No. CL-2012-0015862 (Fx. Co. Cir. Ct.) (Lee District)*
27. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Hoang Yen Tham, Case No. CL-2012-0015938 (Fx. Co. Cir. Ct.) (Providence District)*
28. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Robert H. Pearson, Jr., Case No. CL-2012-0016266 (Fx. Co. Cir. Ct.) (Providence District)*
29. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Laura E. Taylor, Case No. CL-2012-0016312 (Fx. Co. Cir. Ct.) (Lee District)*

30. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Candace K. Noonan*, Case No. GV12-014862 (Fx. Co. Gen. Dist. Ct.) (Hunter Mill District)
31. *Eileen M. McLane, Fairfax County Zoning Administrator v. Blanca Ramirez, Ruth G. Chavez-Ramirez, and Moises A. Chavez*, Case No. GV12-016492 (Fx. Co. Gen. Dist. Ct.) (Providence District)
32. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Silvia R. Sanchez*, Case No. GV12-023824 (Fx. Co. Gen. Dist. Ct.) (Mason District)
33. *Leslie B. Johnson, Fairfax County Zoning Administrator v. John Philip Short and Marilyn S. Short*, Case No. GV12-023823 (Fx. Co. Gen. Dist. Ct.) (Braddock District)
34. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Raymond J. Rybicki*, Case Nos. GV12-023819 and GV12-023819 (Fx. Co. Gen. Dist. Ct.) (Hunter Mill District)
35. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Melissa S. Malone*, Case No. GV12-026048 (Fx. Co. Gen. Dist. Ct.) (Lee District)
36. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Florina G. Reynoso*, Case No. GV12-002498 (Fx. Co. Gen. Dist. Ct.) (Providence District)
37. *Leslie B. Johnson, Fairfax County Zoning Administrator v. James A. Steele and Kelly J. Steele*, Case Nos. GV12-025843 and GV12-025844 (Fx. Co. Gen. Dist. Ct.) (Dranesville District)
38. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Thomas J. Eaddy, Jr.*, Case No. GV12-026005 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
39. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Daniel Bahta and Lishan Kassa*, Case No. GV12-026044 (Fx. Co. Gen. Dist. Ct.) (Lee District)
40. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Francoise Trudeau Martin*, Case No. GV12-026101 (Fx. Co. Gen. Dist. Ct.) (Lee District)
41. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Abdel-Hamid Mohammed Eqab*, Case No. GV12-026042 (Fx. Co. Gen. Dist. Ct.) (Lee District)

42. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Michael Ternisky, Case No. GV12-026045 (Fx. Co. Gen. Dist. Ct.) (Hunter Mill District)*
43. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Hardev Singh Aulakh and Kuntie Aulakh, Case No. GV12-026046 (Fx. Co. Gen. Dist. Ct.) (Dranesville District)*
44. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Jerry L. Coffey and Gretchen L. Coffey, Case No. GV12-026047 (Fx. Co. Gen. Dist. Ct.) (Hunter Mill District)*
45. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Randee K. Wilson, Case No. GV12-026428 (Fx. Co. Gen. Dist. Ct.) (Hunter Mill District/Town of Vienna)*

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Board Agenda Item
November 20, 2012

3:00 p.m.

Public Hearing on SE 2012-PR-007 (Sterling Jewelers, Inc. D/B/A Jared the Galleria of Jewelry) to Permit Waiver of Certain Sign Regulations, Located on Approximately 19,507 Square Feet of Land Zoned C-5, HC and SC (Providence District)

This property is located at 8113 Leesburg Pike, Vienna, 22182. Tax Map 39-2 ((2)) 52

PLANNING COMMISSION RECOMMENDATION:

On Thursday, September 20, 2012, the Planning Commission voted unanimously (Commissioner Litzenberger absent from the meeting) to recommend to the Board of Supervisors:

- 1) approval of SE 2012-PR-007, subject to the development conditions dated September 6, 2012.
- 2) reaffirmation of the waiver of frontage improvements and dedication of right-of-way along Leesburg Pike, in favor of that shown on the SE plat.

ENCLOSED DOCUMENTS:

Attachment 1: Verbatim Excerpt

Staff Report previously furnished and available online at:

<http://ldsnet.fairfaxcounty.gov/ldsnet/ldsdfw/4396608.PDF>

STAFF:

Barbara Berlin, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)

Nick Rogers, Department of Planning and Zoning

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Planning Commission Meeting
September 20, 2012
Verbatim Excerpt

SE 2012-PR-007 – STERLING JEWELERS, INC. d/b/a JARED THE GALLERIA OF JEWELRY

After the Close of the Public Hearing

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

Commissioner Lawrence: I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF SE 2012-PR-007, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED SEPTEMBER 6, 2012.

Commissioner Flanagan: Second.

Chairman Murphy: Seconded by Mr. Flanagan. Is there a discussion of the motion? All those in favor of the motion to recommend to the Board of Supervisors that it approve SE 2012-PR-007, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Lawrence: I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS REAFFIRM APPROVAL OF THE WAIVER OF FRONTAGE IMPROVEMENTS AND DEDICATION OF RIGHT-OF-WAY ALONG LEESBURG PIKE, IN FAVOR OF THAT SHOWN ON THE SE PLAT.

Commissioner Flanagan: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Lawrence: Thank you very much, Mr. Chairman.

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(The motions carried unanimously with Commissioner Litzenberger absent from the meeting.)

JLC

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Board Agenda Item
November 20, 2012

3:00 p.m.

Public Hearing on RZ 2011-PR-023 (Cityline Partners LLC) to Rezone from C-3, HC and SC to PTC, HC and SC to Permit Mixed Use Development with an Overall Floor Area Ratio of 3.05, Located on Approximately 19.40 Acres of Land (Providence District)

and

Public Hearing on PCA 88-D-005-07 (Cityline Partners LLC) to Amend the Proffers for RZ 88-D-005 Previously Approved for Commercial Development at an Overall Floor Area Ratio of Approximately 0.58 to Permit Deletion of 27.25 Acres of Land Resulting in a Remaining FAR of Approximately 0.65, Located on Approximately 85.93 Acres of Land Zoned C-3, HC and SC (Providence District)

This property is located in the Southeast and Southwest quadrant of the intersection of Westbranch Drive and Westpark Drive. Tax Map 29-4 ((7)) 1, 2, 3, 5A, 9, 10 and a portion of Westbranch Drive public right-of-way to be vacated and/or abandoned.

This property is located on the North and South sides of Westpark Drive, East and West of Westbranch Drive, bounded on the North and East by Jones Branch Drive. Tax Map 29-2 ((15)) B2; 29-4 ((7)) A4, C1, C2, 1, 1A1, 1A2, 2, 3, 5A, 6, 7A1, 7B, 8, 9, 10 and 11A.

PLANNING COMMISSION RECOMMENDATION:

On Wednesday, October 17, 2012, the Planning Commission voted unanimously (Commissioners Alcorn, Hall and Litzenberger absent from the meeting) to recommend to the Board of Supervisors approval of the following actions pertinent to the subject applications:

- Approval of RZ 2011-PR-023, subject to proffers consistent with those dated October 16, 2012, as amended;
- Approval of PCA 88-D-005-07, subject to proffers consistent with those dated September 14, 2011;
- Modification of Section 2-506, Paragraph 2 of the Zoning Ordinance in order to permit the proposed roof/roof screen feature element in Block F, as depicted on the Conceptual Development Plan (CDP)/Final Development Plan (FDP);
- Waiver of Section 16-403 of the Zoning Ordinance in order to permit a public improvement plan for frontage improvements along Westpark and Westbranch Drive to be filed without the need for an FDP;

Board Agenda Item
November 20, 2012

- Waiver of Section 6-505, Paragraph 7 of the Zoning Ordinance in order to permit outdoor displays and seating associated with a permitted use without the need for an FDP;
- Modification of Section 10-104, Paragraphs 3E and G of the Zoning Ordinance to permit the maximum fence height associated with outdoor recreation/sports courts on Block to be between 7 and 14 feet high as depicted on the CDP;
- Modification of Section 11-102, Paragraph 12 of the Zoning Ordinance and Section 7-0800 of the Public Facilities Manual (PFM) to permit tandem and valet spaces to be counted toward the required parking only in those instances contained in the proffers;
- Modification of Section 11-201 and 11-203 of the Zoning Ordinance to permit the minimum required loading spaces to be two spaces per building as depicted on the CDP;
- Modification of Section 11-202, Paragraph 4 of the Zoning Ordinance to permit the loading space in Building A-2 to be as shown on the CDP;
- Modification of Section 13-202, Paragraph 8 of the Zoning Ordinance to permit the depicted trellises and/or vegetated arbors, as shown on the CDP, in lieu of the required interior parking lot landscaping;
- Modification of Section 13-202, Paragraph 8 of the Zoning Ordinance to permit the existing parking lot landscaping, as depicted on the CDP and as described in the proffers, to serve as the interior parking lot landscaping on an interim basis;
- Modification of Section 13-202, Paragraph 8 of the Zoning Ordinance to permit the landscaping within the amenity courtyard of Block E in lieu of the interior parking lot landscaping requirement;
- Modification of Section 13-203, Paragraph 5 of the Zoning Ordinance to permit the landscaping depicted on the above-grade parking structures and within the interim surface parking lots, as shown on the CDP and described in the proffers;
- Modification of Section 17-201, Paragraphs 2 and 4 of the Zoning Ordinance to permit the interim road improvements along the Block F frontage as shown on the CDP;
- Waiver of Section 17-201, Paragraph 3B of the Zoning Ordinance to permit only those areas of interparcel access shown on the CDP/FDPs and described in the proffers;
- Waiver of Section 17-201, Paragraphs 3B, 4,12,13 and 14 of the Zoning Ordinance to permit the proposed Jones Branch Drive frontage improvements along Tax Map Parcel 29-2 ((15)) B2, as depicted on Exhibit A of the proffers;

Board Agenda Item
November 20, 2012

- Modification of Section 7-0800.2 of the PFM to allow up to 1.5 feet of structural columns to project into the required parking stall area for no more than 10 percent of the total parking spaces provided;
- Modification of the tree preservation target in favor of that shown on the plans and as proffered; and
- Waiver to allow the use of underground stormwater management and best management practices in a residential development, subject to Waiver # 6377-WPFM-004-1.

In addition, the Planning Commission voted unanimously (Commissioners Alcorn, Hall and Litzenberger absent from the meeting) to approve FDP 2011-PR-023, FDP 2011-PR-023-02 and FDP 2011-PR-023-03, subject to the Board of Supervisors' approval of RZ 2011-PR-023.

ENCLOSED DOCUMENTS:

Attachment 1: Verbatim Excerpt

Staff Report previously furnished and available online at:

<http://ldsnet.fairfaxcounty.gov/ldsnet/ldsdfw/4397329.PDF>

STAFF:

Barbara Berlin, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)

Matt Ladd, Department of Planning and Zoning

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Planning Commission Meeting
October 17, 2012
Verbatim Excerpt

PCA 88-D-005-07 – CITYLINE PARTNERS LLC
RZ/FDP 2011-PR-023 – CITYLINE PARTNERS LLC
FDP 2011-PR-023-02 – THE ASSOCIATION FOR MANUFACTURING TECHNOLOGY
FDP 2011-PR-023-03 – CITYLINE PARTNERS LLC

Decision Only During Commission Matters
(Public Hearing Held on September 27, 2012)

Chairman Murphy: And – Mr. Lawrence.

Commissioner Lawrence: Thank you, Mr. Chairman. With your permission, before we go on verbatim for this motion I have a couple of things I need to do. If that is all right with you, I would like to do them.

Chairman Murphy: Please.

Commissioner Lawrence: Tonight, we have a decision on a whole bunch of things, which is Arbor Row. And Commissioners got the most recent set of proffers I think within the last day or so. And that's – well, that's not too thick. That's about an eighth of an inch thick of proffers. You will recall that the staff report – and here is the staff report – looks like this. And then, of course, we have the addendum which was done and it looks like this. Now this is a large and complex Tysons application with multiple owners. And we have an FDP as well as the CDP for what we are about to do. We've got it sorted out, but I do think in the interest of being – and making an informed decision, I'm going to ask Mr. Ladd of staff to give us a very brief summary of what it was that got sorted – the key issues – the biggies. Would you please, Mr. Ladd?

Matthew Ladd, Planning Division, Department of Planning and Zoning: Yes, thank you, Commissioner Lawrence. Matt Ladd with the Department of Planning and Zoning. There were six changes to the proffers that were made after the staff report addendum was published to address issues that were raised in the staff report addendum. The first is Proffer 50D, which concerns stream bank restorations. This proffer was revised to provide additional details regarding the scope of work of off-site stream restoration improvements and also to edit language to address some of the staff's concerns. Proffer 51 regards athletic field construction. This was revised to address staff concerns that the off-site athletic fields will be constructed by the date specified in the proffers. In Proffer 78, there was a typo that was corrected. In Proffer 94, regarding stormwater management, we added language to the proffers to be consistent with the Conceptual Development Plan. There were some notes that were added previously and we copied those over into the proffers. In Proffer 100, regarding the limits of clearing and grading – those were revised to add a reference to Proffer 97, which regarded the RPA boundary. And in Proffer 112, regarding condemnation, those were revised to detail the process by which the applicant will request condemnation for public improvements in the event that off-site easements cannot be acquired for certain public improvements and that was to address the Commission's concerns raised at the public hearing.

PCA 88-D-005-07 AND RZ/FDP 2011-PR-023 AND
FDP 2011-PR-023-02 AND FDP 2011-PR-023-03

Commissioner Lawrence: Thank you, Mr. Ladd. I do want to acknowledge the work of Commissioner Hart, who was responsible for finding what we needed to do with the stream restoration language that Matt Ladd mentioned early in his presentation. Thank you very much, Jim. And I also want to mention that even today, in the interest of full disclosure, something else turned up. And we didn't know about it until we found out about it, for which apologies to the applicant. We couldn't know what we didn't know. But I have every reason to believe – and thank you very much to the applicant for their cooperation – that we're going to be able to get it sorted before we get to the Board. And it's very important that we do, in fact, get to the Board so I do intend to move this forth. Mr. Chairman, I'm ready to go on verbatim and make the motions.

Chairman Murphy: Okay. Mr. Lawrence, please.

Commissioner Lawrence: Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF RZ 2011-PR-023, SUBJECT TO PROFFERS CONSISTENT WITH THOSE DATED OCTOBER 16, 2012, AS AMENDED.

Commissioners Flanagan and Hart: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Lawrence: I MOVE THAT THE PLANNING COMMISSION APPROVE FDP 2011-PR-023.

Commissioners Flanagan and Hart: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Lawrence: I MOVE THAT THE PLANNING COMMISSION APPROVE FDP 2011-PR-023-02.

Commissioners Flanagan and Hart: Second.

PCA 88-D-005-07 AND RZ/FDP 2011-PR-023 AND
FDP 2011-PR-023-02 AND FDP 2011-PR-023-03

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Lawrence: I MOVE THAT THE PLANNING COMMISSION APPROVE FDP 2011-PR-023-03.

Commissioners Flanagan and Hart: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Lawrence: I FURTHER MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF PCA 88-D-005-07, SUBJECT TO PROFFERS CONSISTENT WITH THOSE DATED SEPTEMBER 14, 2012 [sic].

Commissioners Flanagan and Hart: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Lawrence: I also have a series of modifications and waiver requests, which apply to RZ 2011-PR-023. First, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT IT MODIFY SECTION 2-506, PARAGRAPH 2 OF THE ZONING ORDINANCE IN ORDER TO PERMIT THE PROPOSED ROOF/ROOF SCREEN FEATURE ELEMENT IN BLOCK F, AS DEPICTED ON THE CDP/FDP.

Commissioners Flanagan and Hart: Second.

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

PCA 88-D-005-07 AND RZ/FDP 2011-PR-023 AND
FDP 2011-PR-023-02 AND FDP 2011-PR-023-03

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Without objection, you can do these seriatim. Just go through the list.

Commissioner Lawrence: Good. That I will now do:

– I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS WAIVE SECTION 16-403 OF THE ZONING ORDINANCE IN ORDER TO PERMIT A PUBLIC IMPROVEMENT PLAN FOR FRONTAGE IMPROVEMENTS ALONG WESTPARK AND WESTBRANCH DRIVE TO BE FILED WITHOUT THE NEED FOR AN FDP.

– I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS WAIVE SECTION 6-505, PARAGRAPH 7 OF THE ZONING ORDINANCE IN ORDER TO PERMIT OUTDOOR DISPLAYS AND SEATING ASSOCIATED WITH A PERMITTED USE WITHOUT THE NEED FOR AN FDP.

– I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS MODIFY SECTION 10-104, PARAGRAPH 3E AND G OF THE ZONING ORDINANCE TO PERMIT THE MAXIMUM FENCE HEIGHT ASSOCIATED WITH OUTDOOR RECREATION/SPORTS COURTS ON BLOCK TO BE BETWEEN 7 AND 14 FEET HIGH AS DEPICTED ON THE CDP.

Commissioner Hart: Second. Oh –

Commissioner Lawrence: I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS MODIFY SECTION 11-102, PARAGRAPH 12 OF THE ZONING ORDINANCE AND SECTION 7-0800 OF THE PUBLIC FACILITIES MANUAL TO PERMIT TANDEM AND VALET SPACES TO BE COUNTED TOWARD THE REQUIRED PARKING ONLY IN THOSE INSTANCES CONTAINED IN THE PROFFERS.

– I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS MODIFY SECTION 11-201 AND 11-203 OF THE ZONING ORDINANCE TO PERMIT THE MINIMUM REQUIRED LOADING SPACES TO BE TWO SPACES PER BUILDING AS DEPICTED ON THE CDP.

– I MOVE THAT the building – THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS MODIFY SECTION 11-202, PARAGRAPH 4 OF THE ZONING ORDINANCE TO PERMIT THE LOADING SPACE IN BUILDING A-2 TO BE AS SHOWN ON THE CDP.

– I MOVE THAT the building – THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS MODIFY SECTION 13-202, PARAGRAPH 8 OF THE ZONING ORDINANCE TO PERMIT THE DEPICTED TRELLISES AND/OR VEGETATED ARBORS, AS SHOWN ON THE CDP, IN LIEU OF THE REQUIRED INTERIOR PARKING LOT LANDSCAPING.

PCA 88-D-005-07 AND RZ/FDP 2011-PR-023 AND
FDP 2011-PR-023-02 AND FDP 2011-PR-023-03

- I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS MODIFY SECTION 13-202, PARAGRAPH 8 OF THE ZONING ORDINANCE TO PERMIT THE EXISTING PARKING LOT LANDSCAPING, AS DEPICTED ON THE CDP AND AS DESCRIBED IN THE PROFFERS, TO SERVE AS THE INTERIOR PARKING LOT LANDSCAPING ON AN INTERIM BASIS.
- I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS MODIFY SECTION 13-202, PARAGRAPH 8 OF THE ZONING ORDINANCE TO PERMIT THE LANDSCAPING WITHIN THE AMENITY COURTYARD OF BLOCK E IN LIEU OF THE INTERIOR PARKING LOT LANDSCAPING REQUIREMENT.
- I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS MODIFY SECTION 13-203, PARAGRAPH 5 OF THE ZONING ORDINANCE TO PERMIT THE LANDSCAPING DEPICTED ON THE ABOVE-GRADE PARKING STRUCTURES AND WITHIN THE INTERIM SURFACE PARKING LOTS, AS SHOWN ON THE CDP AND DESCRIBED IN THE PROFFERS.
- I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS MODIFY SECTION 17-201, PARAGRAPH 2 AND 4 OF THE ZONING ORDINANCE TO PERMIT THE INTERIM ROAD IMPROVEMENTS ALONG THE BLOCK F FRONTAGE AS SHOWN ON THE CDP.
- I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS WAIVE SECTION 17-201, PARAGRAPH 3B OF THE ZONING ORDINANCE TO PERMIT ONLY THOSE AREAS OF INTERPARCEL ACCESS SHOWN ON THE CDP/FDPS AND DESCRIBED IN THE PROFFERS TO BE PROVIDED.
- I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS WAIVE SECTION 17-201, PARAGRAPH 3B, 4,12,13, AND 14 OF THE ZONING ORDINANCE TO PERMIT THE PROPOSED JONES BRANCH DRIVE FRONTAGE IMPROVEMENTS ALONG TAX MAP PARCEL 29-2 ((15)) B2, AS DEPICTED ON EXHIBIT A OF THE PROFFERS.
- I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS MODIFY SECTION 7-0800.2 OF THE PFM TO ALLOW UP TO 1.5 FEET OF STRUCTURAL COLUMNS TO PROJECT INTO THE REQUIRED PARKING STALL AREA FOR NO MORE THAN 10 PERCENT OF THE TOTAL PARKING SPACES PROVIDED.
- I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS MODIFY THE TREE PRESERVATION TARGET IN FAVOR OF THAT SHOWN ON THE PLANS AND AS PROFFERED.
- And finally, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND A WAIVER TO ALLOW THE USE OF UNDERGROUND STORMWATER MANAGEMENT AND BEST MANAGEMENT PRACTICES IN A RESIDENTIAL DEVELOPMENT, SUBJECT TO WAIVER NUMBER 6377-WPFM-004-1.

PCA 88-D-005-07 AND RZ/FDP 2011-PR-023 AND
FDP 2011-PR-023-02 AND FDP 2011-PR-023-03

Commissioners Flanagan and Hart: Second.

Chairman Murphy: Seconded by Mr. Hart and Mr. Flanagan. Could you please repeat the motion? All those in favor of those motions, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Motions carry.

Commissioner Lawrence: Next week, we do Hamlet.

Chairman Murphy: There we go. All that means is that it's going to be a great development and we appreciate all your help in getting this together.

Commissioner Lawrence: Thank you, applicant. Thank you, staff. This is a big deal. Thank you very much.

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

JLC

Board Agenda Item
November 20, 2012

3:00 p.m.

Public Hearing on PCA 2006-SU-007 (Timber Ridge at EDS, LLC) to Amend the Proffers, Conceptual Development Plans for RZ 2006-SU-007 Previously Approved for Mixed Use Development to Permit Modifications to the Residential Portion of the Development and Associated Modifications to Proffers and Site Design, Located on Approximately 37.4 Acres of Land Zoned PRM and WS (Sully District)

This property is located West of Centreville Road, between Wall Road and EDS Drive. Tax Map 24-4 ((1)) 6C3 and 6C4.

PLANNING COMMISSION RECOMMENDATION:

On Wednesday, October 17, 2012, the Planning Commission voted unanimously (Commissioners Alcorn, Hall and Litzenberger absent from the meeting) to recommend to the Board of Supervisors approval of the following actions pertinent to the subject application:

- Approval of PCA 2006-SU-007 with the associated Conceptual Development Plan Amendment (CDPA), subject to the execution of the proffers dated October 16, 2012; and
- Reaffirmation of previously-approved waivers and modifications as follows:
 - Modification of the loading space requirement to allow fewer spaces, as shown on the tabulations of the CDPA/Final Development Plan Amendment (FDPA);
 - Modification of the transitional screening along Centreville Road, in favor of the landscape buffer treatment shown on the CDPA/FDPA;
 - Waiver of the barrier requirements along the eastern property boundary, between the proposed multi-family residential uses and nonresidential uses and the off-site single-family detached houses, in favor of that shown on the CDPA/FDPA;
 - Modification to permit private streets in excess of 600 linear feet; and
 - Waiver of the interparcel access requirement to the EDS campus to the west, at Tax Map 24-4 ((1)) 6B and to the office uses on the Cox property to the north, on Tax Map Parcels 24-4 ((1)) 6E AND 6F.

In addition, the Planning Commission voted unanimously (Commissioners Alcorn, Hall and Litzenberger absent from the meeting) to approve FDPA 2006-SU-007, subject to development

Board Agenda Item
November 20, 2012

conditions dated October 16, 2012, and subject to the Board of Supervisors' approval of PCA 2006-SU-007.

ENCLOSED DOCUMENTS:

Attachment 1: Verbatim Excerpt

Staff Report previously furnished and available online at:

<http://ldsnet.fairfaxcounty.gov/ldsnet/ldsdfw/4399005.PDF>

STAFF:

Barbara Berlin, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)

William O'Donnell, Department of Planning and Zoning

Planning Commission Meeting
October 17, 2012
Verbatim Excerpt

PCA/FDPA 2006-SU-007 – TIMBER RIDGE AT EDS, LLC

After the Close of the Public Hearing

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

Commissioner Murphy: Thank you, Mr. Chairman. I would like to again thank Mr. Grimm from the –

Parliamentarian de la Fe: The Franklin Farm –

Commissioner Murphy: The Franklin Farm Foundation. Yes, I was wondering if it was Franklin Farm – I forgot to add Foundation in there. Not only will I enter this letter into the record, but **WITHOUT OBJECTION, I WOULD LIKE TO MOVE THAT IT BE FORWARDED TO COMMISSIONER LITZENBERGER IF HE HAS NOT SEEN IT AND TO SUPERVISOR FREY FOR HIM TO LOOK AT – AT THE BOARD MEETING BEFORE THE PUBLIC HEARING.** This is a solid application. I mean – I'm particularly impressed by it because there is a reduction in units. There is a reduction in retail. And yet, the applicant has brought forth the proffer package that was put together for a development that was approved in 2006 that had greater traffic generation and so forth – and it has a solid proffer package. I concur with the staff that it is in conformance with the Comprehensive Plan, the applicable Zoning Ordinances, the Residential Criteria, and – it is a solid application. I think this is going to serve this part of the County very well. So, Mr. Chairman, **I WOULD MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS TO APPROVE PCA 2006-SU-007 WITH THE ASSOCIATED CONCEPTUAL DEVELOPMENT PLAN AMENDMENT, SUBJECT TO THE EXECUTION OF THE PROFFERS CONSISTENT WITH THOSE DATED OCTOBER 16, 2012.**

Commissioner Hart: Second.

Parliamentarian de la Fe: Seconded by Mr. Hart. Any discussion? Hearing none, all those in favor, please signify by saying aye.

Commissioners: Aye.

Parliamentarian de la Fe: Opposed? Motion carries.

Commissioner Murphy: Mr. Chairman, **I MOVE THE PLANNING COMMISSION APPROVE FDP 2006-SU-007 [sic], SUBJECT TO DEVELOPMENT CONDITIONS DATED OCTOBER 16, 2012.**

Commissioner Hart: Second.

Parliamentarian de la Fe: Seconded by Mr. Hart. Any discussion? Hearing and seeing none, all those in favor, please signify by saying aye.

Commissioners: Aye.

Parliamentarian de la Fe: Opposed? Nay? The motion carries.

Commissioner Murphy: And finally, Mr. Chairman, I will do these, without objection, in seriatim. I MOVE THE PLANNING COMMISSION REAFFIRM ALL PREVIOUSLY-APPROVED WAIVERS AND MODIFICATIONS RELATED TO THE PCA/FDPA AREA, INCLUDING MODIFICATIONS TO THE LOADING SPACE REQUIREMENT TO ALLOW FEWER SPACES, AS SHOWN ON THE TABULATIONS OF THE CDPA/FDPA; A MODIFICATION OF THE TRANSITIONAL SCREENING ALONG CENTREVILLE ROAD, IN FAVOR OF THE LANDSCAPE BUFFER TREATMENT SHOWN ON THE CDPA/FDPA; A WAIVER OF THE BARRIER REQUIREMENTS ALONG THE EASTERN PROPERTY BOUNDARY, BETWEEN THE PROPOSED MULTI-FAMILY RESIDENTIAL USES AND NONRESIDENTIAL USES AND THE OFF-SITE SINGLE-FAMILY DETACHED HOUSES, IN FAVOR OF THAT SHOWN ON THE CDPA/FDPA; A MODIFICATION TO PERMIT PRIVATE STREETS IN EXCESS OF 600 LINEAR FEET; AND A WAIVER OF THE INTERPARCEL ACCESS REQUIREMENT TO THE EDS CAMPUS TO THE WEST, AT TAX MAP 24-1 ((1)) 6B [sic] AND TO THE OFFICE USES ON THE COX PROPERTY TO THE NORTH, ON TAX MAP PARCELS 24-4 ((1)) 6E AND 6F.

Commissioner Hart: Second.

Parliamentarian de la Fe: Seconded by Mr. Hart. Is there any discussion? Hearing and seeing none, all those in favor, please signify by saying aye.

Commissioners: Aye.

Parliamentarian de la Fe: Opposed? Motion carries. Thank you very much.

//

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

JLC

Board Agenda Item
November 20, 2012

3:30 p.m.

Public Hearing on SE 2012-HM-006 (Tysons West Residential, LLC) to Permit Waiver of Certain Sign Regulations, Located on Approximately 7.06 Acres of Land Zoned C-7, HC and SC (Hunter Mill District)

This property is located in the North West quadrant of the intersection of Leesburg Pike and Westwood Center Drive. Tax Map 29-3 ((1)) 1B and 29-3 ((20)) C1.

PLANNING COMMISSION RECOMMENDATION:

On Thursday, September 27, 2012, the Planning Commission voted 10-0-1 (Commissioner Litzenberger abstaining; Commissioner Alcorn not present for the vote) to recommend to the Board of Supervisors approval of SE 2012-HM-006, subject to the development conditions contained in Appendix 1 of the staff report.

