

**FAIRFAX COUNTY  
BOARD OF SUPERVISORS  
November 19, 2013**

**AGENDA**

|       |   |   |
|-------|---|---|
| 9:30  | <b>Done</b>   | Presentations   |
| 10:30 | <b>Report accepted;<br/>Recommendations<br/>referred to staff</b>                       | Presentation of the Environmental Quality Advisory Council (EQAC) Annual Report |
| 10:45 | <b>Report accepted;<br/>Timeline to implement<br/>recommendation to be<br/>prepared</b> | Presentation by the Library Board of Trustees                                   |
| 11:00 | <b>Approved with<br/>amendment</b>  | Appointments to Citizen Boards, Authorities, Commissions, and Advisory Groups   |
| 11:10 | <b>Done</b>   | Items Presented by the County Executive   |

**ADMINISTRATIVE  
ITEMS**

|   |                                    |  |
|---|------------------------------------|--|
| 1 | <b>Approved</b>                    | Supplemental Appropriation Resolution AS 14109 for the Police Department to Accept Funding from the Department of Homeland Security Urban Areas Security Initiative Subgrant Award from the Government of the District of Columbia Homeland Security and Emergency Management Agency |
| 2 | <b>Approved</b>                    | Designation of Plans Examiner Status under the Expedited Land Development Review Program   |
| 3 | <b>Approved</b>                    | Streets into the Secondary System (Sully District)   |
| 4 | <b>Approved</b>                    | Approval of Traffic Calming Measures as Part of the Residential Traffic Administration Program (Mason District)  |
| 5 | <b>Approved</b>                    | Additional Time to Commence Construction for Special Exception Amendment SEA 99-H-022, The Academy of Christian Education, Inc. (Hunter Mill District)   |
| 6 | <b>Approved</b>                    | Authorization to Advertise a Public Hearing on Amendment to the Code of the County of Fairfax, Chapter 2, Article 2 (Disposal of Property Seized by Police)  |
| 7 | <b>Approved with<br/>amendment</b> | Authorization to Advertise a Public Hearing on Amendment to the Code of the County of Fairfax, Chapter 5 (Offenses) to Add Article 6 (Excessive Sound Generation in Residential Areas and Dwellings)   |

**FAIRFAX COUNTY  
BOARD OF SUPERVISORS  
November 19, 2013**

**ACTION ITEMS**

- |   |                                    |  |
|---|------------------------------------|--|
| 1 | <b>Approved</b>                    | Industrial Development Authority Health Care Revenue Bonds (Inova Health System Project) Series 2013 Refunding Bond Issue  |
| 2 | <b>Approved</b>                    | Approval of State Litter Prevention and Recycling Grant Funding Transfer to Clean Fairfax Council, Incorporated  |
| 3 | <b>Deferred to<br/>12/3/2013</b>   | Action on a Parking Reduction for Huntington Avenue Properties (Mount Vernon District)   |
| 4 | <b>Approved with<br/>amendment</b> | Approval of Comments on the Metropolitan Washington Council of Governments Regional Transportation Priorities Plan (RTPP) for the National Capital Region  |
| 5 | <b>Approved</b>                    | Authorization to Execute an Agreement with the Virginia Department of Transportation for the Installation and Maintenance of "Watch for Children" Signs as Part of the Residential Traffic Administration Program (RTAP) |

**INFORMATION  
ITEMS**

- |       |              |  |
|-------|--------------|--|
| 1     | <b>Noted</b> | Fairfax-Falls Church Community Services Board Fee Schedule |
| 11:20 | <b>Done</b>  | Matters Presented by Board Members                         |
| 12:10 | <b>Done</b>  | Closed Session   |

**PUBLIC HEARINGS**

- |      |                 |  |
|------|-----------------|--|
| 3:30 | <b>Approved</b> | Public Hearing to Adopt an Ordinance to Adjust the Boundary Line of Fairfax County with the City of Falls Church to Annex and Incorporate Thirteen Parcels and Other Land Into the City of Falls Church and to Adopt a Voluntary Boundary Adjustment Agreement with the City of Falls Church |
| 3:30 | <b>Approved</b> | Public Hearing on AF 2013-SU-002 (Charles Kulbok) (Sully District)   |
| 3:30 | <b>Approved</b> | Public Hearing on AR 2005-SU-002 (J. David Sanders, Trustee & Kimberly Ann Sanders, Trustee) (Sully District)  |
| 3:30 | <b>Approved</b> | Public Hearing on AR 87-V-001-03 (Gary D. Knipling & Charlotte J. Knipling) (Mount Vernon District)  |

**FAIRFAX COUNTY  
BOARD OF SUPERVISORS  
November 19, 2013**

**PUBLIC HEARINGS  
(Continued)**

|      |   |  |
|------|---|--|
| 3:30 | <b>Deferred to 1/14/14<br/>at 3:30 p.m.</b>   | Public Hearing on RZ 2013-PR-007 (EYA Development, LLC) (Providence