ENCLOSED DOCUMENTS:

Attachment 1: Verbatim Excerpt

Staff Report previously furnished and available online at:

<http://ldsnet.fairfaxcounty.gov/ldsnet/ldsdfw/4396601.PDF>

STAFF:

Barbara Berlin, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)

W. Mayland, Department of Planning and Zoning

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Planning Commission Meeting
September 27, 2012
Verbatim Excerpt

SE 2012-HM-006 – TYSONS WEST RESIDENTIAL, LLC

Decision Only During Commission Matters
(Public Hearing held on September 20, 2012)

Commissioner de la Fe: We had the public hearing on this last week and I deferred decision because the Land Use Committee in Hunter Mill had not had a chance to make its final recommendation. They did meet on Monday and they did recommend approval. If you will recall, in effect what we are approving is an SE – because this is not in a P-District, but it's in effect a sign plan for the Tysons West Residential, which is currently under construction by-right. For those of you who, it was raised during the public hearing, there is a rezoning request to the PTC District that concerns this and this parcel and adjoining areas. That is still under review by staff. It has not been scheduled for a Commission public hearing. But this is, in effect, a sign plan to take care of the buildings that are going up by-right in a part of that location, but it does not have anything to do with the planned rezoning. Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF SE 2012-HM-006, SUBJECT TO THE DEVELOPMENT CONDITIONS CONTAINED IN APPENDIX 1 OF THE STAFF REPORT.

Commissioner Lawrence: Second.

Chairman Murphy: Seconded by Mr. Lawrence. Is there a discussion of the motion? All those in favor of the motion to recommend to the Board of Supervisors that it approve SE 2012-HM-006, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Litzenberger: Abstain.

Chairman Murphy: Mr. Litzenberger abstains.

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(The motion carried by a vote of 10-0-1 with Commissioner Litzenberger abstaining;
Commissioner Alcorn not present for the vote.)

JN

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Board Agenda Item
November 20, 2012

3:30 p.m.

Public Hearing on SEA 93-L-014-02 (Burgundy Farm Country Day School, Inc.) to Amend SE 93-L-014 Previously Approved for Nursery School, Child Care Center and Private School of General Education to Permit Increase in Land Area, Building Additions and Associated Modifications to Site Design and Development Conditions, Located on Approximately 23.66 Acres of Land Zoned R-4 (Lee District)

This property is located at 3700 Burgundy Road, Alexandria, 22303. Tax Map 82-2 ((1)) 5, 6, and 8; 82-2 ((11)) 1.

PLANNING COMMISSION RECOMMENDATION:

On Thursday, October 11, 2012, the Planning Commission voted unanimously (Commissioners Alcorn and Hall absent from the meeting) to recommend to the Board of Supervisors approval of the following actions pertinent to the subject application:

1) approval of SEA 93-L-014-02, subject to the development conditions dated October 11, 2012, amended as follows:

- add another sentence to the end of Condition #11 to read: "The proposed free-standing sign shown near Lot 1 shall not be internally illuminated."
- add to Condition #13: "LEED or its equivalent".

2) modification of the transitional screening and barrier requirements around the perimeter of the site in favor of a six-foot chain link fence and the existing vegetation and supplemental plantings shown on the SE/SEA plat;

3) waiver of the loading space requirement.

ENCLOSED DOCUMENTS:

Attachment 1: Verbatim Excerpt

Staff Report previously furnished and available online at:

<http://ldsnet.fairfaxcounty.gov/ldsnet/ldsdwf/4398319.PDF>

STAFF:

Barbara Berlin, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)

Megan Brady, Department of Planning and Zoning

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Planning Commission Meeting
October 11, 2012
Verbatim Excerpt

SEA 93-L-014-02 – BURGUNDY FARM COUNTRY DAY SCHOOL, INC.

After the close of the Public Hearing

Chairman Murphy: Public hearing is closed; Mr. Migliaccio, please.

Commissioner Migliaccio: Thank you, Mr. Chairman. I have one item that I would like to have Mr. Pritchard come up and answer on verbatim, please. Thank you, Mr. Pritchard. Do you have any objection with the development conditions dated October 11th, specifically Number 13, regarding LEED Building Standards, as amended, to include LEED or its equivalent?

G. Evan Pritchard, Esquire, Walsh, Colucci, Lubeley, Emrich & Walsh, PC: No objection.

Commissioner Migliaccio: Thank you.

Mr. Pritchard: Thanks.

Chairman Murphy: All right. Go ahead.

Commissioner Migliaccio: Thank you, Mr. Chairman. With that, I have a few motions to make tonight. Before I get into that I just - briefly, this application - this SEA and the SPA associated with it - is simply to renovate school buildings to allow the Burgundy Country Farm School (*sic*) to better serve its students. It will add a north parking lot to provide more onsite parking and better manage traffic flow on-site. The application has the support of the Lee District Land Use Committee, its neighbors, and our professional staff, and it also has my support. So therefore, Mr. Chairman, I have a few motions to make tonight. I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF SEA 93-L-014-02, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED OCTOBER 11TH, 2012, WITH THE STAFF ADDITION FOR THIS LIGHTING AND WITH MY ADDITION TO – on NUMBER 13, TO HAVE LEED OR ITS EQUIVALENT INCLUDED.

Commissioner Sargeant: Second.

Chairman Murphy: Seconded by Mr. Sargeant. Is there a discussion of the motion? All those in favor of the motion to recommend to the Board of Supervisors that it approve SEA 93-L-014-02, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Mr. Migliaccio.

Commissioner Migliaccio: Thank you, Mr. Chairman. I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF A

Planning Commission Meeting
October 11, 2012
SEA 93-L-014-02

Page 2

MODIFICATION OF THE TRANSITIONAL SCREENING AND BARRIER REQUIREMENTS AROUND THE PERIMETER OF THE SITE IN FAVOR OF A SIX-FOOT CHAIN LINK FENCE AND THE EXISTING VEGETATION AND SUPPLEMENTAL PLANTINGS SHOWN ON THE SEA/SPA PLAT.

Commissioner Sargeant: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

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

Commissioner Sargeant: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

//

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

JN

Board Agenda Item
November 20, 2012

3:30 p.m.

Public Hearing on AF 2012-SU-001 (Jon & Kim Hickox) to Permit the Creation of an Agricultural and Forestal District, Located on Approximately 21.0 Acres of Land Zoned R C and WS (Sully District)

This property is located at 15950 Lee Highway, Centreville, 20120. Tax Map 64-1 ((4)) 7C.

PLANNING COMMISSION RECOMMENDATION:

On Wednesday, October 17, 2012, the Planning Commission voted unanimously (Commissioners Alcorn, Hall and Litzenberger absent from the meeting) to recommend that the Board of Supervisors approve AF 2012-SU-001 and amend Appendix F of the Fairfax County Code to establish the Hickox Local Agricultural and Forestal District, subject to Ordinance Provisions dated September 14, 2012.

ENCLOSED DOCUMENTS:

Attachment 1: Verbatim Excerpt

Staff Report previously furnished and available online at:

<http://ldsnet.fairfaxcounty.gov/ldsnet/ldsdfw/4399003.PDF>

STAFF:

Barbara Berlin, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)

Brent Krasner, Department of Planning and Zoning

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Planning Commission Meeting
October 17, 2012
Verbatim Excerpt

AF 2012-SU-001 – JON AND KIM HICKOX (THE WINERY AT BULL RUN)

After the Close of the Public Hearing

Chairman Murphy: The public hearing is closed; recognize Mr. Hart.

Commissioner Hart: Thank you, Mr. Chairman. First, let me thank staff, Brent Krasner and Kris Abrahamson, for their fine work on this case. This is an interesting application. The wine industry in Virginia has grown exponentially in recent years. Thanks to recent action by the General Assembly, wineries are now a by-right use, not requiring a public hearing for zoning approval and not subject to imposition of development conditions. But the County still retains the authority to regulate Agricultural and Forestal Districts. This winery is adjacent to the Manassas Battlefield National Park and complements that tourist attraction. It also is adjacent to industrial uses and the Luck Stone Quarry on the other side and its location creates no negative impacts on residences. The applicant met with the Sully District Council, which has no opposition to it. The applicant also met with the West [Fairfax] County Citizens Association Land Use Committee, which is very familiar with non-residential uses in the RC and they unanimously recommended approval. The applicant meets the Ordinance criteria for the establishment of an Agricultural Forestal District. It has staff's support and also a favorable recommendation from the Agricultural and Forestal District Advisory Committee. I concur with the recommendations in the staff report. As an aside, I would suggest also that interested Commissioners and citizens looking for something new and different to do with family or friends may wish to check out the winery at their convenience. It's already open. Therefore, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT AF 2012-SU-001 BE APPROVED AND APPENDIX F OF THE FAIRFAX COUNTY CODE BE AMENDED TO ESTABLISH THE HICKOX LOCAL AGRICULTURAL AND FORESTAL DISTRICT, SUBJECT TO ORDINANCE PROVISIONS DATED SEPTEMBER 14, 2012.

Commissioner Sargeant: Second.

Chairman Murphy: Seconded by Mr. Sargeant. Is there a discussion of that motion? All those in favor of the motion to recommend to the Board of Supervisors that it amend Appendix F of the Fairfax County Code to establish the Hickox Local Agricultural and Forestal District, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Thank you very much.

//

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

JLC

Board Agenda Item
November 20, 2012

3:30 p.m.

Public Hearing to Authorize the Conveyance of a Portion of Board-Owned Property to the Virginia Department of Transportation for the Leesburg Pike Widening Project (Hunter Mill District)

ISSUE:

Public hearing to convey a portion of Board-owned property to the Virginia Department of Transportation (VDOT) for the Leesburg Pike Widening Project.

RECOMMENDATION:

The County Executive recommends that the Board authorize staff to convey a portion of Board-owned property to VDOT for the Leesburg Pike Widening Project.

TIMING:

On September 25, 2012, the Board of Supervisors authorized the advertisement of a public hearing to convey Board-owned property to VDOT.

BACKGROUND:

The Board of Supervisors is the owner of one parcel of land located at 1117 Reston Avenue and identified as Tax Map No. 0112 01 0034A. The property is occupied by the North Point Fire Station.

VDOT would like to acquire 379 square feet of land from parcel 0112 01 0034A, as well as a temporary construction easement, to build and maintain the Leesburg Pike Widening Project. The square footage is not required by the fire station.

This project is designed to widen the section of Leesburg Pike between Rolling Holly Drive to Reston Avenue from four to six lanes. A new traffic light will replace the existing emergency-only signal at the intersection of Leesburg Pike and Reston Avenue. Opticom equipment, which provides a green traffic signal for oncoming emergency vehicles, will be provided for the westbound Leesburg Pike approach to the Leesburg/Georgetown Pike intersection. VDOT is the project manager; however, the Fairfax County Department of Transportation (FCDOT) has partnered with VDOT throughout the project development.

VDOT presented an offer of compensation of \$9,200 for the fee taking and easement. Since Fairfax County purchased this property for purposes other than right-of-way for this project, FCDOT recommends, and the Facilities Management Department concurs, that VDOT should compensate the County for these needed property rights. Staff recommends that the funds received from VDOT for these land rights be deposited into Fund 124 to offset other significant County transportation improvement expenses.

Board Agenda Item
November 20, 2012

FISCAL IMPACT:

The County will receive funding in the amount of \$9,200, deposited in Fund 124 (400-C40011), County and Regional Transportation Projects.

ENCLOSED DOCUMENTS:

Attachment A: Location Map

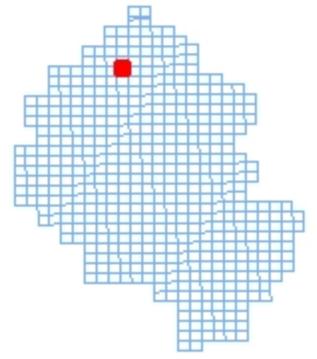
Attachment B: Resolution

STAFF:

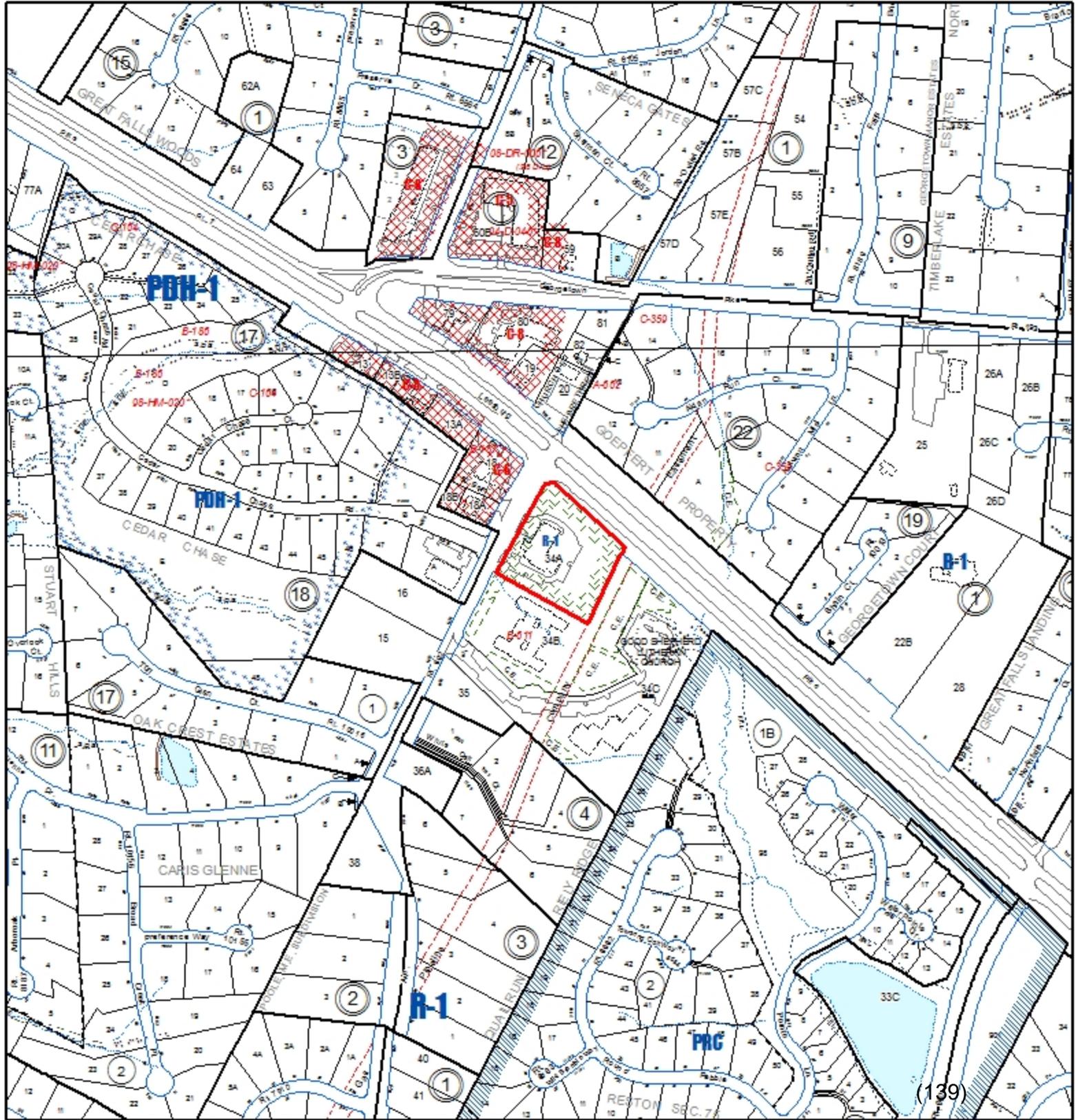
Tom Biesiadny, Director, Department of Transportation

José A. Comayagua, Director, Facilities Management Department

Subject Property: Tax Map No. 0112 01 0034A



0 125 250 500 Feet



Attachment B

RESOLUTION

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium in the Fairfax County Government Center at Fairfax, Virginia, on Tuesday, November 20, 2012, at which a quorum was present and voting, the following resolution was adopted:

WHEREAS, the Board of Supervisors owns one parcel of land identified as Tax Map Number 0112 01 0034A,

WHEREAS, the Virginia Department of Transportation seeks to acquire, either in whole or in part, the fee simple interest in the parcel identified as Tax Map Number 0112 01 0034A for the construction of the Leesburg Pike Widening Project,

WHEREAS, the Virginia Department of Transportation seeks to acquire a temporary construction easement over the parcel identified as Tax Map Number 0112 01 0034A for the same purpose,

WHEREAS, the acquisition of the fee simple interest in and easement over portions of the parcel identified as Tax Map Number 0112 01 0034A require compensation, and the fair market value of the portion of the property and the easement required for the improvements was determined by an appraiser to be \$9,200,

WHEREAS, the Board of Supervisors finds that it would be in the best interest of the citizens of Fairfax County to convey in consideration of \$9,200, the real property and real property interest(s), as described above, to the Virginia Department of Transportation for the Leesburg Pike Widening Project,

NOW, THEREFORE, upon public hearing duly advertised according to law, it is **RESOLVED** that, in consideration of \$9,200, the County Executive or Deputy County Executive is hereby authorized to execute all necessary documents to convey the real property and real property interest(s) described above to the Virginia Department of Transportation.

A Copy Teste:

Catherine A. Chianese
Clerk to the Board of Supervisors

Board Agenda Item
November 20, 2012

3:30 p.m.

Public Hearing on RZ 2012-MA-012 (Titan America LLC) to Rezone From C-8 and R-2 to I-6 to Permit Industrial Development with an Overall Floor Area Ratio of 0.05, Located on Approximately 1.28 Acres of Land (Mason District)

and

Public Hearing on SE 2012-MA-011 (Titan America LLC) to Permit Concrete Mixing and Batching Plant and Increase in Building Height from 75 Feet to 85 Feet, Located on Approximately 9.43 Acres of land Zoned I-6 (Mason District)

This property is located on the East side of Industrial Drive, North of Iron Place, North and South of Electronic Drive. Tax Map 80-2 ((1)) 33pt.

This property is located at 6600 Electronic Drive, Springfield, 22151. Tax Map 80-2 ((1)) 33 and 33A.

PLANNING COMMISSION RECOMMENDATIONS:

The Planning Commission public hearing on these applications will be held on Thursday, November 15, 2012. The Commission's recommendations will be forwarded to the Board of Supervisors subsequent to that date.

ENCLOSED DOCUMENTS:

None

STAFF:

Barbara Berlin, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)

S. Williams, Department of Planning and Zoning

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Board Agenda Item
November 20, 2012

3:30 p.m.

Public Hearing on PCA 89-L-008 (Fairfax County School Board) to Amend the Proffers for RZ 89-L-008 Previously Approved for Public School to Permit an Increase in Proffered Gross Floor Area for Renovation/Expansion of Existing Facilities and Associated Modifications to Proffers and Site Design with an overall Floor Area Ratio of .22, Located on Approximately 8.14 Acres of Land Zoned R-3 and HC (Lee District)

This property is located at 7101 Old Keene Mill Road, Springfield, 22150. Tax Map 90-1 ((1)) 52.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission public hearing will be held on Thursday, November 15, 2012. The Commission's recommendation will be forwarded to the Board of Supervisors subsequent to that date.

ENCLOSED DOCUMENTS:

None

STAFF:

Barbara Berlin, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)

M. Tsai, Department of Planning and Zoning

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Board Agenda Item
November 20, 2012

3:30 p.m.

Public Hearing on SEA 87-A-086-03 (College Town Associates Limited Partnership) to Amend SE 87-A-086 Previously Approved for Child Care Center, Fast Food Restaurant, Drive-In Financial Institution, Increase in Building Height, Service Station and Mini Mart to Permit Waiver of Certain Sign Regulations and Associated Modifications to Development Conditions, Located on Approximately 18.8 Acres of Land Zoned C-6 (Braddock District)

This property is located at 10697 Braddock Road, Fairfax, 22032. Tax Map 68-1 ((1)) 9 pt. and 9A.

PLANNING COMMISSION RECOMMENDATIONS:

On Thursday, October 4, 2012, the Planning Commission voted unanimously (Commissioners Litzenberger and Migliaccio not present for the votes) to recommend to the Board of Supervisors:

- Approval of SEA 87-A-086-03, subject to the development conditions dated September 27, 2012;
- Reaffirmation of the modification of the peripheral parking lot landscaping requirements (to provide a ten foot minimum distance along the frontage of the northern and western property lines);
- Reaffirmation of the modification of the lot area, lot width and open space requirements for the property zoned R-1 (RZ 2009-BR-015) to permit the consolidation of this lot into the existing shopping center site; and
- Reaffirmation of the modification of the transitional screening and barrier requirements along the western and southern property lines.

ENCLOSED DOCUMENTS:

Attachment 1: Verbatim excerpt

Staff Report previously furnished and available online at:

<http://ldsnet.fairfaxcounty.gov/ldsnet/ldsdfw/4400682.PDF>

STAFF:

Barbara Berlin, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)

William O'Donnell, Department of Planning and Zoning

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Planning Commission Meeting
October 4, 2012
Verbatim Excerpt

SEA 87-A-086-03 – COLLEGE TOWN ASSOCIATES, L.P. (Braddock District)

After the Close of the Public Hearing

Chairman Murphy: Public Hearing is closed; recognize Ms. Hurley.

Commissioner Hurley: And I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE SEA 87-A-086-03, SUBJECT TO DEVELOPMENT CONDITIONS NOW DATED SEPTEMBER 27, 2012. I move that the Planning Commission recommend reaffirmation of the –

Chairman Murphy: All those – one at a time.

Commissioner Hurley: I'm sorry.

Commissioners Alcorn and Sargeant: Second.

Chairman Murphy: Seconded by Mr. Alcorn and Mr. Sargeant. Is there a discussion of that motion? All those in favor of the motion to recommend to the Board of Supervisors that it approve SEA 87-A-086-03, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Ms. Hurley.

Commissioner Hurley: I MOVE THAT THE PLANNING COMMISSION RECOMMEND REAFFIRMATION OF THE PREVIOUSLY-APPROVED WAIVERS AND MODIFICATIONS, WHICH INCLUDE A MODIFICATION OF THE PERIPHERAL PARKING LOT LANDSCAPING REQUIREMENTS TO PROVIDE A 10-FOOT MINIMUM DISTANCE ALONG THE FRONTAGE OF THE NORTHERN AND WESTERN PROPERTY LINES; ALSO, A MODIFICATION OF THE TREE – OF THE LOT AREA – sorry – LOT WIDTH AND OPEN SPACE REQUIREMENTS FOR PROPERTY ZONED R-1 (RZ 2009-BR-015) TO PERMIT THE CONSOLIDATION OF THIS LOT INTO THE EXISTING SHOPPING CENTER SITE; AND A MODIFICATION OF THE TRANSITIONAL SCREENING AND BARRIER REQUIREMENTS ALONG THE WESTERN AND SOUTHERN PROPERTY LINES.

Commissioners Alcorn and Sargeant: Second.

Chairman Murphy: Seconded by Mr. Alcorn and – who was the other?

Commissioner Alcorn: Mr. Sargeant.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Thank you very much.

//

(The motions carried unanimously with Commissioners Litzenberger and Migliaccio not present for the votes.)

JLC

Board Agenda Item
November 20, 2012

3:30 p.m.

Public Hearing on RZ 2011-MV-031 (MidAtlantic Realty Partners, LLC) to Rezone from I-5 to PRM to Permit Mixed Use Development with an Overall Floor Area Ratio of 2.81 and Approval of the Conceptual Development Plans, on Approximately 6.04 Acres of Land (Mount Vernon District)

This property is located in the North West quadrant of the intersection of Huntington Avenue and Metroview Parkway. Tax Map 83-1 ((1)) 34C.

PLANNING COMMISSION RECOMMENDATION:

On Thursday, September 20, 2012, the Planning Commission voted unanimously (Commissioner Litzenberger absent from the meeting) to recommend to the Board of Supervisors approval of the following actions pertinent to RZ 2011-MV-031:

- 1) approval of RZ 2011-MV-031 and the associated Conceptual Development Plan, subject to the execution of proffers consistent with those dated September 19, 2012;
- 2) modification of Section 11-203 of the Zoning Ordinance to permit the loading spaces as depicted on the CDP/FDP;
- 3) waiver of the transitional screening and barrier requirements between the residential and commercial uses within the property and along the southern and eastern property boundaries;
- 4) waiver of the requirement to construct a bicycle lane along Huntington Avenue.

The Planning Commission also voted unanimously (Commissioner Litzenberger absent from the meeting) to approve FDP 2011-MV-031, subject to the conditions contained in Appendix 2 of the staff report and the Board's approval of RZ 2011-MV-031 and its associated CDP.

ENCLOSED DOCUMENTS:

Attachment 1: Verbatim Excerpt

Staff Report previously furnished and available online at:

<http://ldsnet.fairfaxcounty.gov/ldsnet/ldsdfw/4396355.PDF>

STAFF:

Barbara Berlin, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)

William Mayland, Department of Planning and Zoning

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Planning Commission Meeting
September 20, 2012
Verbatim Excerpt

RZ/FDP 2011-MV-031 – MID-ATLANTIC REALTY PARTNERS, LLC

After the Close of the Public Hearing

Chairman Murphy: Are we sure this time? Public hearing is closed; recognize Mr. Flanagan.

Commissioner Flanagan: Thank you, Mr. Chairman. I once again would like to say how much of a pleasure it has been working both with Bill Mayland and with Inda Stagg on this project. They have gone well beyond every contribution towards resolving the concerns of the neighborhood and as a consequence, the Huntington Civic Association has endorsed this particular proposal and the Land Use Committee of Mount Vernon District has also endorsed this unanimously. So therefore, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF RZ 2011-MV-031 AND THE ASSOCIATED CONCEPTUAL DEVELOPMENT PLAN, SUBJECT TO THE EXECUTION OF PROFFERS CONSISTENT WITH THOSE DATED SEPTEMBER 19, 2012.

Commissioner Sargeant: Second.

Chairman Murphy: Seconded by Mr. Sargeant. Is there a discussion of the motion? All those in favor of the motion to recommend to the Board of Supervisors that it approve RZ 2011-MV-031, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Flanagan: I have four more motions. I MOVE THAT THE PLANNING COMMISSION APPROVE FDP 2011-MV-031, SUBJECT TO THE PROPOSED FINAL DEVELOPMENT PLAN CONDITIONS CONTAINED IN APPENDIX 2 OF THE STAFF REPORT AND THE BOARD OF SUPERVISORS' APPROVAL OF RZ 2011-MV-031 AND ASSOCIATED CONCEPTUAL DEVELOPMENT PLAN.

Commissioner Sargeant: Second.

Chairman Murphy: Seconded by Mr. Sargeant. Is there a discussion? All those in favor of the motion to approve FDP 2011-MV-031, subject to the Board's approval of the Rezoning and Conceptual Development Plan, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Flanagan: Third, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF A MODIFICATION OF SECTION 11-203 OF THE ZONING ORDINANCE FOR THE REQUIRED LOADING SPACES

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September 20, 2012
RZ/FDP 2011-MV-031

Page 2

TO PERMIT THE LOADING SPACES DEPICTED ON THE CONCEPTUAL DEVELOPMENT PLAN AND THE FINAL DEVELOPMENT PLAN.

Commissioner Sargeant: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Flanagan: Fourth, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF A WAIVER OF SECTION 13-303 OF THE ZONING ORDINANCE FOR TRANSITIONAL SCREENING AND SECTION 13-304 FOR BARRIER REQUIREMENTS BETWEEN THE RESIDENTIAL AND COMMERCIAL USES WITHIN THE PROPERTY AND ALONG THE SOUTHERN AND EASTERN PROPERTY BOUNDARIES.

Commissioner Sargeant: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Flanagan: And finally, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF A WAIVER OF THE REQUIREMENT TO CONSTRUCT A BICYCLE LANE ALONG HUNTINGTON AVENUE.

Commissioner Sargeant: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Thank you very much, Mr. Mayland and Ms. Stagg. Mr. Flanagan, thank you.

Commissioner Flanagan: Thank you.

(The motions carried unanimously with Commissioner Litzenberger absent from the meeting.)

Board Agenda Item
November 20, 2012

4:00 p.m.

Public Hearing to Consider Parking Restrictions on Draco Street, Thunderbolt Place and Flint Lee Road (Springfield and Sully Districts)

ISSUE:

Public Hearing on a proposed amendment to Appendix R of *The Code of the County of Fairfax, Virginia* (Fairfax County Code), to establish parking restrictions on the south side of Draco Street along the northern property line of Rolling Valley Mall in the Springfield District and along the entire lengths of Thunderbolt Place and Flint Lee Road in the Sully District.

RECOMMENDATION:

The County Executive recommends that the Board adopt an amendment (Attachment I) to Appendix R, of the Fairfax County Code, to prohibit commercial vehicles as defined in Section 82-5-7 of the Fairfax County Code, recreational vehicles, and all trailers from parking on the south side of Draco Street along the northern property line of Rolling Valley Mall in the Springfield District, seven days per week; along the entire length of Thunderbolt Place in the Sully District, from 9:00 p.m. to 6:00 a.m., seven days per week; and along the entire length of Flint Lee Road in the Sully District, from 7:00 p.m. to 6:00 a.m., seven days per week.

TIMING:

The public hearing was authorized on October 30, 2012, for November 20, 2012, at 4:00 p.m.

BACKGROUND:

Fairfax County Code Section 82-5-37(5) authorizes the Board of Supervisors to designate restricted parking in non-residential areas where long term parking of vehicles diminish the capacity of on-street parking for other uses.

The Springfield District office has forwarded a request from the Keene Mill Woods II Home Owners Association to prohibit commercial vehicles as defined in Section 82-5-7 of the Fairfax County Code, recreational vehicles, and all trailers from parking on the south side of Draco Street along the northern property line of Rolling Valley Mall in the Springfield District, seven days per week. The management company for Rolling Valley Mall is in support of this request. Homes in the Keene Mill Woods II development are

Board Agenda Item
November 20, 2012

across the street from the proposed restriction and the Rolling Valley Mall property abuts the proposed restriction to the south.

The Sully District office has forwarded a request from the Dulles Business Park Owners and its Board Directors to prohibit commercial vehicles as defined in Section 82-5-7 of the Fairfax County Code, recreational vehicles, and all trailers from parking on the entire length of Thunderbolt Place, from 9:00 p.m. to 6:00 a.m., seven days per week. The Dulles Business Park encircles the proposed restriction.

The Sully District office has forwarded a request from the Board of Directors of the Dulles Southgate Condominium Association and the Flint Lee Business Park to prohibit commercial vehicles as defined in Section 82-5-7 of the Fairfax County Code, recreational vehicles, and all trailers from parking on the entire length of Flint Lee Road, from 7:00 p.m. to 6:00 a.m., seven days per week. The Southgate Condominium businesses abut a portion of Flint Lee Road to the north and the remainder is encircled by Flint Lee Business Park addresses.

Based on staff observation of the aforementioned streets, long term parking of vehicles diminishes the capacity of on-street parking for other uses.

FISCAL IMPACT:

The cost of sign installation is estimated at \$6,000 to be paid out of Fairfax County Department of Transportation (FCDOT) funds.

ENCLOSED DOCUMENTS:

Attachment I: Proposed amendment to Fairfax County Code, Appendix R (General Parking Restrictions)

Attachment II: Area Map of Proposed Parking Restriction (Draco Street)

Attachment III: Area Map of Proposed Parking Restriction (Thunderbolt Place)

Attachment IV: Area Map of Proposed Parking Restriction (Flint Lee Road)

STAFF:

Robert A. Stalzer, Deputy County Executive

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

Karyn Moreland, Acting Chief, Capital Projects and Operations Division, FCDOT

Selby Thannikary, Chief, Traffic Operations Section, FCDOT

Maria Turner, Sr. Transportation Planner, FCDOT

PROPOSED CODE AMENDMENT

THE CODE OF THE COUNTY OF FAIRFAX, VIRGINIA
APPENDIX R

Amend *The Code of the County of Fairfax, Virginia*, by adding the following to Appendix R, in accordance with Section 82-5-37:

Draco Street (Route 5244).

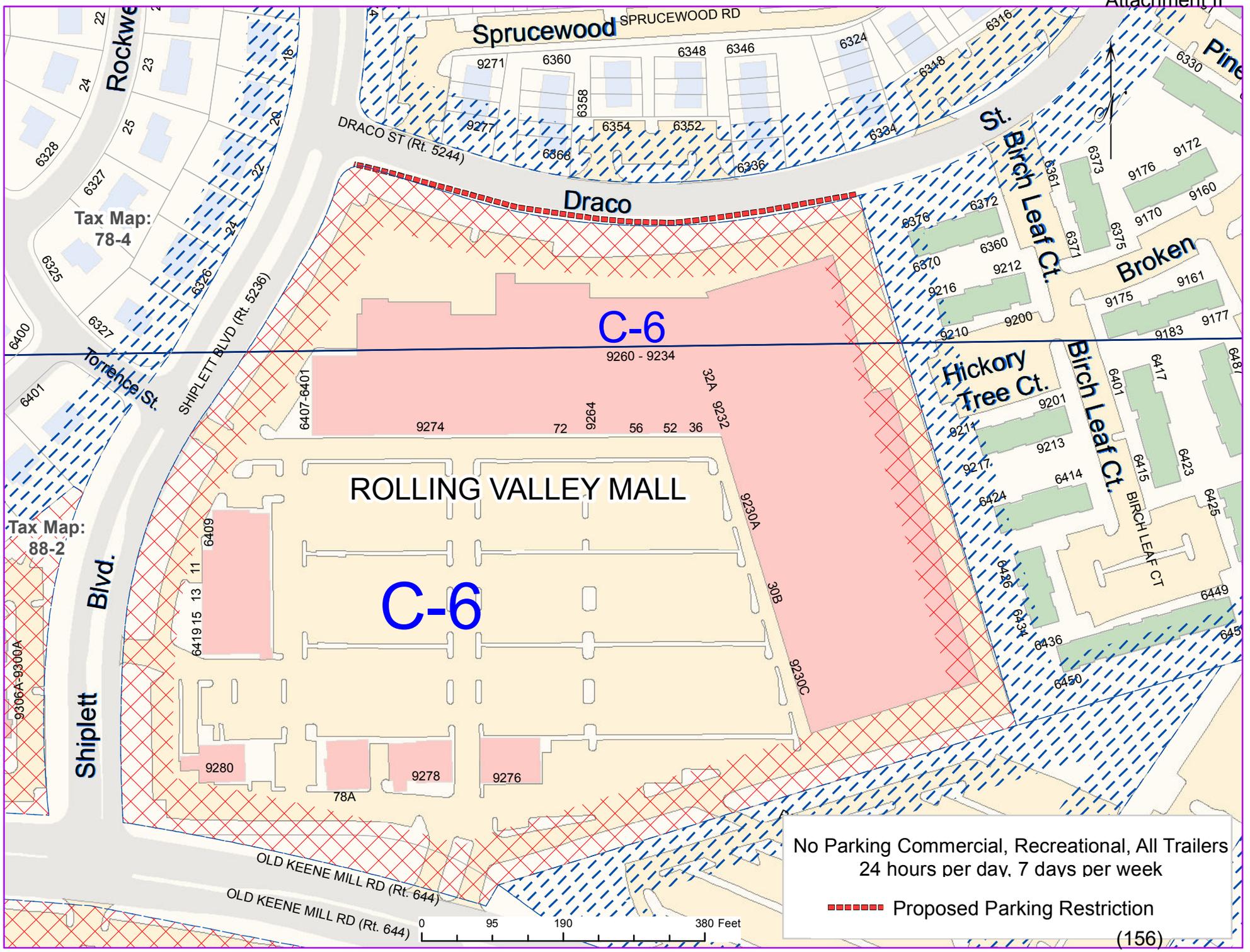
Commercial vehicles, recreational vehicles, and trailers as defined in Fairfax County Code Sections 82-5-7(b) and 82-5B-1 shall be restricted from parking on the south side of Draco Street (Route 5544) along the northern property line of Rolling Valley Mall, seven days per week.

Flint Lee Road (Route 8100).

Commercial vehicles, recreational vehicles, and trailers as defined in Fairfax County Code Sections 82-5-7(b) and 82-5B-1 shall be restricted from parking on the entire length of Flint Lee Road (Route 8100), from 7:00 p.m. to 6:00 a.m., seven days per week.

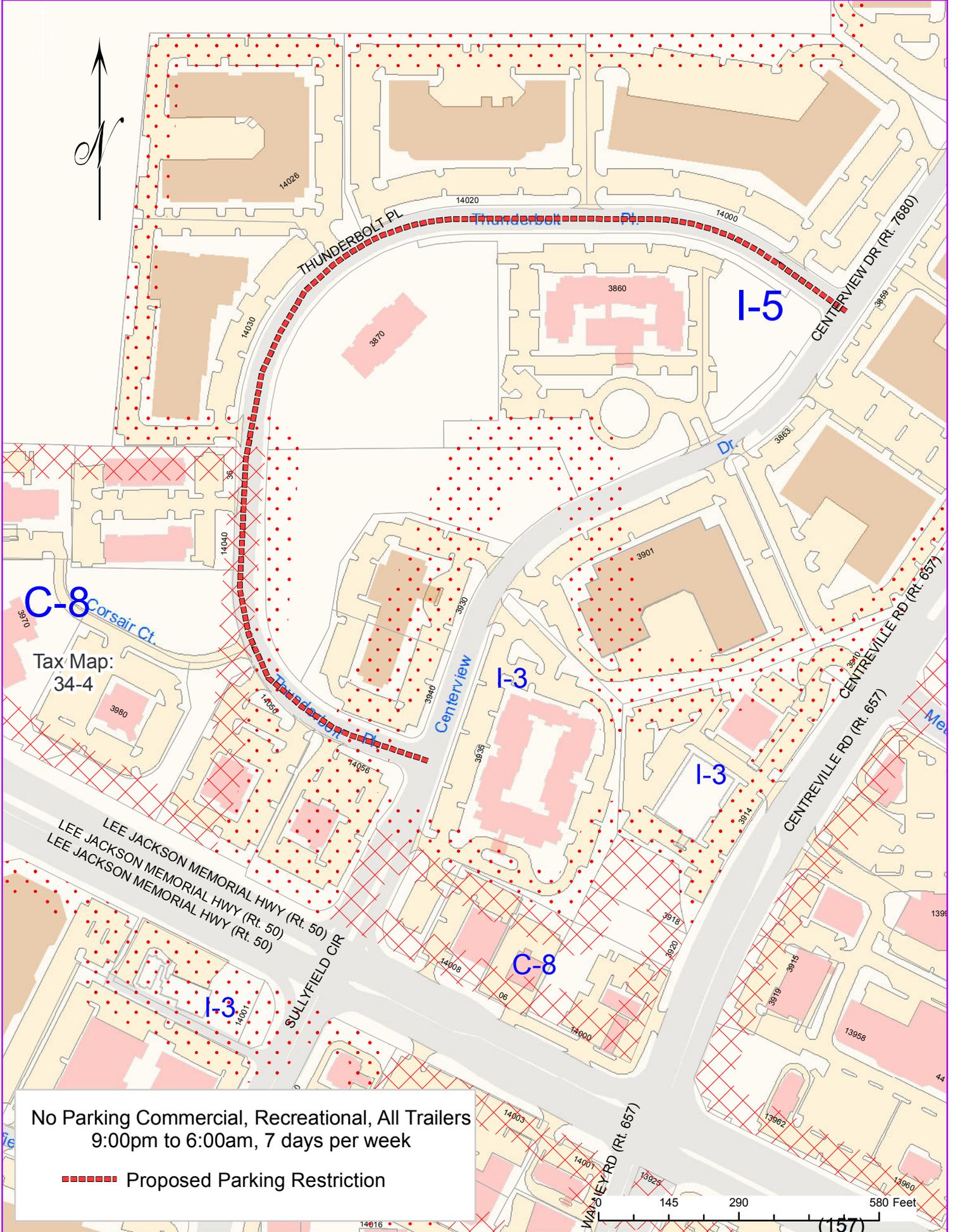
Thunderbolt Place (no route).

Commercial vehicles, recreational vehicles, and trailers as defined in Fairfax County Code Sections 82-5-7(b) and 82-5B-1 shall be restricted from parking on the entire length of Thunderbolt Place (no route), from 9:00 p.m. to 6:00 a.m., seven days per week.



No Parking Commercial, Recreational, All Trailers
 24 hours per day, 7 days per week

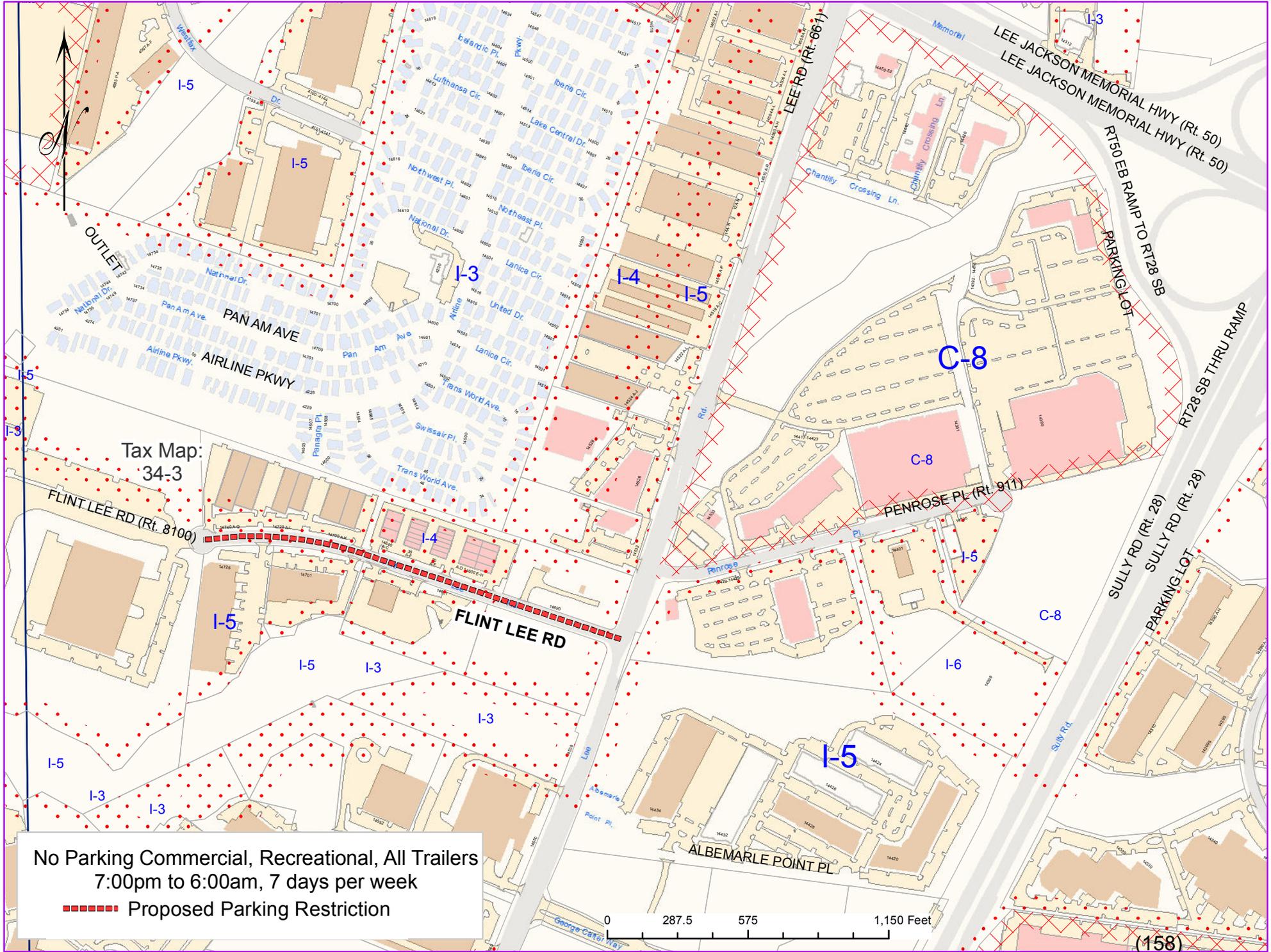
----- Proposed Parking Restriction



No Parking Commercial, Recreational, All Trailers
9:00pm to 6:00am, 7 days per week

----- Proposed Parking Restriction

145 290 580 Feet



No Parking Commercial, Recreational, All Trailers
 7:00pm to 6:00am, 7 days per week
 ■■■■■ Proposed Parking Restriction

0 287.5 575 1,150 Feet

Board Agenda Item
November 20, 2012

4:00 P.M.

Public Hearing on Spot Blight Abatement Ordinance for 1830 Peabody Drive, Falls Church, VA 22043 (Dranesville District)

ISSUE:

Public Hearing to adopt a Spot Blight Abatement Ordinance for 1830 Peabody Drive, Falls Church, VA 22043 (Tax Map No. 040-1 ((03)) 0433) and approval of a blight abatement plan for the Property.

RECOMMENDATION:

The County Executive recommends that the Board adopt an ordinance to declare 1830 Peabody Drive, blighted, constituting a nuisance, and approve the blight abatement plan for the Property.

TIMING:

On October 30, 2012 the Board authorized advertisement of this public hearing to be held Tuesday, November 20, 2012, at 4:00 P.M.

BACKGROUND:

Va. Code Ann. § 36-49.1:1 (2011) (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 (2012) or Va. Code Ann. § 15.2-1115 (2012) (Abatement of Nuisance Statutes). The Abatement of Nuisance Statutes permits the County to compel the abatement or removal of nuisances. If, after reasonable notice, the owner(s) fails to abate or obviate the nuisance the County may abate the nuisance in which event the property owner(s) may then be charged for the costs of abatement, which may be collected from the property owner(s) in any manner provided by law for the collection of state or local taxes.

Properties are considered "blighted" under the Spot Blight Abatement Statute as defined in Va. Code Ann. 36-3 (2011) 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
November 20, 2012

In November 1996, the Board authorized the implementation of a Blight Abatement Program using the Spot Blight Abatement Statute to address citizen concerns about specific properties in their communities which were abandoned, dilapidated, or otherwise kept in an unsafe state. Under guidelines established by the Board, a property can be considered “blighted” for purposes of a County Abatement Ordinance under the Spot Blight Abatement Statute if it meets the definition of “Blighted property” under Va. Code Ann. 36-3 (2011) 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.

A property maintenance case was opened and investigated in July 2008 for neglect and maintenance concerns and on October 11, 2011, the property was referred to the Blight Abatement Program (BAP) due to the unresponsiveness of the owner to correct the maintenance issues. Records indicate the property owner made application for a demolition permit in February 2012 and the demolition permit was issued on October 26, 2012. The property owner has not submitted a written blight abatement plan specifying the time frame for the demolition of this structure, and based on the number of complaints regarding the deteriorating condition, and the length of time this property has been in violation of the Virginia Maintenance Code, BAP staff recommends the adoption of the ordinance.

Located on the subject property is an abandoned, one story dwelling. The roof has been cut along the rafters, and the siding removed. The structure has been in this condition since March 2012. The structure was constructed in 1953 according to Fairfax County Tax Records. Inspection records indicate the property has been vacant since at least July 2008.

Due to the time it has taken for the owner to obtain the demolition permit and the lack of response by the owner over the course of the past four years BAP staff feels that the dwelling is not economically feasible to repair and recommends demolition.

This property was reviewed by the Neighborhood Enhancement Task Force (NETF) on September 13, 2012 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 him of this determination.

In accordance with the Spot Blight Abatement Statute, the Board, by Ordinance, may declare the Property to be blighted, and to constitute a nuisance, and approve abatement of blight as allowed under the Va. Code Ann. §15.2-1115 (2012). State Code requires that the Board provide notice concerning adoption of such and

Board Agenda Item
November 20, 2012

ordinance. Notice was published on November 2, 2012 and November 9, 2012.

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. At the public hearing, the County will also request authorization to contract for demolition of the blighted structure on site pursuant to Va. Code Ann. §15.2-1115 (2012) as authorized under the Spot Blight Abatement Statute. If the owners fail to abate the blighted conditions within thirty days after notification to the property owners of the Board's action, the County will proceed with the demolition process for the structures. The county will incur the cost, expending funds that are available in Fund 300-C30010, County Construction, Project 2G97-001-00, 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 records 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 300-C30010, County Construction, Project 2G97-001-000, Strike Force Blight Abatement. Funding is available in Project 2G97-001-000 to proceed with the demolition estimated to cost approximately \$28,000.

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

ENCLOSED DOCUMENTS:

Attachment 1: Property Photographs

Attachment 2: Ordinance for 1830 Peabody Drive (Dranesville District)

Attachment 3: Blighted Property Technical Report and Abatement Plan

STAFF:

Jeffrey L. Blackford, Director, Department of Code Compliance

Karen McClellan, Operations Manager, Department of Code Compliance

Susan Epstein, Division Supervisor, Department of Code Compliance

Victoria Dzierzek, Code Compliance Investigator III, Department of Code Compliance

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**1830 Peabody Drive, Falls Church
Tax Map # 040-1 ((03)) 0433
Dranesville District
Attachment 1**



**1830 Peabody Drive, Falls Church
Tax Map # 040-1 ((03)) 0433
Dranesville District
Attachment 1**

**ORDINANCE FOR 1830 PEABODY DRIVE
(DRANESVILLE)**

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

WHEREAS, the Code of Virginia empowers localities, by ordinance to declare any blighted property as defined in the Va. Code Ann. § 36.3 (2011) to constitute a nuisance and thereupon abate the nuisance pursuant to Va. Code Ann. § 15.2-900 (2012) or § 15.2-1115 (2012).

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

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

WHEREAS, it has been determined that the property located at 1830 Peabody Drive (Dranesville District) identified on the Fairfax County Tax Map as 040-1 ((03)) 0433 ("Property") meets the definition of blight as defined in Va. Code Ann. § 36.3 (2011); and

WHEREAS, the Board desires that the blight constituting a nuisance be abated in accordance with Va. Code Ann. §15.2-1115 (2008), as authorized by Va. Code Ann. § 36-49.1:1 (2011) ; and

NOW THEREFORE, BE IT RESOLVED, THAT BY ORDINANCE, the Property is deemed blighted as that term is defined in Va. Code Ann. § 36.3 (2011) and the Board hereby determines that the Property constitutes a nuisance.

BE IT FURTHER RESOLVED; THAT BY ORDINANCE the Board hereby directs that the aforementioned nuisance be abated in accordance with the terms of Va. Code Ann. § 15.2-1115 (2012) as authorized by Va. Code Ann. § 36.49.1:1 (2011), including without limitation that if the owner of the Property fails to abate or obviate the nuisance within thirty (30) days, Fairfax County may do so by demolishing the improvements on the Property and removing all debris from the site in which event the County may collect the costs thereof from the owner of the Property in any manner provided by law for the collection of state or local taxes.

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

PROPERTY ADDRESS (DISTRICT)
1830 Peabody Drive (Dranesville District)

TAX MAP NUMBER
040-1 ((03)) 0433

BLIGHTED PROPERTY TECHNICAL REPORT AND ABATEMENT PLAN

PROJECT TITLE (OWNERS): S. W. Stevenson III

CASE: # 35948 SR# 81787

OWNER'S ADDRESS: 5079 Claston Court, Warrenton, VA 20187

ADDRESS OF BLIGHTED PROPERTY: 1830 Peabody Drive, Falls Church, VA 22043

TAX MAP NO.: 040-1 ((03)) 0433 **MAGISTERIAL DISTRICT:** Dranesville District

2012 ASSESSED VALUE: \$268,600 **LAND:** \$190,000 **IMPROVEMENTS:** \$78,600

PROPERTY ZONING: R-4 **YEAR BUILT:** 1953

TAX STATUS: Delinquent \$483.63 through December, 2012

DESCRIPTION:

Located on the subject property is an abandoned, one story dwelling. The roof has been cut along the rafters, and the siding removed. The structure has been in this condition since March 2012. The structure was constructed in 1953 according to Fairfax County Tax Records. Inspection records indicate the property has been vacant since at least July 2008. Although a demolition permit was issued on October 26, 2012, the owner has not submitted a written blight abatement plan specifying a time to complete the demolition, and the number of complaints received on this property over the past four years, BAP staff feels that the dwelling is not economically feasible to repair and recommends demolition

IMPACT OF PROPERTY ON SURROUNDING USES:

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

NATURE OF COMPLAINTS:

The property located at 1830 Peabody was referred to the Blight Abatement Program (BAP) on October 11, 2011 reference it's dilapidated and attractive nuisance conditions.

STAFF RECOMMENDATION:

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

Board Agenda Item
November 20, 2012

4:00 P.M.

Public Hearing on Spot Blight Abatement Ordinance for 7239 Dell Avenue, Clifton, VA 20124 (Springfield District)

ISSUE:

Public Hearing to adopt a Spot Blight Abatement Ordinance for 7239 Dell Avenue, Clifton, VA 20124 (Tax Map No. 085-2 ((02)) 0011A) and approval of a blight abatement plan for the Property.

RECOMMENDATION:

The County Executive recommends that the Board adopt an ordinance to declare 7239 Dell Avenue, blighted, constituting a nuisance, and approve the blight abatement plan for the Property.

TIMING:

On October 30, 2012 the Board authorized advertisement of this public hearing to be held Tuesday, November 20, 2012, at 4:00 P.M.

BACKGROUND:

Va. Code Ann. § 36-49.1:1 (2011) (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 (2012) or Va. Code Ann. § 15.2-1115 (2012) (Abatement of Nuisance Statutes). The Abatement of Nuisance Statutes permits the County to compel the abatement or removal of nuisances. If, after reasonable notice, the owner(s) fails to abate or obviate the nuisance the County may abate the nuisance in which event the property owner(s) may then be charged for the costs of abatement, which may be collected from the property owner(s) in any manner provided by law for the collection of state or local taxes.

Properties are considered "blighted" under the Spot Blight Abatement Statute as defined in Va. Code Ann. 36-3 (2011) 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
November 20, 2012

In November 1996, the Board authorized the implementation of a Blight Abatement Program using the Spot Blight Abatement Statute to address citizen concerns about specific properties in their communities which were abandoned, dilapidated, or otherwise kept in an unsafe state. Under guidelines established by the Board, a property can be considered “blighted” for purposes of a County Abatement Ordinance under the Spot Blight Abatement Statute if it meets the definition of “Blighted property” under Va. Code Ann. 36-3 (2011) 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 7239 Dell Avenue was cited under the Virginia Maintenance Code in November, 2011 for the property maintenance violations. The owner made no attempt to make necessary repairs or demolish the structure as cited in the Notice of Violation, and the property was referred to the Blight Abatement Program (BAP) in April, 2012 by the Maintenance Official.

Located on the subject property is an abandoned, extremely dilapidated two story wood frame dwelling that was constructed in 1925. The structure has been vacant for at least seven years according to the complainant and was vacant in November, 2011 when the Virginia Maintenance Official initially investigated the property. The structure is in a state of partial collapse, and further collapse is likely. The structure is unsecured against entry from the public.

On April 18, 2012, the structure was placarded as unfit/unsafe for human occupancy. Due to the extreme lack of maintenance and deteriorated condition of the structure, BAP staff feels that the dwelling is not economically feasible to repair and recommends demolition.

This property was reviewed by the Neighborhood Enhancement Task Force (NETF) on September 13, 2012 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.

In accordance with the Spot Blight Abatement Statute, the Board, by Ordinance, may declare the Property to be blighted, and to constitute a nuisance, and approve abatement of blight as allowed under the Va. Code Ann. §15.2-1115 (2012). State Code requires that the Board provide notice concerning adoption of such and ordinance. Notice was published on November 2, 2012 and November 9, 2012. The

Board Agenda Item
November 20, 2012

Town Council of Clifton held a special meeting on October 18, 2012, to consider Town support for the County's blight abatement action on this property. The Town Council voted unanimously to support this action and demolition of the structure.

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. At the public hearing, the County will also request authorization to contract for demolition of the blighted structure on site pursuant to Va. Code Ann. §15.2-1115 (2012) as authorized under the Spot Blight Abatement Statute. If the owners fail to abate the blighted conditions within thirty days after notification to the property owners of the Board's action, the County will proceed with the demolition process for the structures. The county will incur the cost, expending funds that are available in Fund 300-C30010, County Construction, Project 2G97-001-000, 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 records 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 300-C30010, County Construction, Project 2G97-001-000, Strike Force Blight Abatement. Funding is available in Project 2G97-001-000 to proceed with the demolition estimated to cost approximately \$32,000.

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

ENCLOSED DOCUMENTS:

- Attachment 1: Property Photographs
- Attachment 2: Ordinance for 7239 Dell Avenue (Town of Clifton)
- Attachment 3: Blighted Property Technical Report and Abatement Plan

STAFF:

- Jeffrey L. Blackford, Director, Department of Code Compliance
- Karen McClellan, Operations Manager, Department of Code Compliance
- Susan Epstein, Division Supervisor, Department of Code Compliance
- Victoria Dzierzek, Code Compliance Investigator III, Department of Code Compliance

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7239 Dell Avenue, Clifton
Tax Map # 085-2 ((02)) 0011A
Town of Clifton
Attachment 1

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**7239 Dell Avenue, Clifton
Tax Map # 085-2 ((02)) 0011A
Town of Clifton
Attachment 1**

2

**ORDINANCE FOR 7239 DELL AVENUE
(TOWN OF CLIFTON)**

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

WHEREAS, the Code of Virginia empowers localities, by ordinance to declare any blighted property as defined in the Va. Code Ann. § 36.3 (2011) to constitute a nuisance and thereupon abate the nuisance pursuant to Va. Code Ann. § 15.2-900 (2012) or § 15.2-1115 (2012).

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

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

WHEREAS, it has been determined that the property located at 7239 Dell Avenue (Town of Clifton) identified on the Fairfax County Tax Map as 085-2 ((02)) 0011A ("Property") meets the definition of blight as defined in Va. Code Ann. § 36.3 (2011) ; and

WHEREAS, the Board desires that the blight constituting a nuisance be abated in accordance with Va. Code Ann. §15.2-1115 (2008), as authorized by Va. Code Ann. § 36-49.1:1 (2011); and

NOW THEREFORE, BE IT RESOLVED, THAT BY ORDINANCE, the Property is deemed blighted as that term is defined in Va. Code Ann. § 36.3 (2011) and the Board hereby determines that the Property constitutes a nuisance.

BE IT FURTHER RESOLVED; THAT BY ORDINANCE the Board hereby directs that the aforementioned nuisance be abated in accordance with the terms of Va. Code Ann. § 15.2-1115 (2012) as authorized by Va. Code Ann. § 36.49.1:1 (2011), including without limitation that if the owner of the Property fails to abate or obviate the nuisance within thirty (30) days, Fairfax County may do so by demolishing the improvements on the Property and removing all debris from the site in which event the County may collect the costs thereof from the owner of the Property in any manner provided by law for the collection of state or local taxes.

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

PROPERTY ADDRESS (DISTRICT)
7239 Dell Avenue (Town of Clifton)

TAX MAP NUMBER
085-2 ((02)) 0011A

BLIGHTED PROPERTY TECHNICAL REPORT AND ABATEMENT PLAN

PROJECT TITLE (OWNERS): Sherry Harlow

CASE: # 201006836 SR# 81635

OWNER'S ADDRESS: 511 Falmouth Street, Warrenton, VA 20186

ADDRESS OF BLIGHTED PROPERTY: 7239 Dell Avenue, Clifton, VA 20124

TAX MAP NO.: 085-2 ((02)) 0011A **MAGISTERIAL DISTRICT:** Town of Clifton

2012 ASSESSED VALUE: \$298,780 **LAND:** \$298,000 **IMPROVEMENTS:** \$780

PROPERTY ZONING: R-D **YEAR BUILT:** 1925

TAX STATUS: Delinquent \$1637.33 through December, 2012

DESCRIPTION:

Located on the subject property is an abandoned, extremely dilapidated two story wood frame dwelling that was constructed in 1925. The structure has been vacant for at least seven years according to the complainant and was vacant in November, 2011 when the Virginia Maintenance Official initially investigated the property. The structure is in a state of partial collapse, and further collapse is likely. The structure is unsecured against entry from the public. On April 18, 2012, the structure was placarded as unfit/unsafe for human occupancy. Due to the extreme lack of maintenance and deteriorated condition of the structure, BAP staff feels that the dwelling is not economically feasible to repair and recommends demolition.

IMPACT OF PROPERTY ON SURROUNDING USES:

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

NATURE OF COMPLAINTS:

The property located at 7239 Dell Avenue was referred to the Blight Abatement Program (BAP) on April 5, 2012 reference its dilapidated and attractive nuisance conditions.

STAFF RECOMMENDATION:

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

Board Agenda Item
November 20, 2012

4:00 P.M.

Public Hearing on Spot Blight Abatement Ordinance for 11388 Dorcey Place, Lorton, VA 22079 (Mount Vernon District)

ISSUE:

Public Hearing to adopt a Spot Blight Abatement Ordinance for 11388 Dorcey Place Lorton, VA 22079 (Tax Map No. 119-4 ((02)) (07) 0003) and approval of a blight abatement plan for the Property.

RECOMMENDATION:

The County Executive recommends that the Board adopt an ordinance to declare 11388 Dorcey Place blighted, constituting a nuisance, and approve the blight abatement plan for the Property.

TIMING:

On October 30, 2012 the Board authorized advertisement of this public hearing to be held Tuesday, November 20, 2012, at 4:00 P.M.

BACKGROUND:

Va. Code Ann. § 36-49.1:1 (2011) (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 (2012) or Va. Code Ann. § 15.2-1115 (2012) (Abatement of Nuisance Statutes). The Abatement of Nuisance Statutes permits the County to compel the abatement or removal of nuisances. If, after reasonable notice, the owner(s) fails to abate or obviate the nuisance the County may abate the nuisance in which event the property owner(s) may then be charged for the costs of abatement, which may be collected from the property owner(s) in any manner provided by law for the collection of state or local taxes.

Properties are considered "blighted" under the Spot Blight Abatement Statute as defined in Va. Code Ann. 36-3 (2011) 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
November 20, 2012

In November 1996, the Board authorized the implementation of a Blight Abatement Program using the Spot Blight Abatement Statute to address citizen concerns about specific properties in their communities which were abandoned, dilapidated, or otherwise kept in an unsafe state. Under guidelines established by the Board, a property can be considered “blighted” for purposes of a County Abatement Ordinance under the Spot Blight Abatement Statute if it meets the definition of “Blighted property” under Va. Code Ann. 36-3 (2011) 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.

Based on a complaint received by the Department of Code Compliance in August 2010, regarding a dilapidated and neglected structure located at 11388 Dorsey Place, a property maintenance case was opened and investigated. In July, 2011 new owners took possession of the property. The case was referred to the Blight Abatement Program (BAP) on May 24, 2012 by the Technical Assistant to the Maintenance Official. The property maintenance case was forwarded to the County Attorney’s Office for litigation in September 2012 due to lack of response by the owners to repair or demolish the structure. The owners submitted an unacceptable Blight Abatement Plan which did not specify in detail their intentions to renovate or demolish the structure and an unacceptable timeframe to abate the blighted conditions.

Located on the subject property is an abandoned, one and a half story log cabin with a full basement. The front porch and portions of the roof have collapsed, structural beams in the basement have been compromised. The owners have installed a chain link fence around the cabin to prohibit entry into the unsafe structure. According to Fairfax County Tax Records the cabin was constructed in 1949. The structure is known to be vacant since at least August 2010 as documented by the Property Maintenance Investigator.

Due to the structural condition of the dwelling and the impact on the surrounding properties, BAP staff feels that the dwelling is not economically feasible to repair and recommends demolition.

This property was reviewed by the Neighborhood Enhancement Task Force (NETF) on September 13, 2012 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.

In accordance with the Spot Blight Abatement Statute, the Board, by Ordinance, may declare the Property to be blighted, and to constitute a nuisance, and approve

Board Agenda Item
November 20, 2012

abatement of blight as allowed under the Va. Code Ann. §15.2-1115 (2012). State Code requires that the Board provide notice concerning adoption of such an ordinance. Notice was published on November 2, 2012 and November 9, 2012.

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. At the public hearing, the County will also request authorization to contract for demolition of the blighted structure on site pursuant to Va. Code Ann. §15.2-1115 (2012) as authorized under the Spot Blight Abatement Statute. If the owners fail to abate the blighted conditions within thirty days after notification to the property owners of the Board's action, the County will proceed with the demolition process for the structures. The county will incur the cost, expending funds that are available in Fund 300-C30010, County Construction, Project 2G97-001-00, 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 records 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 300-C30010, County Construction, Project 2G97-001-000, Strike Force Blight Abatement. Funding is available in Project 2G97-001-000 to proceed with the demolition estimated to cost approximately \$32,000.

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

ENCLOSED DOCUMENTS:

- Attachment 1: Property Photographs
- Attachment 2: Ordinance for 11388 Dorsey Place (Mount Vernon District)
- Attachment 3: Blighted Property Technical Report and Abatement Plan

STAFF:

- Jeffrey L. Blackford, Director, Department of Code Compliance
- Karen McClellan, Operations Manager, Department of Code Compliance
- Susan Epstein, Division Supervisor, Department of Code Compliance
- Victoria Dzierzek, Code Compliance Investigator III, Department of Code Compliance

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**11388 Dorsey Place, Lorton
Tax Map # 119-4 ((02)) (07) 0003
Mount Vernon District
Attachment 1**



**11388 Dorsey Place, Lorton
Tax Map # 119-4 ((02)) (07) 0003
Mount Vernon District
Attachment 1**

**ORDINANCE FOR 11388 DORCEY PLACE
(Mount Vernon District)**

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

WHEREAS, the Code of Virginia empowers localities, by ordinance to declare any blighted property as defined in the Va. Code Ann. § 36.3 (2011) to constitute a nuisance and thereupon abate the nuisance pursuant to Va. Code Ann. § 15.2-900 (2012) or § 15.2-1115 (2012).

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

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

WHEREAS, it has been determined that the property located at 11388 Dorcey Place (Mount Vernon District) identified on the Fairfax County Tax Map as 119-4 ((02)) (07) 0003 ("Property") meets the definition of blight as defined in Va. Code Ann. § 36.3 (2011); and

WHEREAS, the Board desires that the blight constituting a nuisance be abated in accordance with Va. Code Ann. §15.2-1115 (2008), as authorized by Va. Code Ann. § 36-49.1:1 (2011); and

NOW THEREFORE, BE IT RESOLVED, THAT BY ORDINANCE, the Property is deemed blighted as that term is defined in Va. Code Ann. § 36.3 (2011) and the Board hereby determines that the Property constitutes a nuisance.

BE IT FURTHER RESOLVED; THAT BY ORDINANCE the Board hereby directs that the aforementioned nuisance be abated in accordance with the terms of Va. Code Ann. § 15.2-1115 (2012) as authorized by Va. Code Ann. § 36.49.1:1 (2011), including without limitation that if the owner of the Property fails to abate or obviate the nuisance within thirty (30) days, Fairfax County may do so by demolishing the improvements on the Property and removing all debris from the site in which event the County may collect the costs thereof from the owner of the Property in any manner provided by law for the collection of state or local taxes.

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

PROPERTY ADDRESS (DISTRICT)
11388 Dorcey Place (Mount Vernon District)

TAX MAP NUMBER
119-4 ((02)) (07) 0003

BLIGHTED PROPERTY TECHNICAL REPORT AND ABATEMENT PLAN

PROJECT TITLE (OWNERS): Potomac Relocation Services, LLC

CASE: # 201005344 SR# 83776

OWNER'S ADDRESS: PO Box 1044 Lorton, VA 22199

ADDRESS OF BLIGHTED PROPERTY: 11388 Dorcey Place, Lorton, VA 22199

TAX MAP NO.: 119-4 ((02)) (07) 0003 **MAGISTERIAL DISTRICT:** Mount Vernon District

2012 ASSESSED VALUE: \$209,230 **LAND:** \$179,000 **IMPROVEMENTS:** \$30,230

PROPERTY ZONING: R-E **YEAR BUILT:** 1949

TAX STATUS: Current through December, 2012

DESCRIPTION:

Located on the subject property is an abandoned, one and a half story log cabin with a full basement. The front porch and portions of the roof has collapsed, structural beams in the basement have been compromised. The owners have installed a chain link fence around the cabin to prohibit entry into the unsafe structure. According to Fairfax County Tax Records the cabin was constructed in 1949. The structure is known to be vacant since at least August 2010 as documented by the Property Maintenance Investigator. Due to the structural condition of the dwelling and the impact on the surrounding properties, BAP staff feels that the dwelling is not economically feasible to repair and recommends demolition.

IMPACT OF PROPERTY ON SURROUNDING USES:

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

NATURE OF COMPLAINTS:

The property located at 11388 Dorcey Place was referred to the Blight Abatement Program (BAP) on May 24, 2012 reference its dilapidated and attractive nuisance conditions.

STAFF RECOMMENDATION:

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

Board Agenda Item
November 20, 2012

4:00 P.M.

Public Hearing on Spot Blight Abatement Ordinance for 6629 Spring Valley Drive,
Alexandria, VA 22312 (Mason District)

ISSUE:

Public Hearing to adopt a Spot Blight Abatement Ordinance for 6629 Spring Valley Drive, Alexandria, VA 22312 (Tax Map No. 071-4 ((09)) 0049) and approval of a blight abatement plan for the Property.

RECOMMENDATION:

The County Executive recommends that the Board adopt an ordinance to declare 6629 Spring Valley Drive blighted, constituting a nuisance, and approve the blight abatement plan for the Property.

TIMING:

On October 30, 2012, the Board authorized advertisement of this public hearing to be held Tuesday, November 20, 2012, at 4:00 P.M.

BACKGROUND:

Va. Code Ann. § 36-49.1:1 (2011) (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 (2012) or Va. Code Ann. § 15.2-1115 (2012) (Abatement of Nuisance Statutes). The Abatement of Nuisance Statutes permits the County to compel the abatement or removal of nuisances. If, after reasonable notice, the owner(s) fails to abate or obviate the nuisance the County may abate the nuisance in which event the property owner(s) may then be charged for the costs of abatement, which may be collected from the property owner(s) in any manner provided by law for the collection of state or local taxes.

Properties are considered "blighted" under the Spot Blight Abatement Statute as defined in Va. Code Ann. 36-3 (2011) 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

Board Agenda Item
November 20, 2012

Program using the Spot Blight Abatement Statute to address citizen concerns about specific properties in their communities which were abandoned, dilapidated, or otherwise kept in an unsafe state. Under guidelines established by the Board, a property can be considered “blighted” for purposes of a County Abatement Ordinance under the Spot Blight Abatement Statute if it meets the definition of “Blighted property” under Va. Code Ann. 36-3 (2011) 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.

Based on a complaint, a property maintenance case was opened and investigated in March 20, 2008 for the lack of maintenance of the property located at 6629 Spring Valley Drive. There is current litigation for the violations of the Virginia Maintenance Code. Subsequently, the property was referred to the Blight Abatement Program (BAP) on June 22, 2012 by the technical assistant to the Maintenance Code Official. The owners have not complied with the requirements of the Notice of Violation issued in September, 2008, and has failed to respond to correspondence from the property maintenance investigator, Blight Abatement staff, and the county attorney’s office regarding the maintenance violations.

Located on the subject property is an abandoned, one story brick dwelling with a full basement and an in-ground swimming pool. The structure was constructed in 1951 according to Fairfax County Tax Records and has been vacant since October, 2009 according to Dominion Virginia Power records. The structure has a fallen front porch, holes in the roof, and broken windows throughout and was placarded as Unsafe on June 27, 2012 by the Property Maintenance Investigator. The owners have not addressed the maintenance concerns and have not responded to letters sent by BAP staff.

Due to the extreme lack of maintenance over the course of at least 3 years BAP staff feels that the dwelling is not economically feasible to repair and recommends demolition.

This property was reviewed by the Neighborhood Enhancement Task Force (NETF) on September 13, 2012 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.

In accordance with the Spot Blight Abatement Statute, the Board, by Ordinance, may declare the Property to be blighted, and to constitute a nuisance, and approve abatement of blight as allowed under the Va. Code Ann. §15.2-1115 (2012). State

Board Agenda Item
November 20, 2012

Code requires that the Board provide notice concerning adoption of such and ordinance. Notice was published on November 2, 2012 and November 9, 2012.

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. At the public hearing, the County will also request authorization to contract for demolition of the blighted structure on site pursuant to Va. Code Ann. §15.2-1115 (2012) as authorized under the Spot Blight Abatement Statute. If the owners fail to abate the blighted conditions within thirty days after notification to the property owners of the Board's action, the County will proceed with the demolition process for the structures. The county will incur the cost, expending funds that are available in Fund 300-C30010, County Construction, Project 2G97-001-00, 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 records 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 300-C30010, County Construction, Project 2G97-001-000, Strike Force Blight Abatement. Funding is available in Project 2G97-001-000 to proceed with the demolition estimated to cost approximately \$35,000.

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

ENCLOSED DOCUMENTS:

- Attachment 1: Property Photographs
- Attachment 2: Ordinance for 6629 Spring Valley Drive (Mason District)
- Attachment 3: Blighted Property Technical Report and Abatement Plan

STAFF:

Jeffrey L. Blackford, Director, Department of Code Compliance
Karen McClellan, Operations Manager, Department of Code Compliance
Susan Epstein, Division Supervisor, Department of Code Compliance
Victoria Dzierzek, Code Compliance Investigator III, Department of Code Compliance

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**6629 Spring Valley Drive, Alexandria
Tax Map # 071-4 ((09)) 0049
Mason District**



**6629 Spring Valley Drive, Alexandria
Tax Map # 071-4 ((09)) 0049
Mason District**

**ORDINANCE FOR 6629 SPRING VALLEY DRIVE
(MASON DISTRICT)**

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

WHEREAS, the Code of Virginia empowers localities, by ordinance to declare any blighted property as defined in the Va. Code Ann. § 36.3 (2011) to constitute a nuisance and thereupon abate the nuisance pursuant to Va. Code Ann. § 15.2-900 (2012) or § 15.2-1115 (2012).

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

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

WHEREAS, it has been determined that the property located at 6629 Spring Valley Drive (Mason District) identified on the Fairfax County Tax Map as 071-4 ((09)) 0049 ("Property") meets the definition of blight as defined in Va. Code Ann. § 36.3 (2011); and

WHEREAS, the Board desires that the blight constituting a nuisance be abated in accordance with Va. Code Ann. §15.2-1115 (2008), as authorized by Va. Code Ann. § 36-49.1:1 (2011); and

NOW THEREFORE, BE IT RESOLVED, THAT BY ORDINANCE, the Property is deemed blighted as that term is defined in Va. Code Ann. § 36.3 (2011) and the Board hereby determines that the Property constitutes a nuisance.

BE IT FURTHER RESOLVED; THAT BY ORDINANCE the Board hereby directs that the aforementioned nuisance be abated in accordance with the terms of Va. Code Ann. § 15.2-1115 (2012) as authorized by Va. Code Ann. § 36.49.1:1 (2011), including without limitation that if the owner of the Property fails to abate or obviate the nuisance within thirty (30) days, Fairfax County may do so by demolishing the improvements on the Property and removing all debris from the site in which event the County may collect the costs thereof from the owner of the Property in any manner provided by law for the collection of state or local taxes.

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

PROPERTY ADDRESS (DISTRICT)
6629 Spring Valley Drive (Mason District)

TAX MAP NUMBER
071-4 ((09)) 0049

BLIGHTED PROPERTY TECHNICAL REPORT AND ABATEMENT PLAN

PROJECT TITLE (OWNERS): Manote Auandee and Sandra Auandee

CASE: # 30445 SR# 84957

OWNER'S ADDRESS: 6629 Spring Valley Drive, Alexandria, VA 22312

ADDRESS OF BLIGHTED PROPERTY: 6629 Spring Valley Drive, Alexandria, VA 22312

TAX MAP NO.: 071-4 ((09)) 0049 **MAGISTERIAL DISTRICT:** Mason District

2012 ASSESSED VALUE: \$255,780 **LAND:** \$187,000 **IMPROVEMENTS:** \$68,780

PROPERTY ZONING: R-2 (Residential 2 DU/AC) **YEAR BUILT:** 1951

TAX STATUS: Current through December, 2012

DESCRIPTION:

Located on the subject property is an abandoned, one story brick dwelling with a full basement and an in-ground swimming pool, and two accessory structures. The dwelling was constructed in 1951 according to Fairfax County Tax Records and has been vacant since October, 2009 according to Dominion Virginia Power records. The structure has a fallen front porch, holes in the roof, and broken windows throughout and was placarded as Unsafe on June 27, 2012 by the Property Maintenance Investigator. The owners have not addressed the maintenance concerns and have not responded to letters sent by BAP staff. This property is an attractive nuisance in its current condition and due to the extreme lack of maintenance over the course of at least 3 years BAP staff feels that the dwelling is not economically feasible to repair and recommends demolition.

IMPACT OF PROPERTY ON SURROUNDING USES:

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

NATURE OF COMPLAINTS:

The property located at 6629 Spring Valley was referred to the Blight Abatement Program (BAP) on June 22, 2012 reference its dilapidated and attractive nuisance conditions.

STAFF RECOMMENDATION:

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

Board Agenda Item
November 20, 2012

4:00 p.m.

Public Hearing to Consider Proposed Amendments to the Home Child Care Facilities Ordinance, Chapter 30, Articles 1 and 3, of the *Fairfax County Code*, and Section 10-103 of the Zoning Ordinance

ISSUE:

Public Hearing on consideration of proposed amendments to the Home Child Care Facilities Ordinance, Chapter 30, Articles 1 and 3, of the *Fairfax County Code*, and Section 10-103 of the Zoning Ordinance to become effective February 1, 2013. The amendments are the result of a comprehensive review of the Home Child Care Facilities Ordinance by the Child Care Advisory Council, the Department of Family Services, Office for Children, and the Office of the County Attorney. The Home Child Care Facilities Ordinance has been reviewed and revised to reflect current health and safety regulations, practices and codes; best practices in the field, updated state home child care regulations; and to reorganize and reword the ordinance for clarity. The proposed amendment to Section 10-103 of the Zoning Ordinance would allow substitute providers in home child care facilities consistent with the terms on which they are allowed in the proposed changes to the Home Child Care Facilities Ordinance.

RECOMMENDATION:

The County Executive recommends adoption of the proposed amendments to the Home Child Care Facilities Ordinance, Chapter 30, Articles 1 and 3, of the *Fairfax County Code*, and Section 10-103 of the Zoning Ordinance.

TIMING:

The Board authorized this public hearing on October 30, 2012. Board action on November 20, 2012, at 4:00 p.m. would provide sufficient time to notify all individuals with a home child care facilities permit of the changes to the ordinance before the amendments take effect on February 1, 2013.

BACKGROUND:

Chapter 30, Article 3, of the *County Code* regulates Home Child Care Facilities in which a person cares for five or fewer children. The ordinance is intended to protect the health and safety of children who receive care in family child care homes. Home Child Care Facilities in which a person cares for more than five children are regulated by the Virginia Department of Social Services, Division of Licensing.

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First approved in 1989, the County's Home Child Care Facility Ordinance was last significantly revised in 2001. The Board adopted an amendment regarding the storage of firearms in June 2010, and amendments regarding medication administration and national background checks in June 2011.

Starting in 2011, the Child Care Advisory Council worked with the Department of Family Services, Office for Children, to comprehensively review and update the Home Child Care Facilities Ordinance to reflect current health and safety regulations, practices and codes; best practices in the field; updated state home child care regulations; and to reorganize and reword the ordinance for clarity. The Department of Family Services, Office for Children, has worked in partnership with the Office of the County Attorney, the Health Department, the Fire and Rescue Department and the Department of Planning and Zoning during this process. Staff has also worked with county family child care associations, the City of Fairfax and the City of Falls Church.

As a result of that process, staff identified a number of proposed amendments to the Home Child Care Facilities Ordinance. These proposed amendments were brought to the Board of Supervisors and a public hearing was held on February 28, 2012. At that time, the Board of Supervisors elected not to vote on the proposed amendments and directed staff to conduct additional outreach with the family child care provider community to give providers additional opportunities to comment on the proposed changes to the ordinance.

The Office for Children subsequently sent the proposed ordinance changes and a letter in both English and Spanish to all permitted family child care providers inviting them to attend one of three community meetings to review the proposed ordinance revisions and provide comments. Staff also discussed the revised ordinance at six provider professional development classes and during technical assistance visits in family child care provider homes.

Over the summer, staff followed up on questions raised by family child care providers and made some revisions to the proposed amendments. The Child Care Advisory Council has reviewed the amendments that staff is now proposing. The following are proposed amendments that reflect the primary substantive changes to the ordinance:

Section 30-1-1: Barrier offenses

The list of offenses that bar an applicant from obtaining a County home child care permit have been updated so that they are the same as the offenses that bar an applicant from receiving a state child care license and include additional barrier crimes approved during the 2012 session of the Virginia General Assembly.

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November 20, 2012

Section 30-3-2 a: Annual permit application, issuance or denial

The provider and all adult household residents will be required to have a TB screening bi-annually. Currently the provider is the only adult in the household required to have a TB screening bi-annually.

Providers will be required to have a written emergency preparedness plan.

Section 30-3-4 b: Operator Qualifications

All new and renewing providers will be required to complete 16 hours of training annually. The new requirement will be phased in over a three-year period. Currently, new providers are required to complete 12 hours of training annually; renewing providers are required to complete 6 hours of training annually.

Section 30-3-6 c: Physical facilities, equipment and operation

Providers will be required to provide adequate space for each child to allow free movement and active play indoors and out.

Providers are currently required to provide a crib for overnight care. The proposed amendments also would require the provider to provide appropriate sleeping equipment during rest times as identified by the United States Consumer Product Safety Commission.

Providers who serve meals or snacks to the children in care will be required to follow the most recent USDA nutritional guidelines.

Additionally, staff proposes adding the following new sections/items:

New Section 30-3-4.1: Substitute Care Providers

When a provider must be away from the home child care facility, a substitute care provider may be used. Substitute care shall not exceed 240 hours per calendar year. Any substitute care provider must be an adult. All substitutes must: pass criminal background checks, be certified in first aid, be certified in CPR and receive a TB screening bi-annually.

Currently, the ordinance does not allow for substitute care. This proposed new section will require an amendment to the Zoning Ordinance, Article 10, Part 1, Sect.10-103 Par. 6B, so that both ordinances will be aligned regarding substitute care. On January 10, 2012, the Board authorized the Editorial and Minor Revisions Zoning Ordinance Amendment, which among other things, included proposed changes to Sect. 10-103 pertaining to substitute care providers for home child care providers. On February 23, 2012, the Planning Commission held a public hearing on the Editorial and Minor Revisions Zoning Ordinance Amendment and recommended approval of the

amendment as advertised. On March 20, 2012, the Board adopted the Editorial and Minor Revisions Zoning Ordinance Amendment, with the exception that the Board deferred decision on the proposed changes to Sect. 10-103 pertaining to substitute care providers for home child care facilities so that the Zoning Ordinance and Chapter 30 amendments could be considered concurrently by the Board. A copy of the proposed changes to Sect. 10-103 of the Zoning Ordinance is contained as Attachment 2. The proposed Zoning Ordinance amendment and Chapter 30 amendments would align the County regulations with the State regulations regarding substitute care providers and would allow home child care facilities to operate with a substitute care provider to accommodate reasonable absences of the resident care provider.

Section 30-3-6 q & r: Physical facilities, equipment and operation

The addition of regulations for swimming and wading activities including:

- The provider and another person 15 years or older shall be present and able to supervise the children.
- The home child care facility shall annually obtain written permission from the parent of each child who participates.
- The provider must obtain a written statement from the parent advising of a child's swimming skills before the child is allowed in water above the child's shoulder height.
- Either the provider or the other person 15 years or older must be currently certified in basic water rescue, community water safety, water safety instruction, or lifeguarding. The certification shall be obtained from a national organization such as the American Red Cross or the YMCA.

The addition of a drowning hazard safety policy:

- Access to the water in above-ground swimming pools shall be prevented by locking and securing the ladder in place or storing the ladder in a place inaccessible to children.
- A non-climbable barrier at least four feet high such as, but not limited to, a fence or impenetrable hedge shall surround outdoor play areas located within 30 feet of drowning hazards such as, but not limited to, in-ground swimming or wading pools, ponds, or fountains not enclosed by safety fences.
- Hot tubs, spas, and whirlpools shall not be used by children in care, and shall be covered with safety covers while children are in care.

New Section 30-3-6-1: Home child care facility fire safety requirements

The Fire and Rescue Department has updated all fire safety items, currently Chapter 30, according to Fairfax County Code Chapter 62: Fire Protection Code. All fire safety items have been grouped into a new section. New requirements included in the proposed amendments include the following:

- A landline telephone will be required.

Board Agenda Item
November 20, 2012

- A carbon monoxide alarm will be required.
- Stored machinery must be inaccessible to the children in care.
- Any room used as a sleeping area must have two means of exit, as required by the Virginia Uniform Statewide Building Code.
- Inspections will be required for fireplaces and wood stoves.

FISCAL IMPACT:

Some of the proposed amendments to the ordinance will result in additional costs to the provider. These include the requirement that additional adults in the household have a TB screening, the provider have a landline telephone, and the provider have a carbon monoxide alarm, and fireplace and woodstove inspections if applicable.

ENCLOSED DOCUMENTS:

Attachment 1: Draft amendments to Home Child Care Facilities Ordinance, Chapter 30, Articles 1 and 3

Attachment 2: Draft amendment to Zoning Ordinance, Article 10, Part 1, Sect. 10-103 Par. 6B

STAFF:

Patricia D. Harrison, Deputy County Executive

Robert A. Stalzer, Deputy County Executive

David M. Rohrer, Deputy County Executive

Nannette M. Bowler, Director, Department of Family Services

John A. Burke, Assistant Chief, Fire and Rescue Department

Rosalyn Foroobar, Deputy Director for Health Services, Health Department

Leslie Johnson, Zoning Administrator, Department of Planning and Zoning

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Erin C. Ward, Assistant County Attorney

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1 AN ORDINANCE AMENDING
2 CHAPTER 30 OF THE FAIRFAX COUNTY CODE, RELATING TO
3 HOME CHILD CARE FACILITIES
4

5 Draft of October 15, 2012
6

7 AN ORDINANCE to amend the Fairfax County Code by amending and
8 readopting Sections 30-1-1, 30-1-2, 30-3-2, 30-3-3, 30-3-4, 30-3-6, 30-3-7, 30-
9 3-8, 30-3-9, 30-3-10, and by adopting two new Sections numbered 30-3-4.1
10 and 30-3-6.1, all relating to home child care facilities.
11

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

- 13 1. That Sections 30-1-1, 30-1-2, 30-3-2, 30-3-3, 30-3-4, 30-3-6, 30-3-7, 30-3-8, 30-3-
14 9, 30-3-10 of the Fairfax County Code are amended and readopted, and two
15 new Sections numbered 30-3-4.1 and 30-3-6.1 are adopted, as follows:

16 ARTICLE 1. - In General.

17 Section 30-1-1. - Definitions.

18 For the purposes of this Chapter, the following words and phrases shall have the
19 meanings respectively ascribed to them by this Section:

20 *Adult* means a person 18 years of age or older.

21 **[Drafting note: The definition of “barrier offense” has been changed to mirror the**
22 **list of offenses that bar receipt of a state child care permit.]**

23 *Barrier offense* means offenses which bar an applicant from obtaining a home child care
24 facility permit pursuant to this Chapter or mandate revocation of an outstanding permit.
25 Barrier offenses are:

- 26 (1) If the ~~operator~~, a provider, or any person who resides in the home is convicted of
27 (a) any of the following offenses set out in the Virginia Code: a felony violation of a
28 protective order as set out in § 16.1-253.2; murder or manslaughter as set out in Article
29 1 (§ 18.2-30 et seq.) of Chapter 4 of Title 18.2; malicious wounding by mob as set out
30 in § 18.2-41; abduction as set out in § 18.2-47(A) or (B); abduction for immoral
31 purposes as set out in § 18.2-48; ~~assault~~ assaults and bodily woundings as set out in
32 Article 4 (§ 18.2-51 et seq.) of Chapter 4 of Title 18.2; robbery as set out in § 18.2-58;

1 car-jacking as set out in § 18.2-58.1; extortion by threat as set out in § 18.2-59;
2 ~~extortion by threat~~ threats of death or bodily injury as set out in § 18.2-60; ~~any felony~~
3 ~~stalking violation~~ as set out in § 18.2-60.3; a felony violation of a protective order as set
4 out in § 18.2-60.4; sexual assault as set out in Article 7 (§ 18.2-61 et seq.) of Chapter 4
5 of Title 18.2; arson as set out in Article 1 (§ 18.2-77 et seq.) of Chapter 5 of Title 18.2;
6 burglary as set out in Article 2 (§ 18.2-89 et seq.) of Chapter 5 of Title 18.2; any felony
7 violation relating to possession or distribution of drugs as set out in Article 1 (§ 18.2-247
8 et seq.) of Chapter 7 of Title 18.2; drive-by shooting as set out in § 18.2-286.1; use of
9 a machine gun in a crime of violence as set out in § 18.2-289; aggressive use of a
10 machine gun as set out in § 18.2-290; use of a sawed-off shotgun in a crime of violence
11 as set out in § 18.2-300(A); pandering as set out in § 18.2-355; crimes against nature
12 involving children as set out in § 18.2-361; incest as set out in § 18.2-366; taking
13 indecent liberties with children as set out in § 18.2-370 or § 18.2-370.1; abuse and
14 neglect of children as set out in § 18.2-371.1; failure to secure medical attention for an
15 injured child as set out in § 18.2-314; obscenity offenses as set out in § 18.2-374.1;
16 possession of child pornography as set out in § 18.2-374.1:1; electronic facilitation of
17 pornography as set out in § 18.2-374.3; abuse and neglect of incapacitated adults as
18 set out in § 18.2-369; employing or permitting a minor to assist in an act constituting an
19 offense under Article 5 (§ 18.2-372 et seq.) of Chapter 8 of Title 18.2 as set out in
20 § 18.2-379; delivery of drugs to prisoners as set out in § 18.2-474.1; escape from jail
21 as set out in § 18.2-477; felonies by prisoners as set out in § 53.1-203; or (b) an
22 equivalent offense in another state; or (c) any other felony unless in the five years prior
23 to have elapsed since the application date the conviction. Convictions shall include prior
24 adult convictions and juvenile convictions and adjudications of delinquency based on ~~an~~
25 ~~offense which~~ a crime that would have been at the time of conviction be a felony
26 ~~conviction~~ if committed by an adult within or outside the Commonwealth.

27 (2) If the ~~operator~~, a provider, or a person who resides in the home is the subject of a
28 founded complaint of child abuse or neglect within or outside the Commonwealth; and

29 (3) If the ~~operator~~ provider makes a false statement regarding a material fact on an
30 application for a home child care permit under this Chapter; this bar shall remain in
31 effect for a period of one year from the time the permit is denied or revoked on this
32 basis.

33 *Director of Health* means the Director of the Fairfax County Health Department or the
34 authorized agent of the Director of the Fairfax County Health Department.

35 *Director of the Office for Children* means the Director of the Fairfax County Office for
36 Children or the authorized agent of the Director of the Fairfax County Office for
37 Children.

38 *Home child care facility* means any facility located in a dwelling or mobile home, as
39 defined in Article 20 of Chapter 112 of the Fairfax County Code (the Zoning Ordinance),

1 where a person, for compensation, regularly provides care, protection, supervision and
2 guidance to one or more children who do not reside in the facility and who are not
3 attended by a parent, guardian or legal custodian while they are in that facility, during a
4 part of the day for at least four days of a calendar week. If, on a regular basis, a person
5 receives compensation for the care, protection, supervision and guidance of one or
6 more children in a structure other than a dwelling or mobile home, as defined in the
7 Zoning Ordinance, that facility shall be deemed to be a child care center and included
8 within those facilities defined in this Section. A home child care facility does not include:
9 (i) any family day home licensed by the Commonwealth pursuant to Virginia Code
10 § ~~63.1-196~~ 63.2-1701 or any facility exempted from licensure by Virginia Code § ~~63.1-~~
11 ~~196.3~~ 63.2-1715; (ii) any dwelling or mobile home where a person provides care solely
12 for children who reside there; or (iii) any dwelling or mobile home where a person
13 provides care solely for relatives of the resident owner or tenant. However, if on a
14 regular basis, a person receives compensation for the care, protection, supervision and
15 guidance of one or more children who do not reside in that dwelling or mobile home and
16 who are not attended by a parent, guardian or legal custodian while they are in that
17 dwelling or mobile home during a part of the day for at least four days of a calendar
18 week, and a home child care facility is established thereby, then any children who are
19 related to the person who provides such care and are present in that dwelling or mobile
20 home and any other children who reside in that dwelling or mobile home shall be
21 counted and considered in determining whether the facility complies with the provisions
22 of this Chapter.

23 *Occasional child care* means care provided on an hourly basis, for one or more children
24 between the ages of six weeks and twelve years of age, for a period not to exceed four
25 hours within any one day, which is contracted for by a parent, guardian, or legal
26 custodian for the same child not more than ten days within a calendar month.

27 *Permit* means authorization from the County to operate a private school, nursery school,
28 child care center or home child care facility for the care, guidance, education, training or
29 protection of children in compliance with this Chapter.

30 *Private school, nursery school, or child care center* means any place, home, facility, or
31 institution, however designated, or any part thereof, that (1) is eligible for an exemption
32 from state licensure pursuant to Virginia Code §§ ~~63.1-196.3~~ or ~~63.1-196.3~~:163.2-1716
33 and 63.2-1717; (2) is operated for the purposes of providing care, guidance, education
34 or training; and (3) receives on a regular basis, for any period of more than one hour but
35 less than twenty-four hours in any twenty-four-hour period, one or more children under
36 the age eligible for enrollment in the Fairfax County Public Schools who are not
37 attended by a parent, guardian or person with legal custody. A home child care facility,
38 as defined in this Section, shall not be included within this definition.

39 *Provider* means the ~~operator~~ adult responsible for obtaining the permit and for the day-
40 to-day operation of a the home child care facility. The provider is responsible for and

1 ~~any other person who provides~~ providing care, protection, supervision, and guidance to
2 children in a home child care facility ~~for compensation.~~

3 Substitute Care Provider means any person who provides care, protection, supervision,
4 and guidance to children when the provider is away from the home child care facility.

5
6 **Section 30-1-2. - Administration and enforcement of Chapter.**

7 The Director of Health shall administer and enforce the provisions of Article 2 of this
8 Chapter. The Director of the Office for Children and the Chief of the Fairfax County Fire
9 and Rescue Department or the agent of the Chief (“the Fire Code Official”) shall
10 administer and enforce the provisions of Article 3 of this Chapter.

11 **ARTICLE 3. - Home Child Care Facilities.**

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

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

16 (i) The name and address of the home child care facility;

17 (ii) The name of the applicant;

18 (iii) A statement of whether the applicant currently holds or previously held a
19 home child care facility permit in the County;

20 (iv) The names of ~~all providers and~~ all persons who reside in the home;

21 (v) Disclosures from the applicant, ~~each provider,~~ and each adult who resides in
22 the proposed facility stating whether he or she has committed any barrier offense,
23 consent forms signed by the applicant, ~~each provider,~~ and each adult who resides
24 in the proposed facility allowing the Director of the Office for Children to request a
25 search of the Central Criminal Records Exchange for files on each such person,
26 and payment of an investigation fee in an amount equal to the fee established by
27 the Virginia State Police for conducting a records search multiplied by the number
28 of persons making disclosures and providing consent forms. When the Central
29 Criminal Records Exchange records indicate that any such person has a criminal

1 record in another state, or when the Director otherwise deems appropriate, the
2 Director may also require that the applicant, ~~the provider,~~ or ~~the~~ such adult who
3 resides in the proposed facility consent to and pay for a national criminal
4 background check;

5 (vi) Statements from the applicant, ~~each provider,~~ and each adult who resides in
6 the proposed facility, and statements from a parent, guardian or legal custodian
7 on behalf of all minors age 14 and older who reside in the proposed facility,
8 consenting to the release of information to the Director of the Office for Children
9 from child protective services investigating agencies reflecting whether any such
10 individual has been the subject of a founded complaint of abuse or neglect; the
11 terms "child protective services" and ~~"investigating agencies"~~ shall have the
12 meaning defined by Virginia law;

13 (vii) Copies of the applicant's current certifications in ~~pediatric~~ first aid and
14 ~~pediatric~~-cardiopulmonary resuscitation (CPR);

15 (viii) Proof of the applicant's compliance with the training requirements established
16 in Section 30-3-4(b), which shall consist of records provided by the trainer or, if
17 none are provided by the trainer, records maintained by the applicant;

18 (ix) A description of the structure in which the home child care facility is proposed
19 to be operated, including a description of all places and areas to which the
20 children shall have access;

21 (x) The proposed hours of operation;

22 (xi) A statement of whether the applicant is eighteen or more years old;

23 (xii) A certificate from a physician, physician's designee, or Health Department
24 official stating that acceptable screening methods (tuberculin skin test and/or
25 tuberculosis risk and symptom screen and/or chest X-ray), singly or in
26 combination as determined appropriate by the signatory, indicate that the
27 applicant and all ~~providers~~ adult household residents are currently free from
28 communicable tuberculosis. The screen must be performed every two years ~~not~~
29 ~~more than 24 months prior to the date on which the application is submitted;~~ or
30 more frequently as recommended by a physician or the local health department;

31 (xiii) A written policy describing what the applicant will do with children in care who

1 are sick and a written emergency preparedness plan;

2 (xiv) Such other information, including, but not limited to, information concerning
3 applicant's child care training and special skills, as the Director of the Office for
4 Children may deem appropriate;

5 (xv) The application fee of \$14, which is in addition to any business or occupation
6 license tax imposed by the County, and any other taxes or fees that may be
7 required to engage in the business.

8 ~~During the term of the permit, the operator must report to the Director of the Office for~~
9 ~~Children any change in the information required by subsections (iv), (v), (vi), and (xii)~~
10 ~~within 21 days of learning of the change. If the information the provider submits in~~
11 ~~accordance with subsections (iv), (v), (vi), and (xii) changes during the term of the~~
12 ~~permit, the provider must report the change to the Director of the Office for Children~~
13 ~~within 21 days and must promptly submit updated information and documents.~~

14 (b) Upon submission of an application to the Office for Children:

15 (i) The Director of the Office for Children shall inspect the proposed facility to
16 determine whether it is in compliance with this Article and all applicable Virginia
17 law that may affect the health and safety of the children who may attend or be
18 present at the facility.

19 (ii) ~~The Chief of the Fairfax County Fire and Rescue Department or the agent of~~
20 ~~the Chief Fire Code Official shall conduct a fire safety inspection of the proposed~~
21 ~~facility and advise the Director of the Office for Children of any noncompliance~~
22 ~~with this Article or any applicable Virginia law that may affect the health and safety~~
23 ~~of the children who may attend or be present at the facility.~~

24 (iii) If the applicant does not hold a permit under this Article at the time of the
25 application, the Director of the Office for Children shall request a search of the
26 Central Criminal Records Exchange to determine whether the applicant, ~~any~~
27 ~~provider~~ or any persons who reside in the home have committed any crimes that
28 constitute barrier offenses. When the Central Criminal Records Exchange
29 records indicate that any such person has a criminal record in another state, or
30 when the Director otherwise deems appropriate, the Director may also require that
31 the applicant, ~~the provider, or the~~ such adult who resides in the proposed facility
32 consent to and pay for a national criminal background check. Otherwise, the
33 Director may request a criminal records search if five or more years have passed

1 since the last records search on an individual, or upon receipt of new information
2 submitted in accordance with this section, or as the Director deems appropriate in
3 extenuating circumstances.

4 (iv) The Director of the Office for Children shall request information from child
5 protective services investigating agencies as deemed necessary to determine
6 whether the applicant, ~~any provider~~ or any person age 14 and older who resides
7 in the proposed facility has been the subject of a founded complaint of abuse or
8 neglect.

9 (c) The Director of the Office for Children shall issue a permit to an applicant if the
10 Director determines from the information contained in the permit application, the facility
11 inspections, and the records searches that (i) the applicant is an adult; (ii) neither the
12 applicant, ~~nor any provider~~ or any person who resides in the facility has committed any
13 barrier offense; and (iii) both the applicant and the proposed facility are in compliance
14 with this Article and all applicable Virginia laws that may affect the health and safety of
15 the children who may attend or be present at the proposed facility. The permit shall be
16 displayed in the home child care facility by the ~~operator~~ provider of that facility.

17 (d) The Director of the Office for Children shall deny a permit to any applicant if the
18 Director determines from the information contained in the permit application, the facility
19 inspections, and the records searches that (i) the applicant is not an adult; (ii) the
20 applicant, ~~any provider~~, or any person who resides in the facility has committed any
21 barrier offense; or (iii) either the applicant or the proposed facility is not in compliance
22 with this Article and all applicable Virginia laws that may affect the health and safety of
23 the children who may attend or be present at the proposed facility. If the denial is based
24 on the results of the searches of the records of the Central Criminal Records Exchange,
25 the national criminal background check, or the Department of Social Services, the
26 Director shall provide the applicant a copy of the information upon which the denial was
27 based.

28 **Section 30-3-3. - Temporary permits.**

29 (a) A person proposing to operate a home child care facility that is not in compliance
30 with the requirements of this Article may apply to the Director of the Office for Children
31 for a temporary permit to operate a home child care facility for a period of not more than
32 six months. The Director of the Office for Children may grant such a temporary permit
33 for a period of not more than six months if the applicant:

34 (i) Is an adult;

1 (ii) Certifies that all the requirements of this Article will be met within six months
2 from the date of issuance of the temporary permit or within such lesser period as
3 may be approved by the Director;

4 (iii) Agrees to apply for a regular permit as soon as the facility is able to comply
5 with the requirements of this Article;

6 (iv) Certifies that neither the applicant, ~~any provider,~~ nor any adult who resides in
7 the proposed facility has committed any barrier offense; and

8 (v) The Director of the Office for Children has no information which is contrary to
9 the applicant's certification.

10 (b) If the holder of a temporary home child care facility permit is unable to comply
11 with the requirements of this Article within the period authorized by the temporary permit
12 period, the holder of the temporary permit may apply to the Director of the Office for
13 Children for an extension of the temporary permit for an additional period of not more
14 than six months. If in the judgment of the Director of the Office for Children the failure to
15 comply with the provisions of this Article was the result of circumstances beyond the
16 control of the holder of the temporary permit then the Director of the Office for Children
17 may extend the temporary permit for an additional period of not more than six months.

18 **Section 30-3-4. - ~~Operator~~ Provider Qualifications.**

19 (a) ~~Each operator~~ The provider must be an adult.

20 **[Drafting note: Training requirements are increased over time to match the**
21 **training requirement that state regulations impose on family day home providers.]**

22 (b) ~~Each operator~~ The provider must be trained in areas such as physical,
23 intellectual, social, and emotional child development; behavior management and
24 discipline techniques; health and safety in the home child care environment; art and
25 music activities for children; nutrition; child abuse detection and prevention; or
26 recognition and prevention of the spread of communicable diseases; emergency
27 preparedness; and business practices of family child care. ~~Any applicant who does not~~
28 ~~hold a permit under this Article at the time he or she submits a permit application~~ From
29 February 1, 2013, through December 31, 2013, any applicant granted an initial or
30 renewal permit must attend 12 hours of training by an approved trainer during the term
31 of the permit. ~~After January 1, 2002, any applicant who holds a permit under this Article~~

1 ~~at the time he or she submits an application for a new permit must attend six hours of~~
2 ~~training by an approved trainer within twelve months immediately preceding the date of~~
3 ~~the application. From January 1, 2014, through December 31, 2014, any person~~
4 ~~granted an initial or renewal permit must attend 14 hours of training by an approved~~
5 ~~trainer during the term of the permit. Any applicant granted an initial or renewal permit~~
6 ~~at any time on or after January 1, 2015, must attend 16 hours of training by an approved~~
7 ~~trainer during the term of the permit.~~ The Director of the Office for Children shall
8 maintain a list of entities that are approved as trainers. Upon request from ~~an applicant~~
9 ~~or operator~~ the provider, accompanied by information about the entity and/or the course,
10 the Director of the Office for Children may approve additional trainers or a specific
11 course.

12 (c) ~~Each operator~~ The provider must be currently certified in pediatric first aid and
13 pediatric cardiopulmonary resuscitation (CPR).

14 (d) In addition to the training required in subsection (b) above, and except as set forth
15 in Section 30-3-6 ~~(bb) and (cc)~~ (o) and (p), ~~an operator~~ a provider who administers
16 prescription medications or non-prescription medications to children in care must
17 satisfactorily complete a training program for this purpose developed or approved by the
18 Board of Nursing and taught by a registered nurse, licensed practical nurse, doctor of
19 medicine or osteopathic medicine, or pharmacist. Providers required to complete the
20 training program shall be retrained at three-year intervals.

21 **Section 30-3-4.1. – Substitute Care Providers.**

22 (a) When a provider must be away from the home child care facility, a substitute care
23 provider may be used. Substitute care shall not exceed 240 hours per calendar year.
24 Any substitute care provider must be an adult.

25 (b) The substitute care provider shall submit to the Director of the Office for Children
26 the disclosure and statement required of providers by Section 30-3-2(a), subsections (v)
27 and (vi), along with payment of the applicable fees. A provider shall not use a substitute
28 care provider until the Director has notified the provider that the substitute care provider
29 has not committed a barrier offense.

30 (c) The substitute care provider must be currently certified in first aid and
31 cardiopulmonary resuscitation (CPR). The provider must maintain copies of the
32 certifications.

33 (d) The substitute care provider must have a tuberculosis screening in accordance

1 with Section 30-3-2(xii). The provider must maintain copies of the screenings.

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

3 (a) Providers shall supervise children in a manner which ensures that the provider is
4 aware of what the children are doing at all times and can promptly assist or redirect
5 activities when necessary. In deciding how closely to supervise children, providers shall
6 consider the ages of the children, individual differences and abilities, layout of the house
7 and play area, neighborhood circumstances or hazards and risk activities in which
8 children are engaged.

9 (b) All rooms used for child care shall be dry, well-lighted and have adequate
10 ventilation and shall be smoke free when any child in care is present. Windows that can
11 be opened shall be screened from April 1 through November 1 of each year.

12 (c) ~~An outdoor recreation area shall be provided for use by the children.~~ The provider
13 shall provide each child with adequate space to allow free movement and active play
14 indoors and out. Indoor and outdoor areas shall provide developmentally appropriate
15 activities, supplies, and materials that are safe and accessible. All areas shall be free of
16 dangerous and hazardous conditions.

17 (d) Covered, washable waste receptacles shall be provided for all waste materials,
18 diapers, garbage, and refuse. Trash and other waste materials shall be removed as
19 often as necessary to prevent excessive accumulations and shall be deposited in
20 approved-trash or waste disposal containers.

21 (e) Toxic or dangerous materials shall be stored in areas that are inaccessible to
22 children and separate from food supplies and areas in which food is prepared.

23 (f) Dogs and cats four months old or older that regularly are present at the facility
24 shall be immunized for rabies, and records of such immunizations shall be kept
25 available at the facility for inspection by the Director of the Office for Children.

26 (g) A refrigerator shall be used for perishable food and that refrigerator shall maintain
27 a constant temperature of 41 degrees Fahrenheit or less. Food brought into any home
28 child care facility for consumption by nonresident children shall be clearly marked for
29 consumption by the children for whom the food is intended. Meals or snacks shall be
30 offered to the children at least once every three hours. Home child care facilities that
31 provide meals or snacks to children in care shall follow the most recent, age-appropriate

1 nutritional guidelines set forth by the United States Department of Agriculture, Food and
2 Nutrition Service.

3 (h) Each home child care facility that is not served by a public water supply shall have
4 a private water supply approved by the Department of Health. Each home child care
5 facility that is not served by a public sewage disposal system shall have a private
6 sewage disposal system approved by the Department of Health. Drinking water from a
7 public water supply, well permitted by the Department of Health, or other source
8 acceptable to the Department of Health shall be available for all children.

9 **[Drafting note: The language currently in subsection (i) has been revised and**
10 **moved to Section 30-3-6.1, along with other requirements that are related to fire**
11 **safety. The language below now designated as subsection (i) was previously set**
12 **forth as subsection (t) and has been relocated and relettered, but is otherwise**
13 **unchanged.]**

14 (i) Except for those rooms used by children while sleeping under covers, all rooms
15 used for child care shall be maintained at a temperature of not less than 68 degrees
16 Fahrenheit.

17 (j) Providers shall not use or allow any other person to use corporal punishment,
18 physical, verbal, or emotional punishment, or any humiliating or frightening methods of
19 discipline.

20 (k) Firearms of every type and purpose shall be stored unloaded in a locked
21 container, compartment, or cabinet, and apart from ammunition. Ammunition shall be
22 stored in a locked container, compartment, or cabinet during the home child care
23 facility's hours of operation. If a key is used to lock the container, compartment, or
24 cabinet, the key shall be inaccessible to children.

25 **[Drafting note: Current subsections (l) through (s) and (u) through (x), all relating**
26 **to fire safety, have been revised and relocated to a new Section 30-3-6.1.]**

27 ~~(y)~~(l) Providers shall handle blood, bodily fluids, and other potentially infectious
28 materials as if known to be infectious for human immunodeficiency virus, hepatitis B
29 virus, and other bloodborne pathogens.

30 ~~(z)~~(m) ~~The operator shall have appropriate sleeping arrangements for all children in~~
31 ~~care. During rest times the provider shall provide appropriate sleeping equipment that~~

1 meets the current standards of the United States Consumer Product Safety
2 Commission for children birth through 12 months of age and for children over 12 months
3 of age who are not developmentally ready to sleep on a cot or bed. If children are in
4 care overnight on a regular or frequent basis, then the ~~operator~~ provider shall provide
5 cribs that meet the current standards of the United States Consumer Product Safety
6 Commission for full-size baby cribs for children from birth through 12 months of age and
7 for children over 12 months of age who are not developmentally ready to sleep on a cot
8 or bed.

9 ~~(aa)(n)~~ All home child care facilities shall be maintained free from rodents and insect
10 infestation ~~insects and rodents~~.

11 ~~(bb)(o)~~ Except as set forth in subsection ~~(ee)~~ (p) below, whenever the home child
12 care facility has agreed to administer prescription medications or non-prescription
13 medications, the medication shall be administered in compliance with the Virginia Drug
14 Control Act by a provider who has satisfactorily completed the training required by
15 Section 30-3-4(d).

16 ~~(ee)(p)~~ Notwithstanding subsection ~~(bb)~~ (o) above, a provider may administer
17 nonprescription topical skin products such as sunscreen, diaper ointment and lotion,
18 oral teething medicine, and insect repellent, provided the following requirements are
19 met:

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

1 children.

2 **[Drafting note: Provisions regarding swimming and wading are being added to**
3 **impose requirements similar to those imposed by state regulations on family day**
4 **homes.]**

5 (g) The home child care facility shall annually obtain written permission from the
6 parent of each child who participates in swimming or wading activities, and a written
7 statement from the parent advising of a child's swimming skills before the child is
8 allowed in water above the child's shoulder height.

9 (i) The provider shall have a system for accounting for all children in the water.

10 (ii) Outdoor swimming activities shall occur only during daylight hours.

11 (iii) When one or more children are in water that is more than two feet deep in a
12 pool, lake, or other swimming area on or off the premises of the home child care
13 facility, the provider and another person 15 years or older shall be present at all
14 times and either the provider or the other person must be currently certified in
15 basic water rescue, community water safety, water safety instruction, or
16 lifeguarding. The certification shall be obtained from a national organization such
17 as the American Red Cross or the YMCA.

18 (r) (i) Access to the water in above-ground swimming pools shall be prevented by
19 locking and securing the ladder in place or storing the ladder in a place
20 inaccessible to children.

21 (ii) A non-climbable barrier at least four feet high such as, but not limited to, a
22 fence or impenetrable hedge shall surround outdoor play areas located within 30
23 feet of drowning hazards such as, but not limited to, in-ground swimming or
24 wading pools, ponds, or fountains not enclosed by safety fences. Facilities
25 permitted prior to the effective date of this ordinance must comply fully with the
26 requirements of this subsection (r)(ii) by July 1, 2013.

27 (iii) Portable wading pools without integral filter systems shall be emptied, rinsed,
28 and filled with clean water after use by each group of children or more frequently
29 as necessary; and shall be emptied, sanitized, and stored in a position to keep
30 them clean and dry when not in use during the home child care facility's hours of
31 operation. Portable wading pools shall not be used by children who are not toilet

1 trained. Bathtubs, buckets, and other containers of liquid accessible to children
2 shall be emptied immediately after use.

3 (iv) Hot tubs, spas, and whirlpools shall not be used by children in care, and shall
4 be covered with safety covers while children are in care.

5 **Section 30-3-6.1. – Home child care facility fire safety requirements.**

6 **[Most of these provisions have been relocated from Section 30-3-6 into this new**
7 **Section 30-3-6.1 and revised. Underlining/strikeouts show changes from the**
8 **corresponding current provision in Section 30-3-6.]**

9 ~~(i) — An operational telephone shall be available and easily accessible within the home~~
10 ~~child care facility, and emergency telephone numbers for fire, police and medical~~
11 ~~assistance shall be posted near the telephone. Each such facility shall have the address~~
12 ~~of the building posted in a manner so as to be visible and distinguishable from the street~~
13 ~~or parking lot.~~

14 (a) A landline telephone (excluding a cordless or cell) shall be available, operable,
15 and accessible during the home child care facility's hours of operation. Cordless or cell
16 phones may be used in addition to the landline telephone.

17 (b) All telephones shall be labeled with 911 stickers approved by the Office of the Fire
18 Code Official.

19 (c) Address numbers or building numbers shall be placed in a position that is plainly
20 legible and visible from the street or road fronting the property.

21 ~~(l) — Each home child care facility shall be structurally sound and in a good state of~~
22 ~~repair. The operator shall not allow oil, grease, dust, lint, and other combustible~~
23 ~~materials to accumulate on cooking surfaces; heating, ventilation, and air conditioning~~
24 ~~equipment; clothes dryers; and other mechanical equipment.~~

25 (d) Combustible waste material, lint, and dust creating a fire hazard shall not be
26 allowed to accumulate in or on dryers, heating appliances, and furnaces.

27 ~~(o) — Kitchen ranges, other cooking equipment and other appliances shall be kept in~~
28 ~~good working order and free from grease, dust, lint, and other combustible materials.~~

1 ~~Small appliances, including but not limited to hair dryers, toaster ovens, toasters,~~
2 ~~mixers, blenders, and food processors, shall remain unplugged except when in use.~~

3 (e) Kitchen ranges, ovens, and exhaust hoods, grease removal devices, fans, ducts,
4 and other appurtenances shall be free of excessive grease.

5 ~~(m) All exit stairs, interior or exterior, shall be in good repair and shall be provided with~~
6 ~~handrails and guard rails as required by the Virginia Uniform Statewide Building Code.~~
7 ~~No exit door that has a double deadbolt lock shall be locked with the key removed from~~
8 ~~the interior side of the exit door during the hours of child care.~~

9 (f) All exit stairs, interior or exterior, shall be in good repair and shall be provided with
10 handrails and guard rails as required by the Virginia Uniform Statewide Building Code.

11 (g) All egress pathway and exit doors shall be unlocked in the direction of egress and
12 free from obstructions that would prevent their use, including debris, storage, and
13 accumulations of snow and ice.

14 (h) Closet and bathroom doors shall be unlocked in the direction of egress and
15 designed to permit opening of the locked door from the outside with a readily accessible
16 opening device.

17 ~~(n) Electric panels and equipment shall be in good working order and free of loose~~
18 ~~connections. Protective sheathing on all wiring shall be intact with no frayed ends or~~
19 ~~exposed wiring and shall be anchored or supported. Fuses or circuit breakers shall be~~
20 ~~of the proper size and type. Electric panels shall be readily accessible and a minimum~~
21 ~~clear space measuring three feet out from the panel and 30 inches wide must be~~
22 ~~maintained. The use of multi plug adapters or extension cords to provide permanent~~
23 ~~power to electrical equipment is prohibited. However, the use of power strips with a~~
24 ~~built-in fuse or circuit breaker is approved if such power strips are of the type approved~~
25 ~~and listed by a recognized testing authority, such as Underwriter's Laboratories or~~
26 ~~Factory Mutual Research Corporation.~~

27 (i) Electrical hazards identified by the Fire Code Official shall be abated in
28 accordance with the Virginia Uniform Statewide Building Code.

29 (j) Extension cords, temporary wiring, and flexible cords shall not be substituted for
30 permanent wiring. Extension cords and flexible cords shall not be affixed to structures,
31 extended through walls, ceilings, or floors, or under doors or floor coverings, or be

1 subject to environmental or physical damage.

2 (k) A working space of not less than 30 inches in width, 36 inches in depth, and 78
3 inches in height shall be provided in front of the electrical service equipment. Where the
4 electrical service equipment is wider than 30 inches, the working space shall not be less
5 than the width of the equipment. No storage of any materials shall be located within the
6 designated working space.

7 ~~(p) Electric portable space heaters shall be of the type approved and listed by a~~
8 ~~recognized testing authority, such as Underwriter's Laboratories or Factory Mutual~~
9 ~~Research Corporation. Portable heaters shall be provided with suitable guards to~~
10 ~~prevent contact with the heating element and shall be located a minimum of three feet~~
11 ~~from combustible materials. The use of unvented, fuel-fired space-heating appliances~~
12 ~~designed for portable use is prohibited during the hours of child care.~~

13 (l) The use of portable unvented fuel-fired heating equipment is prohibited except in
14 single-family dwellings classified R-5 by the Virginia Uniform Statewide Building Code.
15 Where allowed, such equipment must be listed and approved by a nationally recognized
16 testing laboratory.

17 (m) Where portable unvented fuel-fired heating equipment is allowed, the heating
18 element or the combustion chamber shall be permanently guarded so as to prevent
19 accidental contact by persons or combustible material.

20 ~~(q) Fireplaces and chimneys shall be in good condition and free of cracks or voids in~~
21 ~~the firebox and flue liner. Fireplaces and chimneys shall be inspected and cleaned as~~
22 ~~often as necessary to remove the buildup of creosote and other flammable residues. A~~
23 ~~fireplace screen or other protective guard shall be required for all fireplaces.~~

24 (n) Fireplace screens, glass, or doors shall be in good condition and designed to
25 guard against accidental contact with the combustion chamber contents. The fireplace
26 screen, glass, or doors shall be affixed to prevent accidental release of embers or
27 products of combustion.

28 ~~(r) Wood stoves shall be tested by a recognized testing authority, such as~~
29 ~~Underwriter's Laboratories or Factory Mutual Research Corporation, and shall be~~
30 ~~installed and inspected as required by the Virginia Uniform Statewide Building Code.~~
31 ~~Wood stoves shall be inspected and cleaned as often as necessary to remove the~~
32 ~~buildup of creosote and other flammable residues. Providers shall take all precautions~~
33 ~~necessary to minimize potential injury from contact with hot surfaces by any child at the~~

1 facility.

2 (o) Wood stoves shall be listed and approved by a nationally recognized testing
3 laboratory. Wood stoves shall be used and installed in accordance with the
4 manufacturer's specifications. The provider shall have the manufacturer's specifications
5 available on site for the Fire Code Official's review upon request.

6 (p) Fireplaces, wood stoves, and chimneys shall be inspected and cleaned annually
7 or as often as necessary to remove the buildup of creosote and other flammable
8 residues. The provider shall have proof of inspection available on site for the Fire Code
9 Official's review upon request.

10 ~~(s) Ashes from fireplaces and wood stoves shall be removed to the outside and~~
11 ~~stored in a noncombustible container, with a tight fitting lid, that has been approved by~~
12 ~~the Fire Marshal.~~

13 (g) Ashes from fireplaces and wood stoves shall be removed to the outside and
14 stored in a container, with a tight fitting lid, which has been listed and approved by a
15 nationally recognized testing laboratory.

16 ~~(w) The storage of flammable or combustible liquids or gases, hazardous chemicals,~~
17 ~~and other highly flammable or toxic materials shall not be permitted inside the facility~~
18 ~~unless approved by the Fairfax County Fire Marshal. Storage of other materials shall be~~
19 ~~neat and orderly with required clearances provided for furnaces, hot water heaters,~~
20 ~~portable heaters, electric panels, fireplaces, and wood stoves. The exterior of the~~
21 ~~property shall be kept free from trash or other materials which in the opinion of the~~
22 ~~Fairfax County Fire Marshal pose a fire or safety hazard.~~

23 (r) The furnace and other heating appliances shall maintain clearance from ignition
24 sources as specified by the equipment manufacturer, unless the provider can establish
25 cause for an exception.

26 (s) Storage of combustible materials in buildings shall be orderly. Storage shall be
27 separated from heaters or heating devices by distance or shielding so that ignition
28 cannot occur.

29 (t) Heating systems and associated ductwork shall be clean and in good working
30 order. Adequate combustion air must be provided as required by the Virginia Uniform
31 Statewide Building Code. Flues for the exhaust of carbon monoxide and other by-

1 products of combustion shall be free of leaks and in good repair. ~~Except for those rooms~~
2 ~~used by children while sleeping under covers, all rooms used for child care shall be~~
3 ~~maintained at a temperature of not less than 68 degrees Fahrenheit.~~

4 ~~(u) An operable smoke detector shall be provided on each floor level and shall be~~
5 ~~tested at least once a month. Smoke detectors may be of the fixed-wired or battery~~
6 ~~type.~~

7 (u) An operable smoke alarm shall be provided outside of each sleeping area, with at
8 least one such device on each floor. Each smoke alarm shall be tested at least once a
9 month and records of testing provided to the Fire Code Official upon request. Smoke
10 alarms may be of the fixed-wired or battery type.

11 (v) An operable carbon monoxide alarm shall be installed in homes according to the
12 manufacturer's specifications where appliances may produce carbon monoxide. Each
13 carbon monoxide alarm shall be tested at least once a month and records of testing
14 provided to the Fire Code Official upon request.

15 ~~(v) At least one portable fire extinguisher, having a minimum rating of 1A10BC shall~~
16 ~~be provided. The extinguisher shall be properly mounted, readily accessible and be~~
17 ~~located near the kitchen.~~

18 (w) Portable fire extinguishers having a minimum rating of 1A10BC shall be properly
19 mounted and readily accessible (i) within 30 feet of cooking equipment; and (ii) in areas
20 where flammable liquids are stored, used, or dispensed.

21 (x) Portable fire extinguishers shall be selected, installed, and maintained in
22 accordance with the manufacturer's specifications. All fire extinguishers shall be
23 replaced at least every six years.

24 ~~(w) The storage of flammable or combustible liquids or gases, hazardous chemicals,~~
25 ~~and other highly flammable or toxic materials shall not be permitted inside the facility~~
26 ~~unless approved by the Fairfax County Fire Marshal. Storage of other materials shall be~~
27 ~~neat and orderly with required clearances provided for furnaces, hot water heaters,~~
28 ~~portable heaters, electric panels, fireplaces, and wood stoves. The exterior of the~~
29 ~~property shall be kept free from trash or other materials which in the opinion of the~~
30 ~~Fairfax County Fire Marshal pose a fire or safety hazard.~~

31 (y) Storage of flammable or combustible liquids inside buildings in containers and

1 portable tanks shall be in accordance with the Virginia Statewide Fire Prevention Code
2 and the manufacturer's recommendations. Areas of flammable and combustible liquid
3 storage shall be secured to prevent access during the home child care facility's hours of
4 operation.

5 (i) Combustible waste material creating a fire hazard shall not be allowed to
6 accumulate in buildings, structures, or upon premises.

7 (ii) Areas of storage of machinery such as lawnmowers and power tools shall be
8 inaccessible to the children in care.

9 ~~(x) A fire drill shall be conducted at least once every month in accordance with~~
10 ~~instructions provided by the Fire Marshal at the annual inspection of the facility. A~~
11 ~~written record of each fire drill shall be kept available for inspection by any authorized~~
12 ~~code enforcement official.~~

13 (z) The provider shall prepare an emergency evacuation plan, which shall include the
14 preferred method to notify employees, children, and other occupants of an emergency
15 situation; emergency egress routes from each room where child care is permitted;
16 procedures for accounting for employees, children, and other occupants; and the
17 preferred and alternate plans to notify emergency response organizations.

18 (aa) Fire evacuation drills shall be conducted monthly in all home child care facilities.
19 Records shall be maintained on site and provided to the Fire Code Official upon
20 request. Each record shall include the identity of the person conducting each drill; the
21 date and time of each drill; the notification/initiating method used; the number of
22 occupants evacuated; special conditions simulated; problems encountered; weather
23 conditions when occupants were evacuated; and the time required to accomplish a
24 complete evacuation.

25 (bb) Rooms used for sleeping must provide two means of exit, one which leads directly
26 to the outside, as required by the Virginia Uniform Statewide Building Code.

27 **Section 30-3-7. - Immunizations.**

28 The ~~operator~~ provider shall not accept into care any child who has not been immunized,
29 or exempted from mandatory immunization, in accordance with Virginia Code § 32.1-46.
30 The ~~operator~~ provider shall maintain for each child a copy of the child's immunization
31 records; or a statement from the parents certifying that they object on religious grounds
32 but that, to the best of the parent's knowledge, the child is in good health; or a statement

1 from a physician indicating that immunization is not currently advisable for specific
2 health reasons and an estimated date when immunizations can be safely administered.

3 **Section 30-3-8. - Inspection of facilities.**

4 In addition to the inspections required by Section 30-3-2, with the consent of the owner,
5 ~~operator~~ provider, or agent in charge of the facility, or pursuant to a duly issued
6 inspection warrant, the Director of the Office for Children shall have the right at all
7 reasonable times to inspect all areas of any home child care facility that are accessible
8 to children for compliance with this Article. Warrants to inspect any such facility shall be
9 based upon a demonstration of probable cause and supported by affidavit.

10 **Section 30-3-9. - Enforcement.**

11 (a) Any person operating a home child care facility without the permit required by this
12 Article shall be guilty of a Class 2 misdemeanor as provided in Section 1-1-12 of this
13 Code.

14 (b) Any person subject to this Article who fails to comply with any other requirement
15 of this Article or the permit shall be subject to such administrative action as prescribed
16 in this Section. However, administrative action by the Director of the Office for Children
17 shall not preclude any other administrative, civil or criminal proceedings authorized by
18 law as a result of the same conduct.

19 (c) The Director of the Office for Children may revoke any permit granted under this
20 Article if during the term of the permit the home child care facility is found by the
21 Director to be in violation of the permit or this Article or if any circumstances exist which,
22 if existing at the time of the permit application, would have warranted denial of the
23 application. The Director of the Office for Children may suspend any permit granted
24 under this Article if during the term of the permit the Director reasonably suspects a
25 violation of the permit, this Article, or any applicable Virginia laws that may affect the
26 health and safety of the children who may attend or be present at the facility. Prior to
27 suspending or revoking any permit, unless in the judgment of the Director of the Office
28 for Children there are exigent health and safety conditions which justify immediate
29 suspension of a permit, the Director of the Office for Children shall give the ~~operator~~
30 provider at least ten calendar days written notice of the proposed suspension or
31 revocation. In the case of exigent health and safety conditions which in the judgment of
32 the Director of the Office for Children justify the immediate suspension of the permit, the
33 Director of the Office for Children shall suspend the permit immediately and notify the
34 ~~operator~~ provider as soon as is practicable.

35 (d) If a permit to operate a home child care facility is revoked or suspended by the

1 Director of the Office for Children, the operator provider shall notify all clients. Evidence
2 of such notification shall be submitted to the Director of the Office for Children.

3 **Section 30-3-10. - Appeals from permit denials, revocations and suspensions.**

4 Any applicant for a home child care facility permit whose application is denied and any
5 operator provider whose permit is suspended or revoked may submit a written request
6 to the Director of the Office for Children for a hearing on the matter. Any request for
7 hearing must be submitted to the Director of the Office for Children within 10 ~~calendar~~
8 business days of the time the operator provider receives notice of the action regarding
9 which the operator provider seeks a hearing, and must specify the grounds for appeal.

10
11
12 **2. That the provisions of this ordinance are severable, and if any provision of**
13 **this ordinance or any application thereof is held invalid, that invalidity shall**
14 **not affect the other provisions or applications of this ordinance that can be**
15 **given effect without the invalid provision or application.**

16
17 **3. That the provisions of this ordinance shall take effect on February 1, 2013.**
18

19 GIVEN under my hand this day of _____ 2012.

20
21
22 _____
23 Clerk to the Board of Supervisors
24

PROPOSED AMENDMENT

This proposed Zoning Ordinance amendment is based on the Zoning Ordinance in effect as of October 30, 2012 and there may be other proposed amendments which may affect some of the numbering, order or text arrangement of the paragraphs or sections set forth in this amendment, which other amendments may be adopted prior to action on this amendment. In such event, any necessary renumbering or editorial revisions caused by the adoption of any Zoning Ordinance amendments by the Board of Supervisors prior to the date of adoption of this amendment will be administratively incorporated by the Clerk in the printed version of this amendment following Board adoption.

1 **Amend Article 10, Accessory Uses, Accessory Service Uses, and Home Occupations, Part 1,**
 2 **Accessory Uses and Structures, Sect. 10-103, Use Limitations, by revising Par. 6B as**
 3 **follows:**

4
 5 6. The following use limitations shall apply to home child care facilities:

- 6
 7 B. A home child care facility shall be operated by the licensed or permitted home child
 8 care provider within the dwelling that is the primary residence of such provider, and
 9 except for emergency situations, such provider shall be on the premises while the
 10 home child care facility is in operation. Notwithstanding the above, a substitute care
 11 provider may operate a home child care facility in the absence of the provider for a
 12 maximum of 240 hours per calendar year.
 13

Board Agenda Item
November 20, 2012

4:30 p.m.

Public Hearing to Receive Comment from Citizens on the Proposed Legislative Program to be Presented to the 2013 Virginia General Assembly

ENCLOSED DOCUMENTS:

Attachment I - Draft Fairfax County Legislative Program for the 2013 Virginia General Assembly

Attachment II – Draft Human Services Issue Paper

(The proposed Legislative Program and Human Services Issue Paper are available by close of business November 15, 2012 at www.fairfaxcounty.gov/government/board or in the Office of the Clerk to the Board.)

STAFF:

Edward L. Long, Jr., County Executive

Susan E. Mittereder, Legislative Director

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Attachment 1

DRAFT 2013 Fairfax County Legislative Program

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FACT SHEETS

17

(Items added/revised since October 23 Legislative Committee meeting are highlighted.)

DRAFT 2013 Fairfax County Legislative Program

Fairfax County and the Commonwealth have long maintained a strong partnership in promoting economic development. The County has created a strong business climate, with a fair and competitive tax structure, excellent schools, an educated workforce, and services and amenities that attract new businesses every year. Both the Commonwealth and the County have benefitted from this partnership.

Unfortunately, it has been the practice of the Commonwealth to significantly underfund core services, leaving localities to fill funding gaps with local revenues in order to maintain essential services. This poses a particular threat to economic development efforts, as state funding cuts in recent years, coupled with the impact the recession has had on local revenues, threaten to destroy the very attributes that draw and retain businesses. In fact, Virginia fell from first to third place in CNBC's annual listing of the best states for business, largely due to declines in state investments for transportation and infrastructure. With dwindling state funding and a commute that is among the worst in the country, Virginia dipped to number 33 in that category, down from 10th a year ago. Without solutions that provide funding to keep pace with the growth of Virginia's economy, the state is at risk of slipping further in economic competitiveness.

The Commonwealth's partnership with localities is a key factor in maintaining that competitiveness. It is clear at this time that state revenues are improving, as evidenced by three consecutive years of "surplus." Now is the time for the Commonwealth to begin the process of rebuilding the state's funding partnership with local governments, by providing adequate funding for core services, while avoiding shifting additional state costs and responsibilities onto localities. Importantly, the state must also eliminate the "local aid to the Commonwealth" that was instituted in FY 2009, whereby localities were required to pay money to the state (\$50 million per year in FY 2009 - FY 2010, increasing to \$60 million per year in FY 2011- FY 2012) to help the state balance its budget. Though the amount was reduced in the 2012-2014 biennium budget (to \$50 million in FY 2013 and \$45 million in FY 2014), these payments should not be required at all at a time when the Commonwealth continues to post budget "surpluses." A recent national report indicates that Virginia has relied on cuts to localities and school divisions to balance its budget to a greater extent than most other states, and that trend must be reversed.

Virginia must invest the resources necessary to educate its citizens at all levels, ensure the rule of law, protect its natural resources, provide for the basic needs of the less fortunate and build a sound infrastructure, in order to remain a competitive state and an attractive place for economic development. The critical state-local funding partnership must be restored so that the Commonwealth can emerge from the current fiscal crisis even stronger, as an investment in Virginia will pay dividends for years to come.

Priorities

Funding Core Services

1.) K-12 Funding – Proposed Joint Position with the Fairfax County School Board

It is essential that the state fully meet its Constitutional responsibility to adequately fund K-12 education, including full funding for the biennial re-benchmark of Virginia's Standards of Quality (SOQ). (*Regional position.*)

Critical gaps continue to widen between the SOQ, the funding for those standards, and the actual local costs of providing a high quality education. Fairfax County and other Northern Virginia localities more than meet their responsibilities for K-12 education through large contributions to the State General Fund, strong local effort, and the effect of high local composite indices, which diverts State funding away from this region. Conversely, state funding for K-12 has declined significantly in recent years – in FY 2009, K-12 funding comprised over 35 percent of the state General Fund, but by FY 2012, K-12 comprised less than 30 percent.

The Boards oppose state budget cuts that disproportionately target or affect Northern Virginia, and support realistic and fully-funded Standards of Quality. The Boards also strongly oppose formula changes which further weaken the partnership between the state and localities, including but not limited to, any reduction in the current 55 percent State share of SOQ costs, capping state funding for support costs and the elimination or reduction of cost of competing funding to Northern Virginia localities. In fact, the Boards strongly support restoration of full funding for cost of competing in FY 2013 and FY 2014 (the budget adopted by the 2012 GA reduced this funding, costing Fairfax County more than \$10 million over the biennium).

Unfortunately, these budgets adopted by the General Assembly exacerbate the stresses on the state-local K-12 partnership, by making permanent, structural cuts that localities expressly sought to avoid. By relying on one-time, temporary actions to at least partially offset these cuts (e.g. reduced VRS rates, federal stimulus funds), these current budgets have understated the overall impact of these structural changes, while artificially lowering the state baseline for funding K-12 going forward.

Transportation Funding

Major new revenue sources for transportation must be enacted during the 2013 General Assembly session. Current revenue sources are not generating sufficient funding to meet Virginia's critical highway needs or its statutory share of eligible transit costs.

- The General Assembly must **adopt a long-term solution** to fully address the needs of our transportation operations, maintenance, and construction programs for all modes.
- A transportation solution must include **new dedicated, sustainable, reliable, and permanent multimodal revenues for the state and region**. Further, the state must work with the Federal Government to ensure that it provides sufficient resources to address transportation needs. (*Regional position.*)
- The County seeks **reinstatement of exclusive Northern Virginia revenues of at least \$300 million annually**, as well as 100 percent of its contribution of statewide revenues, to address multi-modal transportation needs.
- The 2013 General Assembly must provide **state assistance to mitigate the significant effects of BRAC actions at Fort Belvoir**.

- The Board has approved a funding plan for Tysons Corner, which assumes significant funding from Fairfax County and developers. However, it is important that **the state and federal governments recognize the importance of Tysons and provide funding assistance as well.**
- The Commonwealth must **commit additional funding for the Dulles Metrorail extension**, to ensure its success and to reduce future impacts on toll road users.
- Existing Commonwealth General Fund revenue streams are required for other core services, such as education and public safety. These locally provided core services have already experienced significant cuts. **Using the General Fund to assume the state's transportation funding responsibility only increases local budget pressures without providing true transportation solutions. (Regional position.)**

State Perspective: Transportation needs are catastrophic throughout the Commonwealth. The Virginia Department of Transportation has estimated that almost \$1.9 billion is needed annually just for the maintenance and operations of the roads and bridges it maintains and for the third year in a row, secondary road construction has been unfunded. Over \$230 million of additional funding is required for transit projects and eligible operating costs included in the Six Year Program. Efforts to alter statewide transit formulas, which could significantly impact Fairfax County and other jurisdictions throughout the Commonwealth, are currently being proposed by the Administration, as part of its report to the General Assembly, which requested a transit study in 2011 through SJ 297. While there are benefits to considering performance measures, the proposed approach is problematic, as it drastically changes the current transit formula without increasing funding, thereby just reallocating current limited funding among transit agencies. **Further, the County finds the proposed peer groups problematic, as they do not take into account the inherent differences between transit agencies.** The County is opposed to changes to the transit formula that will reduce the stability of statewide funds and reduce funding to the region, unless the new formula is applied solely to any new revenues added to the Mass Transit Fund. *(Concern over changes to the transit formula without increased funding is a regional position.)*

Without action, the Commonwealth risks serious disinvestment, which is evidenced by the Commonwealth's fall from #1 to #3 in CNBC's rankings of "America's Top States for Business". This was largely attributed to Virginia's decline in ranking for Infrastructure and Transportation from #10 to #33. A modern, efficient, multimodal transportation system is essential to the Commonwealth, and is intrinsically tied to continued economic development and the ability to compete in a global economy.

Northern Virginia: In Northern Virginia alone, the TransAction 2040 Long-Range Transportation Plan estimates that the region needs \$950 million per year in additional transportation funding to address its transportation problems, and these needs continue to grow. While the region may occasionally receive more statewide transportation funding than it generates in a given year, this does not always occur, and the funds Northern Virginia is receiving still fall far short of addressing the area's needs. Further, in a recent Fairfax County survey, 82 percent of respondents said that traffic congestion had a moderate, significant, or very significant impact on their daily commute. **The respondents also supported keeping funds generated in the County to be spent on projects in the County. In the survey, 85 percent of respondents indicated that they would be supportive of a County-wide effort to find a source of revenue to address transportation needs. Most of the revenue options favored by respondents require General Assembly approval.**

BRAC Impacts: Fairfax County continues to be significantly impacted by the 2005 Base Realignment and Closure Commission (BRAC) recommendations. 21,300 personnel from numerous Department of Defense agencies and commands have moved into and adjacent to Fairfax County. The County is facing significant shortfalls in the capacity of current infrastructure to support these additional commuters. While federal funding has been provided for projects along the Fairfax County Parkway and Richmond Highway, overall federal assistance has been insufficient to address the transportation capacity needs for this large influx of personnel into an

already congested area. This is compounded by cuts in state funding to the County's secondary road program, adversely affecting projects that could address the BRAC transportation impacts at Fort Belvoir Main Post, Fort Belvoir North Area, and locations in Fairfax County adversely impacted by the Mark Center.

Tysons: Tysons is a major employment center and generator of public benefit for the County and the Commonwealth. However, for Tysons to remain successful and accommodate predicted growth, it must transform into a sustainable, transit-oriented, and walkable community. Fairfax County is transforming Tysons into an urban center with 100,000 residents and 200,000 jobs. Metrorail through Tysons will provide transit options, but funding from all partners is needed to ensure that pedestrian, bicycle, and transit use are allowed to thrive and roadway congestion is addressed, thereby ensuring the continued economic competitiveness of the area, as well as the Commonwealth. The Board has approved a 40-year, \$3.1 billion funding plan for Tysons, which assumes significant funding from Fairfax County and developers. However, it is important that the state and federal governments recognize the importance of Tysons, and provide funding assistance as well.

Dulles Rail: The Dulles Metrorail project will serve the entire Dulles Corridor, providing a significant benefit to the region and the Commonwealth. It will increase transit options for residents and employees of one of the most rapidly growing areas and biggest economic generators in the Commonwealth, as well as those traveling to and from Dulles International Airport, one of the Commonwealth's major economic "power-houses." The Board is concerned that the current agreement, which shifted considerable costs to Fairfax and Loudoun Counties, will have a significant impact, especially related to the agreement that the County take on the added responsibility for the Innovation Center Station, which will serve Fairfax County, Loudoun County, and the Commonwealth's Center for Innovative Technology development. Due to the importance of the project, Fairfax County believes that Virginia must commit to additional funding, to ensure its success and to provide relief to the toll road users are otherwise funding much of the project. Further, the Board supports reexamining sound wall requirements along the Dulles Access/Toll Road Connector, as well as the current budget language that provides for funding for sound wall construction along the corridor.

Summary: Transportation is fundamentally a state responsibility and the Commonwealth must lead the efforts to provide more revenue for our transportation infrastructure. Current state transportation revenues are vastly insufficient to maintain and build the multimodal infrastructure Virginia needs to remain an active and dynamic participant in a 21st Century economy. Virginia needs real transportation solutions that provide significant increases in transportation funding for all modes from new stable, reliable, permanent, and balanced sources. Fairfax County, along with localities throughout the state, continues to provide millions in local funds for transportation each year, but the state must do its part, otherwise future generations will pay the price for the current inaction. *(Revises and updates previous transportation funding position.*

3.) State Budget

The Commonwealth should rebalance its resources and responsibilities so that the funding partnership with localities is restored, ensuring the delivery of critically needed services in communities throughout Virginia. State established standards for locally delivered services must be accompanied by state funding that is adequate to successfully provide those services, and accountability for successes and failures should be reciprocal, ensuring both the state and localities accept responsibility commensurate with their respective roles. (*Position on accountability for locally-delivered services is shared regionally.*)

The depth and breadth of state cuts to localities in recent years has severely stressed the state-local funding partnership. State aid to localities decreased by approximately \$1 billion since FY 2009. Beginning that year, the Commonwealth began requiring localities to return funds to the state in order to help balance the state's budget – essentially creating a new reverse concept of "local aid to the Commonwealth." In FY 2009 and FY 2010, the state required localities to "give back" \$50 million in funds each year, increasing to \$60 million per year in FY 2011 and FY 2012. Over the last five years, this has translated into over \$20 million in state funding cuts to Fairfax County. Though the Governor and the General Assembly reduced the cut in Aid to Localities in the 2012-2014 biennium budget (to \$50 million in FY 2013 and \$45 million in FY 2014), the fact is that this state cut should be completely eliminated. If the state has had three years of state budget "surpluses" then there is no longer any need for localities to help the state balance its budget.

Additionally, while direct aid to localities was 52 percent of the General Fund in FY 2009, it only accounts for 45 percent of the General Fund in FY 2012. And K-12, the most critical core service shared by the state and localities, dropped from 35 percent of the General Fund in FY 2009 to less than 30 percent in FY 2012. The allocation of resources is, in fact, a way of prioritizing areas of critical importance for the state. If core services and shared state-local programs are not at the top of that list, the pro-business environment Virginia has become known for will be jeopardized.

In addition to the two County priorities of K-12 and Transportation, action should be taken at the 2013 General Assembly on the following budget items:

- Elimination of the across-the-board statewide cut in aid to localities of \$50 million in FY 2013 and \$45 million in FY 2014, which reduces state funding for local police departments, jails, Comprehensive Services Act for At-risk Youth and libraries. (see also page 8) (*Regional position.*)
- Full restoration of Cost of Competing Adjustment (COCA) funding for K-12 support positions in FY 2014. (*Regional position.*)
- Restoration of funding for HB 599 law enforcement funding, as statutorily required. (see also page 9) (*Regional position.*)
- Restoration of funding for human services programs, which serve the most vulnerable Virginians. (see also the Draft Human Services Issue Paper)

Regrettably, the Commonwealth has continued the trend of relying on fees, accounting maneuvers, debt and other non-GF revenues, rather than ensuring a modern, broad-based, tax and revenue structure for the state's General Fund (GF). More than \$4 billion in federal stimulus funding has largely sustained the GF in recent years. Finally, current state "surpluses" have been generated in part by localities throughout Virginia. A recent national report indicates that only a handful of state governments in recent years cut more funds to local governments and school districts than did Virginia. Though the Commonwealth's budget shortfall was the 20th largest in

the nation, the state funding cut to localities was third highest among states. Essentially, Virginia has relied on cuts to localities and school divisions to a greater extent than most other states.

A top priority of the 2013 General Assembly should be to rebalance the state's resources and responsibilities in order to rebuild the state-local funding partnership, ensuring that the Commonwealth can meet its Constitutional, statutory and contractual obligations to fund the essential services that localities deliver. *(Revises and updates previous position.)*

Governance

A strong state and local partnership is essential to Virginia's success and the ability of both levels of government to respond to the needs of their residents. As the form of government closest to the people, local government must be provided the flexibility to serve the needs of residents, which can vary greatly from one part of the Commonwealth to another.

4.) Local Authority

Existing local government authority should be preserved, particularly in such key areas as taxation and land use, where local governments must have sufficient authority to govern effectively. Further, local authority should be enhanced to provide localities more flexibility in the administration of local government, as appropriate community solutions differ significantly from one area of the state to another. *(Position on preservation of local taxing authority is shared by region.)*

The local tax structure, which has become outdated and over-reliant on property taxes, must be modernized. Local government revenues must be diversified, including the provision of equal taxing authority for counties and cities, without state mandated restrictions on use, or caps on capacity. Where possible, the state should consider updating state and local taxes to reflect changes in the economy or technology; avoid any expansion of revenue-sharing mechanisms controlled by the state; avoid any new state mandates while fully funding and/or reducing current requirements; avoid any diminution of current local taxing authority (including BPOL and machinery and tools taxes) and lessen restrictions currently imposed on local revenues; or lessen current restrictions on the use of state funds now provided to localities for shared responsibilities.

Local land use authority must also be preserved. Local government is the level of government best suited to equitably and effectively deal with these issues, ensuring orderly and balanced growth or redevelopment while providing meaningful and direct public participation and accountability in this critical process. Further restrictions on local use of eminent domain in addition to the Constitutional amendment recently passed by the General Assembly are unnecessary; Fairfax County has been extremely judicious in its use of condemnation. Moreover, additional legislation in this area should be avoided while courts adjudicate this anticipated change to a long-settled area of law.

Each level of government has unique strengths. However, as a Dillon Rule state, local governments in Virginia are significantly restricted in their authority, which impedes the ability of localities to react quickly and efficiently to emerging problems. In many instances, an overemphasis on statewide uniformity does not adequately consider the particular issues experienced in growing and urbanizing localities in Northern Virginia. At a minimum, the state should empower localities to solve their own problems, by providing increased authority or discretion for services that have no compelling priority or impact for the Commonwealth, thus eliminating the need to seek permission for ministerial matters from the General Assembly each year. *(Updates and reaffirms previous position; incorporates statement on eminent domain, which was previously a stand-alone position.)*

Position Statements

Environment

Global Climate Change

Support efforts to reduce greenhouse gas (GHG) emissions through conservation, use of renewable fuels, regulations, and market-based or other incentives. As a signatory to the Cool Counties initiative, support the reduction of GHG emissions to 80 percent below current levels by 2050, which translates to an average annual reduction of 2 percent per year. As an avenue toward pursuing this goal, support implementation of strategies to reduce GHG emissions set forth in the Virginia Energy Plan, including: a 10 percent reduction in energy consumption by 2022; establishment and expansion of energy research and development programs; funding of renewable-energy grant programs; and incentives to assist the development and growth of energy-businesses and technologies. Support opportunities for consumers to purchase renewable energy.

Support legislation which would provide state income tax incentives for businesses or residents to defray a portion of the cost of new construction or improvements which save energy and mitigate adverse environmental impacts. (*Updates and reaffirms previous positions.*)

Support legislation clarifying that third-party power purchase agreements (PPAs) for renewable energy are legal within the established limits for net metering customers of investor-owned utilities. PPAs can facilitate the adoption of renewable energy by homeowners and other energy consumers by reducing the up-front costs of installation, thus assisting in reducing greenhouse gas emissions and other forms of pollution. (*New position.*)

Land Conservation

Support the Governor's goal to preserve 400,000 acres statewide. Under the current Administration, approximately 115,370 acres have been preserved, as of May 15, 2012. Additionally, continue to support prioritizing the Virginia Land Preservation Tax Credit to encourage the preservation of land for public use. In addition to other benefits, the preservation of open space contributes to watershed protection, an important issue as the state works to reduce nutrient pollution in the Chesapeake Bay. (*Updates and reaffirms previous position.*)

Reducing Environmental Contamination from Plastic and Paper Bags

Support legislation or other efforts which would encourage the use of reusable shopping bags, consistent with the County's waste reduction goals and environmental stewardship efforts. As in previous sessions, it is anticipated that legislation to ban plastic bags or impose a fee for their use may be introduced again in 2013. Such legislation would need to be examined by the County for efficacy, cost, and ease of administration. (*Updates and reaffirms previous position. EQAC has requested that this position remain in the Program.*)

Funding

Aid to Localities

Support the elimination of the current \$50 million annual across-the-board funding cut for programs operated by local governments. (*Regional position.*)

The 2009 General Assembly began requiring localities to return funds to the state to help the state deal with its revenue shortfall – essentially requiring “local aid to the Commonwealth.” This across-the-board cut to all localities was set at \$50 million per year in FY 2009 and FY 2010, and was increased to \$60 million per year in FY 2011 and FY 2012. After several years of state budget “surpluses,” the 2012-2014 biennium budget finally reduced this cut to \$50 million in FY 2013 and \$45 million in FY 2014. The state prescribes to localities which programs may be cut to meet this requirement, reducing state funding for local police departments, jails, Comprehensive Services Act for At-Risk Youth and libraries. In addition to numerous other state budget cuts, the reduction in Aid to Localities has resulted in over \$20 million in state funding cuts to Fairfax County between FY 2009 and FY 2013. In light of recent state budget surpluses and the improvement of the state’s revenues, the Commonwealth should eliminate this funding reduction to local government programs. (*Updates and reaffirms previous position.*)

Public Safety/Courts Funding

Public safety is a core service for the Commonwealth, as it is for localities. Protecting the Commonwealth’s residents and ensuring the successful operation of all aspects of the justice system requires appropriate state funding for this state-local partnership, including law enforcement, the courts, and jails/corrections. Continued and substantial state cuts in recent years, in addition to the underfunding that already exists, have placed an increased burden on localities to fund these state responsibilities. To that end, Fairfax County supports reversing this trend through adequate state funding for the following:

- **HB 599 – The Commonwealth should restore and increase funding for HB 599 commensurate with increasing state revenues, as required by statute.** (*Regional position.*) This critical funding, provided to localities with police departments, must be maintained. Approximately 65 percent of all Virginians currently depend on local police departments for public safety services. This program strives to equalize state funding between cities, counties, and towns with police departments and localities in which the sheriff provides law enforcement. If state funding had increased with state revenues, as is required, Fairfax County would have received approximately \$10 million in additional funding over the past three years. (*Reaffirms longstanding Board position.*)
- **Line of Duty – The 2013 GA should return this funding responsibility to the state.** The Virginia Line of Duty program provides benefits for state and local public safety officers or their beneficiaries due to death or disability resulting from the performance of duties. Funding for this state program was partially shifted to localities by the 2010 GA, and the 2013 GA should reverse this cost shift back to the state. (*Updates and reaffirms previous position.*)
- **Local Fines and Fees – The Commonwealth should reverse the diversion of local funding to the state.** (*Regional position.*) The 2008-2010 biennium budget changed the state share of excess court fees (paid to local courts for administrative expenses associated with home sales, refinancings and wills) from one-third to two-thirds – a funding loss that disproportionately affected higher cost Northern Virginia localities and continues today. Additionally, the 2012-2014 biennium budget requires the deposit into the Literary Fund of half of all fines and fees collected at the local level for enforcement of local ordinances that are in excess of 50 percent of the total local and state collections for that locality. Though Fairfax County is not affected by this new requirement at the 50 percent threshold, it is a bad precedent for allowing the state to divert local funds in the future. (*Updates and reaffirms previous position, and adds new position on local fines and fees.*)
- **Jails – The Commonwealth should adequately compensate localities at a level which is commensurate with the State’s responsibility for local jail operations.** Local governments in Virginia have historically borne a disproportionate burden of

supporting jail confinement costs, as a result of significant underfunding by the Commonwealth. *(Updates and reaffirms previous position.)*

- **Courts – The Commonwealth should adequately fund Virginia’s courts, to ensure a well-functioning judicial branch.** The underfunding of Virginia’s court system places additional burdens on localities, and the courts continue to feel the effects of repeated state underfunding. *(Updates and reaffirms previous position.)*
- **Juvenile Justice – The Commonwealth should provide adequate funding through the Virginia Juvenile Community Crime Control Act (VJCCCA).** In the last ten years, funding for these programs, which are designed to maintain youth in community based programs, facilitate re-entry and prevent recidivism, has been reduced by over 67 percent. *(Updates and reaffirms previous County position.)*

Water Quality Funding

Support budget action at the 2013 General Assembly to ensure adequate state appropriations to the Water Quality Improvement Fund to make full and timely payments under point source upgrade contracts with local governments; also support the continuation of Virginia’s membership, and the restoration of funding for that membership, in the Interstate Commission on the Potomac River Basin (ICPRB).

Fairfax County and local governments throughout Virginia face mounting costs for water quality improvements for sewage treatment plants, urban stormwater, combined sewer overflows (CSOs) and sanitary sewer overflows (SSOs). The state has made progress in providing funding in recent years, including deposits to the WQIF of surplus funds in each of the last three years. However, current funding falls short of the \$100 million needed for mandated stormwater improvements, by up to \$18 million. Additionally, there is a projected need of approximately \$300 million over the next several years for wastewater treatment plant upgrades in the Chesapeake Bay watershed, to meet federal Chesapeake Bay requirements. The state must partner with localities in order to meet these federal mandates to ensure the success of this effort.

The scientific information provided by the ICPRB is critical to regional water quality and supply planning. While the 2012 GA maintained the Commonwealth’s membership in the ICPRB, it did not maintain funding for the state’s annual dues payment. Fairfax County continues to strongly support continuing Virginia’s membership (with accompanying dues payments) in this critical organization. Loss of that membership could result if the state does not resume paying the required dues, which would seriously undermine its ability to perform vital scientific tasks that support key Northern Virginia water supply and management efforts.

General Laws

Elections

Support legislation to promote participation in elections, including allowing any registered voter to vote absentee without requiring that the voter state a reason (“no-excuse” absentee voting), and providing for extended polling hours statewide to allow voters additional time to reach polling places. Legislation intended to enhance security regarding elections must be carefully analyzed to ensure that it strikes a balance between ensuring the integrity of elections while not discouraging the exercise of the franchise. The effects of recently-enacted voter ID legislation should be examined for potential harmful consequences before further legislation in this area is introduced. Monitor consideration of an option for local governments to extend polling hours in the case of an emergency. Support greater state financial support for election administration. *(Updates and reaffirms previous position.)*

Sexual Orientation

Support legislation to permit the County, as an urban county executive form of government, to prohibit discrimination in the areas of housing, real estate transactions, employment, public accommodations, credit, and education on the basis of sexual orientation. Fairfax County has already taken actions pursuant to existing State enabling legislation in the preceding areas on the basis of race, color, religion, sex, pregnancy, childbirth, and disability. *(Reaffirms previous position.)*

Videoconferencing of Advisory Boards

Support legislation to establish a limited exception to provisions of the Virginia Freedom of Information Act that would permit certain local citizen boards, authorities, and commissions to conduct meetings via videoconferencing, which would serve several goals, including (1) increasing volunteerism, especially among senior citizens, (2) reducing time commitments and long commutes on congested roads that now serve as impediments to those persons who serve on advisory panels, and (3) conserving fuel and lowering greenhouse gas emissions. Such a proposal could be crafted to apply only to entities that meet in an advisory capacity and are not required by statute. *(Reaffirms previous position; a study by the Joint Commission on Technology and Science is currently examining the issue of electronic meetings. Allowing electronic meetings by public bodies under certain circumstances was a recommendation of the Governor's Commission on Government Reform and Restructuring in 2010.)*

Health

Administration of Epinephrine in Schools

Support legislation to clarify a statute enacted last year regarding the stocking and administration of epinephrine in local schools to provide that County-employed school health clinic aides are authorized to participate in the operation of the program in local school divisions. In addition, support adequate and ongoing state funding for the cost of the mandate. *(New position.)*

Alternative On-Site Sewage Systems

Support legislation that would restore local government's authority to regulate the operation and maintenance of alternative onsite sewage systems (AOSS) within the locality. Oppose legislation that would further restrict local government authority to regulate the installation of such systems, including but not limited to authority to establish minimum setback distances and installation depths and prohibit such systems within or near wetlands and other environmentally sensitive areas unless such systems are approved by the Virginia Department of Health for use in the particular circumstances and conditions in which the proposed system is to be operating. Support legislation that would provide localities with additional tools to abate or remedy violations of laws regarding the operation and/or maintenance of such systems. Support legislation that would require sellers of residential property to disclose to prospective purchasers that an AOSS is on the property and that the system will have to be operated and maintained in accordance with applicable standards and requirements. *(Updates previous position to reflect proposals currently under consideration by the Virginia Housing Commission and a work group of stakeholders.)*

Lyme Disease

Support funding initiatives that will advance research, surveillance, reporting, diagnostics, and treatment for Lyme disease, as recommended by the Lyme Disease Task Force convened last year by the Governor and the Secretary of Health and Human Resources. Cases of Lyme disease have been on the rise in Virginia, with over 900 confirmed cases reported to the Centers for Disease Control and Prevention in 2010. *(Updates and reaffirms previous position.)*

Human Services

Early Intervention Services for Infants and Toddlers with Disabilities/Part C

Support sustainable funding and infrastructure for Part C Early Intervention, which is an entitlement program that provides services for Virginia's infants and toddlers. In order to address immediate concerns, support increasing funding for Early Intervention services by \$8.5 million statewide in FY 2013, and support a continued increase in funding of approximately that magnitude in FY 2014 and beyond, if necessary based on continued enrollment growth. (Regional position.)

The Commonwealth of Virginia has long contracted with the Fairfax-Falls Church Community Services Board (CSB) to provide Early Intervention therapeutic services for infants and toddlers with developmental delays in areas such as speech, eating, learning and movement. The CSB, which is the Local Lead Agency for Fairfax County as part of the state's compliance with the federal Individuals with Disabilities Education Act (IDEA) Part C grant, provides services through the Infant Toddler Connection (ITC) program. ITC is funded through a combination of federal, state, local and insurance sources.

As the benefits of early intervention have become more widely known throughout the nation, enrollment in this program has grown from about eight percent per year to 38 percent in the last two years. The Fairfax-Falls Church CSB has gone from serving 789 children on average each month in FY 2010 to serving 1155 children on average per month by FY 2012. This type of explosive growth vastly exceeds committed state funding, not just in Fairfax County but throughout Virginia. In the last two years, some of this funding shortfall has been filled by one-time federal funds and some stopgap funding from the Commonwealth, but the Fairfax County ITC program is still facing at least a \$1 million shortfall for FY 2013. Additionally, this shortfall assumes only a minimal increase in children to be served, contrary to recent trends, which could increase the size of the funding gap.

Current state funding levels are simply not sufficient to keep pace with enrollment growth. Fairfax County already provides \$2.8 million in local funds to this vital program, which comprises one-third of the ITC budget. If additional state funding is not committed, the shortfall could require the placement of newly eligible families on a waiting list beginning in February 2013. The Fairfax-Falls Church CSB would also likely assess the feasibility of continuing as the local lead agency for this program if adequate state funding is not provided. (New position.)

Funding – Northern Virginia Training Center (NVTC)

Support additional state funding for community placements for individuals leaving the Northern Virginia Training Center, and increased Medicaid waiver rates to support those placements, to ensure the Commonwealth fulfills its responsibility to implement the federal settlement agreement. (Regional position.)

As a result of a settlement agreement negotiated with the U. S. Department of Justice, the Commonwealth will be closing four of the state's training centers, which provide residential treatment for individuals with intellectual and developmental disabilities, including the Northern Virginia Training Center. Consequently, the 150 individuals currently receiving services at NVTC will need to be transitioned to the community by June 30, 2015, in order to receive community based services.

Unfortunately, existing community based service capacity is not sufficient to serve these individuals at present; therefore, additional capacity must be created. It is estimated that in FY 2013, approximately \$7.7 million in state start-up funding is needed in Northern Virginia to expand community based residential placements and day support services, including the

creation of 14 new community Intermediate Care Facilities (ICF) and 20 Intellectual Disabilities waiver homes.

In addition to creating this expanded capacity, it is estimated that state funding of approximately \$10.1 million per year, above the current ID Medicaid Waiver rates **and beginning in FY 2013**, will be needed to operate these services. Fairfax County has long supported increasing Medicaid waiver rates for all recipients, which allow Medicaid reimbursement for services provided in the home and community for people with intellectual and developmental disabilities, among others. However, meeting the unique conditions of those transitioning from NVTC requires both increasing and restructuring some existing waiver rates, and should be an essential component of any state solution. Waiver rates are currently well below the cost of providing necessary services, and do not provide sufficient flexibility to meet the needs of the NVTC population. Support changes to waivers that would:

- Increase waiver rates to compensate for higher congregate rates for group homes serving four or fewer;
- Establish higher rates to address the needs of individuals with high, complex and intense needs for support, including employment and day services;
- Increase reimbursement rates to enable the hiring of professional nurses;
- Enhance or reconfigure waiver services to fully reimburse nursing and behavioral supports;
- Adjust billing units of service to streamline and assist providers in achieving adequate quality, and;
- Include appropriate levels of funding to create community residential arrangement and infrastructure.

Successfully implementing the Department of Justice settlement is the Commonwealth's responsibility and obligation, and sufficient state funding for the NVTC population is an essential component of that effort. (*New position.*)

Medicaid Eligibility and Access to Care

Oppose actions that shift Medicaid costs to localities, such as through Medicaid service funding reductions, changes to eligibility that shrink access, or other rule changes that erode the social safety net.

Virginia's Medicaid program provides access to health care services for people in particular categories (low income children and parents, pregnant women, older adults, and persons with disabilities). Costs are shared between the federal government and the states, and states are permitted to set their own income and asset eligibility criteria within federal guidelines. Virginia's current eligibility requirements are so strict that although it is the 11th largest state in terms of population and 7th in per capita personal income, Virginia ranked 43rd in Medicaid enrollment as a proportion of the state's population and 47th in per capita Medicaid spending.

The national recession has placed additional pressures on Medicaid, resulting in more Americans being eligible for this essential program, which is so desperately needed by the most vulnerable Virginians. Though the American Recovery and Reinvestment Act (ARRA) provided states with a temporary increase in federal Medicaid funding, all states, including Virginia, have also implemented cost containment measures to minimize the rising costs of the Medicaid program overall while avoiding changes to eligibility rules. Fairfax County supports cost containment measures that utilize innovation, increase efficiency and targeted service delivery, and use of technology to reduce Medicaid fraud, in order to ensure the best allocation of resources without reducing services or access to care.

The Commonwealth now faces an additional, critical decision, as it decides whether or not to pursue the Medicaid expansion included in the federal health care reform law, along with the

sizable federal funding provided for those newly eligible enrollees. Irrespective of Virginia's decision on the health care law, or of any other federal funding cuts or reductions in federal requirements which may be considered in the next Congress, it is essential that the Commonwealth avoid taking actions that effectively shift costs to localities. In particular, the Commonwealth must not weaken the social safety net by reducing funding for Medicaid-covered services or providing fewer services.

Due to the shortage of private providers, poor reimbursement rates, and other factors that play a role in an overall increase in Medicaid program costs, ensuring success with any cost containment strategies will require close cooperation between the Commonwealth and local governments, as localities are frequently the service providers for the Medicaid population. *(Revises and reaffirms previous position.)*

Land Use

Proffers

Existing local authority to accept cash and in-kind proffers from developers to assist localities in providing the capital facilities and infrastructure needed to serve new development must be retained without restrictions. Any proposal for replacing such proffer commitments with development impact fees must be at the option of each locality. *(Reaffirms previous position.)*

Public Safety

Accessibility

Support ensuring the inclusion of people with disabilities throughout the Commonwealth by increasing accessibility.

Fairfax County supports access for people with disabilities and older adults in public and private facilities; in particular, the County supports increasing accessibility and visitability through incentives, voluntary standards for accessible housing and educational outreach to businesses, building officials, advocacy groups and the Commonwealth, as recommended in the recently published study on accessibility by the Departments of Housing and Community Development and Rehabilitative Services. While significant progress has been made toward ensuring the equality and inclusion of people with disabilities in the 20 years since the passage of the Americans with Disabilities Act (ADA), continued advancement is needed. Improved accessibility in public buildings, housing, transportation and employment benefits all Virginians, by allowing people with disabilities to remain active, contributing members of their communities, while retaining their independence and proximity to family and friends. *(Updates and reaffirms previous position.)*

Dangerous Weapons in Public Facilities

Support legislation to allow local governments to prohibit the possession of dangerous weapons in or on any facility or property owned or leased by the locality, with certain exceptions, including any person who has been issued a permit to carry a concealed handgun. Violation of such an ordinance would be punishable as a misdemeanor. It is particularly important that the County have such authority for any facility or property owned or leased by the County serving large populations of youth under the age of 18. Current law permits private property owners to decide whether or not to permit dangerous weapons on their property. *(Reaffirms previous position.)*

Financial Exploitation of Incapacitated Adults

Initiate/support legislation to make the financial exploitation of an individual suffering from a diminished mental capacity a criminal act, whether the victim is impaired due to advanced age, mental illness, mental retardation, physical illness or disability, or other causes. For example, there has been a fifty percent increase in reported cases of elder fraud between 2008 and 2009. Moreover, this statistic likely does not capture the true extent of the problem, as instances of financial exploitation are often not reported due to victims' embarrassment, fear of loss of independence, or inability to recognize that they have been victimized. *(The County's 2011 and 2012 initiatives on this subject were unsuccessful due in part to budgetary concerns with proposed criminal statutes. The Crime Commission has agreed to undertake a study of the issue and will be briefed by its staff in November.)*

Pedestrian Safety

Support revisions to Virginia's existing pedestrian legislation to clarify the responsibilities of drivers and pedestrians in order to reduce the number of pedestrian injuries and fatalities that occur each year. In particular, support legislation that would require motorists to stop for pedestrians in crosswalks at unsignalized intersections on roads where the speed is 35 mph or less and at unsignalized crosswalks in front of schools. This issue is of special importance for pedestrians with physical or sensory disabilities, who are at particular risk of injury when crossing streets. *(Reaffirms previous position.)*

Pneumatic Guns

Initiate legislation that would authorize a locality to adopt an ordinance that would ban the possession of pneumatic guns on school grounds, with an exemption for persons participating in school-sponsored activities. Pneumatic guns, particularly those fired by pump action or carbon dioxide gas cartridges, are capable of muzzle velocities that can result in skin or ocular penetration. A particular concern of County law enforcement is that modern pneumatic guns often strongly resemble firearms. Given the potential for injury caused by these guns, legislation which would allow localities to ban their possession on school property would provide important protection. The General Assembly has already banned the possession of a long list of weapons on school grounds, thus recognizing that schools should be a "safe zone." *(Reaffirms previous position, which was previously included as an initiative. The County's 2012 bill on this subject passed the Senate, but failed in a House subcommittee.)*

Teen Driving

Support legislation to make the following infractions primary offenses for drivers under the age of 18: violation of the ban on use of wireless communication devices while operating a motor vehicle; violation of curfew; violation of limits on underage passengers; and violation of the seat belt law. These acts are currently secondary offenses, which require observations of a primary offense for a law enforcement officer to initiate enforcement action. *(Reaffirms previous position.)*

Transportation

Secondary Road Devolution

Oppose any legislation that would require the transfer of secondary road construction and maintenance responsibilities to counties, especially if these efforts are not accompanied with corresponding revenue enhancements. While there are insufficient resources to adequately meet the maintenance and improvement needs of secondary roads within the Commonwealth, the solution to this problem is not to simply transfer these responsibilities to local government that have neither the resources nor the expertise to fulfill them. Further, oppose any legislative or regulatory moratorium on the transfer of newly constructed secondary roads to VDOT for the purposes of ongoing maintenance. (*Reaffirms previous position.*)

FAIRFAX COUNTY

2013 Transportation Fact Sheet

Transportation Needs

Fairfax County's Secondary Road Program has declined from \$29 million (FY 2004) to \$240,000 (FY 2010) to *literally zero* (FY 2011 through FY 2013). It is projected to remain at zero through at least FY 2018.

Only 69 percent of all roads in Fairfax County have pavement in Fair or Better Condition. This is 12 percent lower than the statewide average of 81 percent; and far short of VDOT's target of 82 percent.

According to the Texas Transportation Institute (TTI), the amount of delays endured by the average commuter in the Northern Virginia and the Washington Capitol Region in 2010 was 74 hours, more than double the national average and enough to rank the region as the worst among the nation's 439 urban areas.

Transit agencies provide approximately 90,000 daily passenger trips in Northern Virginia, and the TTI has found that the Washington, D.C. region's past investments in transit saved \$726 million annually in reduced fuel use and delay in traffic.

Northern Virginia needs at least an additional \$900 million per year, above existing revenue streams, to address its transportation problems (TransAction 2040 – completed in 2012).

The Current Situation

- In FY2012, approximately \$450 million was transferred from the Highway Construction Fund to the Highway Maintenance and Operations Fund to keep up with the needs of the Commonwealth's highway system, which continues to age and degrade. Additionally, vehicles' improved fuel efficiency and the lack of indexing or increasing the Commonwealth's motor fuels tax have prevented revenues from keeping pace with costs. It has long been projected that by 2017, Virginia would run out of state construction funds, thereby no longer being able to match federal funds. However, Commonwealth Transportation Board members have recently said that, as of now, no more funds or bonding authority are available for construction. Additional revenue sources must be provided to stop the maintenance crossover and ensure that Virginia has a non-federal construction program and can match federal funds.
- The repercussions of transportation underfunding are already beginning to be felt, as evidenced by the recent CNBC Rankings "America's Top States for Business." In the study, which was released on July 13, 2012, the Commonwealth's overall ranking in state competitiveness dropped from #1 to #3, and its ranking for Infrastructure and Transportation dropped from #10 to #33.
- This summer, local elected officials from throughout the Urban Crescent, which encompasses localities from Northern Virginia through the Richmond region to Hampton Roads, met to discuss the necessity for additional funding to address transportation infrastructure needs throughout our state. The consensus at the meeting was that Virginia's transportation system is significantly underfunded and the situation continues to deteriorate. Following the meeting, 38 local elected officials from throughout the Crescent sent a letter to State leaders asserting that Virginia needs real transportation solutions that provide significant increases in state transportation funding for all modes from new stable, reliable, permanent, and balanced source(s).
- The Northern Virginia localities continue to provide millions in local funds for transportation each year, but the state must do its part as well, as future generations will pay the price for the current inaction.

Sample project costs:

- Traffic Signal Upgrade: \$300,000
- Major Interchange: \$70 million
- Major Intersection Improvement: \$110 million
- Road Widening Project: \$45 million
- Multi-modal Transit Center: \$40 million
- Metrorail Car: \$2 million
- Transit Bus: \$485,000

Attachment 2

2013 Fairfax County Human Services Issue Paper

(Revisions/Additions since October 23 Legislative Committee Meeting Highlighted)

This human services issue paper is a supplement to the 2013 Fairfax County Legislative Program. Fairfax County has long recognized that investments in critical human services programs can and do save public funds by minimizing the need for more costly services. This is not the time to abandon those essential investments.

The Great Recession has taken a toll on our most vulnerable residents, causing many Virginians to lose their footing, or even diminishing their ability to help themselves out of their present situation. The number of people living in poverty in Virginia increased significantly in 2011, with 44,000 more people living in poverty than in 2010 – a poverty rate of 11.5 percent. Additionally, the number and rate of people living in deep poverty – with an income less than about \$9,265 for a family of three – jumped 10 percent in 2011. That figure is even more alarming when translated into actual people – almost 417,000 Virginians lived in deep poverty in 2011.^[1]

The impending federal “fiscal cliff,” as it is being described by many, could further complicate the economic recovery and adversely impact an already struggling population. In 2013, sequestration could result in cuts to domestic discretionary spending of \$38 billion, with an additional \$11 billion cut to Medicare and a \$5 billion cut to other mandatory spending programs. While the potential impact of sequestration on state and local governments is not yet well understood, it is clear that significant cuts to domestic programs could begin to unravel the social safety net.

Unfortunately, such cuts could result in shifting the costs of maintaining an adequate safety net to the states, and the end result could very well be a shifting of problems down to the local level, particularly in states that are either unwilling or unable to make up the difference. In Virginia, the state and local partnership to fund core services has already been weakened by state budget actions over the past two biennia. Further stressing a weakened state/local partnership in Northern Virginia is the need for additional state funding to adequately accommodate individuals transitioning out of the Northern Virginia Training Center, in compliance with the Department of Justice (DOJ) settlement with the Commonwealth.

All of these short and long-term uncertainties continue to threaten the safety net provided by local governments at a time when their own fiscal health has not been fully restored. And yet, a safety net for our most vulnerable populations is more essential now than in any time in recent memory.

In order to achieve the stated public policy goals, state and local governments should partner to achieve the following outcomes:

- Protect the vulnerable;
- Help people and communities realize and strengthen their capacity for self-sufficiency;
- Whenever needed, help link people to health services, adequate and affordable housing and employment opportunities;

^[1] The Commonwealth Institute. “Census Data Presents Mixed Bag for Virginia.” September 2012.

- Ensure that children thrive and youth successfully transition to adulthood;
- Ensure that people and communities are healthy through prevention and early intervention;
- Increase capacity in the community to address human service needs; and,
- Build a high-performing and diverse workforce to achieve these objectives.

It is the goal of the Fairfax County Board of Supervisors to work with the County's General Assembly delegation to achieve these objectives.

PRIORITIES

Medicaid Eligibility and Access to Care

Oppose actions that shift Medicaid costs to localities, such as through Medicaid service funding reductions, changes to eligibility that shrink access, or other rule changes that erode the social safety net.

Virginia's Medicaid program provides access to health care services for people in particular categories (low income children and parents, pregnant women, older adults, and persons with disabilities). Costs are shared between the federal government and the states, and states are permitted to set their own income and asset eligibility criteria within federal guidelines. Virginia's current eligibility requirements are so strict that although it is the 11th largest state in terms of population and 7th in per capita personal income, Virginia ranked 43rd in Medicaid enrollment as a proportion of the state's population and 47th in per capita Medicaid spending.

The national recession has placed additional pressures on Medicaid, resulting in more Americans being eligible for this essential program, which is so desperately needed by the most vulnerable Virginians. Though the American Recovery and Reinvestment Act (ARRA) provided states with a temporary increase in federal Medicaid funding, all states, including Virginia, have also implemented cost containment measures to minimize the rising costs of the Medicaid program overall while avoiding changes to eligibility rules. Fairfax County supports cost containment measures that utilize innovation, increase efficiency and targeted service delivery, and the use of technology to reduce Medicaid fraud, in order to ensure the best allocation of resources without reducing services or access to care.

The Commonwealth now faces an additional, critical decision, as it decides whether or not to pursue the Medicaid expansion included in the federal health care reform law, along with the sizable federal funding provided for those newly eligible enrollees. Irrespective of Virginia's decision on the health care law, or of any other federal funding cuts or reductions in federal requirements which may be considered in the next Congress, it is essential that the Commonwealth avoid taking actions that effectively shift costs to localities. In particular, the Commonwealth must not weaken the social safety net by reducing funding for Medicaid-covered services or providing fewer services.

Due to the shortage of private providers, poor reimbursement rates, and other factors that play a role in an overall increase in Medicaid program costs, ensuring success with any cost containment strategies will require close cooperation between the Commonwealth and local governments, as localities are frequently the service providers for the Medicaid population. *(Revises and reaffirms previous position.)*

Part C/Early Intervention Services for Infants and Toddlers with Disabilities

Support sustainable funding and infrastructure for Part C Early Intervention, which is an entitlement program that provides services for Virginia’s infants and toddlers. In order to address immediate concerns, support increasing funding for Early Intervention services by \$8.5 million statewide in FY 2013, and support a continued increase in funding of approximately that magnitude in FY 2014 and beyond, if necessary based on continued enrollment growth. (Regional position.)

The Commonwealth of Virginia has long contracted with the Fairfax-Falls Church Community Services Board (CSB) to provide Early Intervention therapeutic services for infants and toddlers with developmental delays in areas such as speech, eating, learning and movement. The CSB, which is the Local Lead Agency for Fairfax County as part of the state’s compliance with the federal Individuals with Disabilities Education Act (IDEA) Part C grant, provides services through the Infant Toddler Connection (ITC) program. ITC is funded through a combination of federal, state, local and insurance sources.

As the benefits of early intervention have become more widely known throughout the nation, enrollment in this program has grown from about eight percent per year to 38 percent in the last two years. The Fairfax-Falls Church CSB has gone from serving 789 children on average each month in FY 2010 to serving 1155 children on average per month by FY 2012. This type of explosive growth vastly exceeds committed state funding, not just in Fairfax County but throughout Virginia. In the last two years, some of this funding shortfall has been filled by one-time federal funds and some stopgap funding from the Commonwealth, but the Fairfax County ITC program is still facing at least a \$1 million shortfall for FY 2013. Additionally, this shortfall assumes only a minimal increase in children to be served, contrary to recent trends, which could increase the size of the funding gap.

Current state funding levels are simply not sufficient to keep pace with enrollment growth. Fairfax County already provides \$2.8 million in local funds to this vital program, which comprises one-third of the ITC budget. If additional state funding is not committed, the shortfall could require the placement of newly eligible families on a waiting list beginning in February 2013. The Fairfax-Falls Church CSB would also likely assess the feasibility of continuing as the local lead agency for this program if adequate state funding is not provided. (Revises and reaffirms previous position)

Northern Virginia Training Center (NVTC)

Support additional state funding for community placements for individuals leaving the Northern Virginia Training Center, and increased Medicaid waiver rates to support those placements, to ensure the Commonwealth fulfills its responsibility to implement the federal settlement agreement. (Regional position.)

As a result of a settlement agreement negotiated with the U. S. Department of Justice, the Commonwealth will be closing four of the state’s training centers, which provide residential treatment for individuals with intellectual and developmental disabilities, including the Northern Virginia Training Center.

Consequently, the 150 individuals currently receiving services at NVTC will need to be transitioned to the community by June 30, 2015, in order to receive community based services.

Unfortunately, existing community based service capacity is not sufficient to serve these individuals at present; therefore, additional capacity must be created. It is estimated that **in FY 2013**, approximately \$7.7 million in start-up funding is needed in Northern Virginia to expand community based residential placements and day support services, including the creation of 14 new community Intermediate Care Facilities (ICF) and 20 Intellectual Disabilities waiver homes.

In addition to creating this expanded capacity, it is estimated that state funding of approximately \$10.1 million per year, above the current ID Medicaid Waiver rates, **and beginning in FY 2013**, will be needed to operate these services. Fairfax County has long supported increasing Medicaid waiver rates for all recipients, which allow Medicaid reimbursement for services provided in the home and community for people with intellectual and developmental disabilities, among others. However, meeting the unique conditions of those transitioning from NVTC requires both increasing and restructuring some existing waiver rates, and should be an essential component of any state solution. Waiver rates are currently well below the cost of providing necessary services, and do not provide sufficient flexibility to meet the needs of the NVTC population. Support changes to waivers that would:

- Increase waiver rates to compensate for higher congregate rates for group homes serving four or fewer;
- Establish higher rates to address the needs of individuals with high, complex and intense needs for support, including employment and day services;
- Increase reimbursement rates to enable the hiring of professional nurses;
- Enhance or reconfigure waiver services to fully reimburse nursing and behavioral supports;
- Adjust billing units of service to streamline and assist providers in achieving adequate quality, and;
- Include appropriate levels of funding to create community residential arrangement and infrastructure.

Successfully implementing the Department of Justice settlement is the Commonwealth's responsibility and obligation, and sufficient state funding for the NVTC population is an essential component of that effort. *(New position)*

POSITIONS

State Resource Investments for Keeping People in Their Communities

Human services programs serve a wide range of people, including low income individuals and families; children at risk for poor physical and mental health, and educational outcomes; older adults, persons with physical and intellectual disabilities; and those experiencing mental health and substance use issues. These individuals want the same opportunities every Virginian wants – not just to survive, but to thrive, by receiving the services they need while remaining in their homes and communities, allowing continued connections to family, friends, and their community resources. In recent years, changes in philosophy have led public policy to embrace this direction, as a more cost-effective, beneficial approach – allowing those with special needs to lead productive lives in their own communities, through care and support that is much less expensive than institutional care.

Meeting these needs requires a strong partnership between the Commonwealth and local government. This is particularly true in the area of funding, which is necessary to create and maintain these home and community based services, and must be seen as an investment in the long-term success of the Commonwealth. Unfortunately, it has increasingly become the practice of the Commonwealth to significantly underfund core human services or neglect newer best practice approaches, leaving localities to fill gaps in the necessary services through local revenues in order to meet these critical needs. Fairfax County understands the fiscal challenges the Commonwealth has faced; however, while state revenues are recovering, local revenues are not bouncing back as quickly.

The process of fundamentally reorganizing and restructuring programs and outdated service delivery systems for vulnerable populations in order to more successfully achieve positive outcomes requires an adequate state investment, which will ultimately pay dividends for years to come.

Medicaid Waivers

Support funding and expansion for Virginia’s Medicaid waivers that provide critical home and community based services for qualified individuals.

Medicaid funds both physical and mental health services for people in particular categories (low income children and parents, pregnant women, older adults, persons with disabilities). It is financed by the federal and state governments and administered by the states. Federal funding is provided based on a state’s per capita income – the federal match rate for Virginia is 50 percent. Because each dollar Virginia puts into the Medicaid program draws down a federal dollar, what Medicaid will pay for is a significant factor in guiding the direction of state human services spending. However, states set their own income and asset eligibility criteria within federal guidelines; Virginia’s requirements are so strict though it is ranked 7th in per capita personal income, it is 47th in Medicaid spending for persons with intellectual and developmental disabilities.

For the most part, each state also has the discretion and flexibility to design its own Medicaid service program and can choose from a menu of optional services and waiver services in the state plan. Virginia offers fewer optional Medicaid services than many other states (in addition to federally mandated

services), though Medicaid recipients in Virginia may also receive coverage through home and community-based “waiver” programs, which allow states to “waive” the requirement that an individual must live in an institution to receive Medicaid funding. Waivers result in less expensive, more beneficial care. Waiver services are especially important for low-income families, older adults, people with disabilities and seriously ill individuals in Virginia, where Medicaid eligibility is highly restrictive. The average cost of institutionalizing a person at a state training center is approximately \$216,000 per year. By contrast, the cost of providing services for a person in the community through the use of a waiver is approximately \$138,000 on average.¹ Virginia can serve nearly three people in the community for each person in a training center.

The number and type of waivers is set by the General Assembly, and the extensive waiting lists for some demonstrate the significant barriers that exist in the Commonwealth (current Virginia waivers include AIDS, Alzheimer’s, Day Support for Persons with Intellectual Disabilities, Elderly or Disabled with Consumer-Direction, Intellectual Disabilities, Technology Assisted and Individual and Family Developmental Disabilities Support).

Fairfax County supports the following adjustments in Medicaid waivers:

- **Support automatic rate increases.** While nursing homes receive annual cost of living adjustments, this rate adjustment is not available to providers of Medicaid waiver services. Virginia ranks 47th among the states in the provision of home and community based services. To reduce reliance on institutions such as nursing homes and state training centers, increase the source of less costly community-based services, and ensure the availability and quality of Medicaid providers for personal care and other Medicaid community based services, a fundamental rebalancing of reimbursements within Virginia’s Medicaid program is necessary. At a minimum, this includes restoring reductions to Virginia’s Medicaid waiver services from the 2010-2012 biennial budget; rates should equal at least 90% of cost.
- **Create new consolidated waiver.** Merge the Intellectual Disability (MR/ID) Waiver with the Individual and Family Developmental Disabilities (DD) Waiver and expand services to individuals with autism spectrum disorders. Extend waiver funding for residential services to all recipients of the new consolidated waiver. Assign services under the new consolidated waiver on the basis of urgency of need, rather than length of time on waiting list. As waivers are being revised and new approaches to eligibility are being established, the new eligibility rules should not be structured in a way that would cause individuals who would be eligible today, such as people who are blind, to be deemed ineligible in the future.*(New position)*
- **Support a new waiver for individuals with brain injuries.** Waiver services are also critically needed for individuals with brain injuries who would not be eligible for the new consolidated ID/DD waiver.
- **Support increased waiver funding.** For example, funding is needed to serve the more than 7,200² people statewide who are eligible but waiting for ID or DD waiver services. In Fairfax County (as of July 2012), over 1,180 people with intellectual disabilities are on the wait list for services; of those, more than 730 are considered to have “urgent” needs, one crisis away from requiring emergency services and potential institutionalization. More than 800 of those needing ID services qualify for waivers. Increased funding would allow individuals to receive services in the

¹ Updated cost figures from Virginia Department of Behavioral Health and Developmental Services.

² Updated cost figures from Virginia Department of Behavioral Health and Developmental Services.

community rather than in a nursing facility or institution, would assist in the requirements and spirit of the DOJ settlement with the Commonwealth, and bring Virginia into compliance with the Olmstead Decision.

- **Support funding for an expansion of services.** Additional medical and behavioral services are needed under Virginia's existing Medicaid waivers, for individuals whose needs extend beyond the standard benefits available. Waiver enhancements such as increased medical and behavioral support components, higher rates for these and other waiver services, and higher Northern Virginia differentials are needed to enhance success in community-based services for individuals transitioning out of training centers under the DOJ settlement with the Commonwealth as well as for people currently on waiting lists.
- **Support Expansion of Home and Community Based Services.** New federal initiatives such as the Community First Choice option allow for states to streamline and improve their Medicaid plans to expand home and community based services at a higher federal reimbursement rate. At a time when Virginia is planning to move residents from state training centers into the community, the Commonwealth should apply for Community First Choice and other opportunities to serve older adults and people with disabilities in their homes and communities.
- **Support consumer empowerment.** Services to help consumers enhance life skills, achieve greater independence, and offer the option of consumer directions and choice should be a priority.
- **Support Dual Eligible Proposal.** Fairfax County and the Community Services Board support Virginia's effort to receive a federal waiver to manage the care of individuals eligible for both Medicaid and Medicare with a plan that includes adequate funding for long term services for the populations served by the Community Services Board. The involvement of the CSB in the planning and implementation would greatly enhance the ability of the new plan to meet special service needs. *(New position)*

Children and Families

Comprehensive Services Act

Support continued state responsibility for funding mandated CSA foster care and special education services on a sum-sufficient basis, and support continuation of the current CSA local match rate structure, which incentivizes serving children in the least restrictive community and family-based settings. Also, support the current structure which requires that service decisions are made at the local level and are provided based on the needs of the child, and oppose any changes to the current CSA program that would shift costs to local governments or disrupt the responsibilities and authorities as assigned by the Comprehensive Services Act.

The Comprehensive Services Act is a 1993 Virginia law that provided for the pooling of eight funding streams used to plan and provide services to children who have serious emotional or behavioral problems; who may need residential care or services beyond the scope of standard agency services; who need special education through a private school program; or who receive foster care services. It is a state-local partnership which requires a 46.11% local funding match. The purpose of CSA is to provide high quality, child centered, family focused, cost effective, community-based services to high-risk youth and their families. Children receiving certain special education and foster care services are the only groups considered mandated for service. Because there is "sum sufficient" language attached to these two categories of service, this means that for these youth, whatever the cost, funding must be provided by state

and local government. Fairfax County strongly opposes any efforts to cap state funding or eliminate the sum sufficient requirement, as the Commonwealth must not renege on its funding commitment to CSA.

In recent years, the state changed the local match rate structure, in order to incentivize the provision of community based services, which are less expensive and more beneficial to the children and families participating in CSA. Since that time, overall costs for CSA have declined, illustrating the success that the state can achieve by working cooperatively with local governments. It is essential that this state and local partnership be maintained – changes to CSA law, policy or implementation guidelines should focus on solutions that acknowledge the critical roles played by both levels of government, but should not favor one side of the partnership over the other.

Child Day Care Services

Support state child care funding for economically disadvantaged families not participating in TANF/VIEW, known as “Fee System Child Care,” and support an increase in child care service rates.

Particularly during periods of economic downturn, a secure source of General Fund dollars is needed statewide to defray the cost of child care, protecting state and local investments in helping families move off of welfare and into long-term financial stability.

Research clearly indicates that the employment and financial independence of parents is jeopardized when affordable child care is outside of their reach. Parents may be forced to abandon stable employment to care for their children or they may begin or return to dependence on welfare programs. In order to maintain their employment, some parents may choose to place their children in unregulated, and therefore potentially unsafe, child care settings. Without subsidies to meet market prices, low-income working families may not access the quality child care and early childhood education that helps young children enter kindergarten prepared to succeed. In the Fairfax community, where the median annual income of families receiving fee-system child care subsidies is just under \$25,000, the cost of full-time child care for a preschooler ranges from \$8,000 to over \$13,000 per year. Many of these families are truly ‘the working poor’ who require some assistance with child care costs in order to help them achieve self-sufficiency.

Foster Care/Kinship Care

Support legislation and resources to encourage the increased use of kinship care, keeping children with their families. Also support legislation that would allow youth in Foster Care to be adopted between the ages of 18-20 and extend the availability of subsidy for this population.

In 2008, Virginia embarked on a Children’s Services Transformation effort, to identify and develop ways to find and strengthen permanent families for older children in foster care, and for those who might be at risk of entering foster care. The Transformation, founded on the belief that everyone deserves and needs permanent family connections to be successful, is leading to significant revisions in Virginia’s services for children. Through kinship care (when a child lives with a relative), children remain connected to family and loved ones, providing better outcomes. However, without a formal statewide Kinship Care program, many relatives in Virginia are unable to care for children in their family due to financial hardship, resulting in foster care placements.

Additionally, once a youth turns 18, he or she can continue to receive services through foster care, but he or she is no longer eligible for an adoption subsidy. This lack of financial support may impact families’

ability to adopt older youth. By extending the adoption subsidy to age 21, more Virginia youth may have the opportunity to find permanent homes.

Community Based Services

Support increased capacity for crisis response and intensive community services for children and youth.

The General Assembly and the Governor are to be commended for supporting funding in FY 2013 for more community-based crisis response for youth and their families. To respond effectively to the need, this service model must be fully funded, as outlined in the VACSB/Voices for Virginia's Children budget amendment. Additional capacity in the Child and Family service system is necessary to address the needs of children and their families requiring intensive community services, to help maintain children safely in their own homes and reduce the need for foster care or residential treatment as the first alternative. One of the programs of concern is the Healthy Families program, which is a nationally recognized home visiting program that has produced tangible positive outcomes in the Commonwealth. Significant funding reductions in recent years have resulted in the elimination of programs in some jurisdictions and threaten the viability of remaining Healthy Families sites. The program provides home-based education and support to first-time parents who have social histories that put them at risk starting during pregnancy until the child reaches age three.

Older Adults and Adults with Disabilities

Area Agencies on Aging

Support increased state general funds for Area Agencies on Aging.

As a result of the 2010 Census, state general funds supporting services provided by Area Agencies on Aging were reallocated in FY 2013. The reallocation reflected changes in the older adult population in the state. The 2012 General Assembly approved new funding for the Area Agencies on Aging, but there was not sufficient funding to reflect the true changes in the population. Some Area Agencies on Aging lost funding from FY 2012, and others, like Fairfax, did not receive additional funds based on the actual increase in population. Additional funding is needed by all the Area Agencies on Aging to provide services to the increasing population of older adults. (*New position*)

Home and Community Based Services for Older Adults and People with Disabilities

Support the reinstatement of funding for home and community-based services, nutrition, transportation, in-home, chore and companion services, that help people live in their own homes, including returning the Long Term Care Medicaid eligibility threshold from 267% to 300% of SSI, restoring the cap on attendant service hours for Elderly and Disabled with Consumer Directed (ECDC) Medicaid waiver and HIV/AIDS waiver recipients from 48 hours to 56 hours per week and by restoring the respite care service hours from a maximum of 480 to 720 hours a year.

Home and Community-Based Services – such as personal care, home-delivered meals, transportation, care coordination, and adult day/respite care – provided by the Commonwealth's twenty-five Area Agencies on Aging (AAAs) save Virginia tax-payers money while helping older Virginians function independently, keeping them in the least restrictive setting of their choice, building on family support,

decreasing the risk of inappropriate institutionalization, and improving life satisfaction. In addition, chore and companion services are funded locally and by the Virginia Department for Social Services and assist eligible older adults and adults with disabilities with activities of daily living (bathing and housekeeping).

During our current economic recession, it is especially important that the Commonwealth spend its long-term care dollars wisely by investing in its home and community-based workforce. Currently, Virginia ranks 45th in average wages for personal care providers. Yet, starting July 2011, a cap of 56 hours of personal care per week was imposed in the EDCD and HIV/AIDS waivers. Also, the FY 2012 budget included a 1% cut for home and community-based Medicaid providers, as well as a cut of 240 respite hours for Medicaid consumers and a cap of 48 hours of personal care per consumer per week in the EDCD waiver. The HIV/AIDS waiver was eliminated altogether. These cuts are increasing turnover rates, thus making it more difficult for older adults and people with disabilities to get the support and services they need.

Psychiatric Services for Older Adults

Support coordinated strategies to meet the growing need for psychiatric services for older adults, promoting recovery and community inclusion.

The need for psychiatric services for older adults is growing, but the capacity to meet the growing need is limited. Services must be cost-efficient, accessible, and outcome driven. Strategies are needed to coordinate and combine the best of traditional approaches with emerging best practices to promote recovery and community inclusion, including:

- recognition of the need to work holistically with the older adult population;
- revision of policies that perpetuate service silos;
- easier navigation of the support system for older adults and their families;
- better education for health professionals and the community about disorders that can affect older adults and how best to help them; and
- affordable and accessible housing and transportation resources to help the growing population of older adults with psychiatric service needs to allow them to continue to live safely in the community.

People with Disabilities

Support maintenance and expansion of services that promote the independence, self-sufficiency, and community integration of youth and adults with disabilities through direct state General Fund monies on an annual basis.

Virginia's highly restrictive Medicaid eligibility requirements preclude many low-income Virginians with disabilities from receiving much needed services. Funds would be used to provide independent living and other services and supports that preserve existing, community living situations and keep families together; prevent unnecessary and more costly institutional placement; promote pursuit of training and employment options; and improve an individual's quality of life and ability to contribute to society.

Disability Services Board (DSB)

Support reinstatement of state funding sufficient to enable every locality, either singly or regionally, to have a Disability Services Board (DSB), so that the key provisions of §51.5-48 can be implemented.

DSBs enable localities to assess local service needs and advise state and local agencies of their findings; to serve as a catalyst for the development of public and private funding sources; and to exchange information with other local boards regarding services to persons with physical and sensory disabilities and best practices in the delivery of those services. Without such a network of local representatives with expertise in these issues, the opportunity for valuable statewide collaboration will be lost.

Accessibility

Support ensuring the inclusion of people with disabilities throughout the Commonwealth by increasing accessibility.

Fairfax County supports access for people with disabilities and older adults in public and private facilities; in particular, the County supports increasing accessibility and visitability through incentives, voluntary standards for accessible housing and educational outreach to businesses, building officials, advocacy groups and the Commonwealth, as recommended in the recently published study on accessibility by the Departments of Housing and Community Development and Rehabilitative Services. While significant progress has been made toward ensuring the equality and inclusion of people with disabilities in the 20 years since the passage of the Americans with Disabilities Act (ADA), continued advancement is needed. Improved accessibility in public buildings, housing, transportation and employment benefits all Virginians, by allowing people with disabilities to remain active, contributing members of their communities, while retaining their independence and proximity to family and friends.

Health, Well Being, and Safety

Adult Protective Services and Public Assistance Eligibility Workers

Support state funding for additional Adult Protective Services social workers and Eligibility Workers.

Adult Protective Services

The number of Adult Protective Services (APS) investigations is growing in the state and in Fairfax County as the aged population grows. In Fairfax County, investigations have increased from 818 in FY 2007 to 1040 in FY 2012. Access to community-based services can reduce personal and family stresses that sometimes lead to APS calls. APS Services may include case management, home-based care, transportation, adult day services, and screenings for residential long-term care. Local Adult Protective Services APS programs investigate reports of suspected adult abuse, neglect or exploitation and can arrange for health, housing, counseling, and legal services to stop the mistreatment and prevent further abuse.

Temporary Assistance for Needy Families (TANF)

Support an increase in the TANF reimbursement rates in Virginia, which have only been increased once since 1985.

Virginia's TANF reimbursement rates have only been raised one time in the last 25 years, which was an increase of 10 percent in 2000. Currently, a family of three receives less than \$3,840 per year, only a fifth of the federal poverty level. While the TANF caseload in Virginia has been reduced by 58 percent since the start of Welfare Reform in 1995, Fairfax County's average monthly TANF caseload has increased from 1,268 in FY 2008 to 1,632 in FY 2012 (a 29% increase). In the future, if rates were indexed for inflation, it would prevent further erosion of recipients' ability to meet the basic needs of children in their own care or in kinship care (relative care).

Community Action Agencies

Support continued state funding for Community Action Agencies.

Community Action Agencies in Virginia develop a wide range of educational, employment, housing, crisis intervention, community and economic development opportunities for people with very low incomes (under 125 percent of poverty). Since 1988, Virginia has supplemented federal Community Services Block Grant (CSBG) dollars provided to localities with state funding (through a combination of state General Funds and TANF funds). This critical funding has led to economic stability for hundreds of thousands of Virginia's poorest citizens and improved their communities. However, since FY 2010, the state has decreased its funding for this essential program, and nearly eliminated all state funding in FY 2012. While the County received \$762,019 for this program in FY 2009 (including the state contribution), in FY 2013, it is anticipated that the County will only receive approximately \$545,031, a 28% decrease. In addition, there is much uncertainty about the federal CSBG dollars as funds are vulnerable to be cut in FY 14. The state needs to ensure that these vital services to low income residents are maintained.

Mental Health

Mental Health

Support the continuation of efforts for mental health reform at the state level and support additional state funding, as part of the promised down payment of such funding to improve the responsiveness of the mental health system.

It is critical that the state provide adequate resources to ensure that the hundreds of Fairfax County residents with serious mental illness and disabling substance dependence receive intensive community treatment following an initial hospitalization or incarceration.

Substance Use Disorder

Support increased capacity to address and prevent substance use disorder through robust community based prevention programs.

Studies show that substance use disorder is among the most costly health problems in the United States. Effective community based prevention programs can reduce rates of substance use disorder and can delay

the age of first use. Additionally, prevention programs can contribute to cost savings by reducing the need for treatment – a win-win for all involved.

Emergency Responsiveness

Support sufficient state funding for those county residents who need acute care service within local hospitals or within our local crisis stabilization programs.

Drastically reduced state resources for psychiatric hospital beds have caused a shortage of available psychiatric beds during mental health emergencies. This can result in the release of people from custody who meet criteria for detention and are a danger to themselves or others, putting an increased burden on police and emergency staff. The funding the Commonwealth provides for emergency responsiveness does not reflect increased costs over time. As a result, the costs of treating this critical population are increasingly shifted to localities.

Northern Virginia Mental Health Institute Beds

Support \$1.4 million in FY 2014 for additional psychiatric beds at the Northern Virginia Mental Health Institute (NVMHI). Also support sufficient state funding for acute care service within local hospitals or local crisis stabilization programs. (Regional position.)

State funding for 19 psychiatric beds at NVMHI was eliminated in the spring of 2010, which reduced the number of beds at the state facility from 129 to 110. Thirteen of the nineteen beds were restored using one-time state funding and local and regional funds; however, that funding will run out June 30, 2013. In FY 2014, \$1.4 million in state funding is needed to restore these essential beds.

While overall state funding for psychiatric beds statewide **has been drastically reduced in recent years, and the costs of treating this critical population are increasingly being shifted to localities,** the need for state-funded, safety net beds in Northern Virginia is particularly critical, as the region currently has fewer state and private hospital beds per capita than any other region in the state. While other areas of the state are requesting additional funds to purchase beds in private hospitals to address bed shortages (LIPOS, or Local Inpatient Purchase of Services), the quantity of private psychiatric hospital beds in Northern Virginia continues to decline.

As a result, the number of beds is not sufficient to address the need, creating a shortage of psychiatric beds during mental health emergencies, which sometimes leads to Northern Virginians being hospitalized in areas far outside the region, removing them from their community connections and placing an **increased burden on police and emergency staff.** Even more alarming, some individuals are prematurely released from custody, even though they meet the criteria for detention and are a danger to themselves or others. Acknowledging this growing concern, the 2012 General Assembly included budget language requiring a report on a long-term plan to ensure adequate capacity is available to serve individuals who require an inpatient bed for the treatment of acute mental illness in Northern Virginia; the study is expected to be published imminently, and may contain findings useful to pursuing additional state funding for NVMHI beds. (*New position*)

FAIRFAX COUNTY

2013 Human Services Fact Sheet

Poverty in Fairfax County

Poverty for a family of four in Fairfax County in 2012 is defined by the federal government as a family annual income of less than \$22,350. The poverty rate in Fairfax County is 6.8% of the population, or 73,794 people.

In Fairfax County in 2011 (*latest data available – reported Sept 2012*):

- 25,577 (or 9.7%) of all children (under age 18) live in poverty;
- 6,076 (or 5.5%) of all persons over the age of 65 live in poverty;
- 10,925 (or 10.6%) of African Americans live in poverty;
- 27,205 (or 15.7%) of Hispanics live in poverty;
- 15,571 (or 2.6%) of Non-Hispanic Whites live in poverty;
- 30.1% of women living in a household with children under 18 and no husband present live in poverty;
- 3.8% of people living in married couple households with children under 18 live in poverty
- 183,884 (or 16.8%) of County residents have incomes under 200% of poverty (\$44,100 year for a family of four).
- 66% of people receiving County services for mental illness, substance use disorder or intellectual disabilities in 2010 had incomes below \$10,000.

Employment

- The unemployment rate in July 2012 was 4.2% (up from 3.0% in July 2008, but down from a high of 5.6% in January of 2010). This represents approximately 25,800 unemployed residents looking for work.

Housing

- In 2010, the average monthly rent of a one-bedroom apartment was \$1,216, an increase of 22% since 2001.
- In 2011, over 1,150 individuals who receive County services for mental illness, intellectual disability and/or substance use disorders needed housing but could pay no more than \$205/month for rent.

Health

- An estimated 132,872 or 12.2% of County residents were without health insurance in 2010.

Linguistic Isolation

- 7.4 % of County households are linguistically isolated (meaning no one over the age of 14 speaks English “very well”).

Child Care

- The cost of full-time child care for a preschooler ranges from \$8,000 to over \$13,000 per year. Full time care for an infant costs 14,500 to \$16,000 per year. By way of comparison, tuition and fees for an average college in Virginia costs \$8,800.

Food

- In 2011-2012 school year, Fairfax County Public Schools reported that 46,117 students (or 26.2 percent of enrollment) were eligible for free and reduced lunch.

Caseloads Have Increased Significantly in Fairfax County:

- The overall Public Assistance caseload is up 50% from FY 2008 (51,939) to FY 2012 (78,279).
- The County's TANF average monthly caseload increased from 1,268 in FY 2008 to 1,632 in FY 2012 (a 29% increase).
- The County's SNAP (Food Stamp) average monthly caseload increased from 11,610 in FY 2008 to 24,063 in FY 2011 (a 107% increase).
- Compared to FY 2010, total participation in FY 2011 decreased 0.6% to 19,490 clients. Averaged over five years, however, WIC enrollment has continued to climb.
- In FY 2011, the Community Health Care Network (CHCN) enrolled 26,588 patients, an increase of 1.6 percent over FY 2010's annual enrollment of 26,157. During the first half of FY 2011, the increase in the number of patients was mirroring the nearly 30 percent growth of the prior year. Consequently, CHCN initiated a wait list for the first time in five years. Nonetheless, enrollment has continued for many priority populations, and collaboration continues with the Department of Family Services' Health Access Assistance Team to provide off-site eligibility assessment and enrollment at health fairs and community-based programs, in an effort to reach vulnerable and difficult-to-reach populations.
- The County's Infant and Toddler Connection (ITC) early intervention services for children with developmental delays experienced a 46% increase in demand in the last two years, from an average of 789 children served per month in FY 2010 to an average of 1,155 children per month in FY 2012.

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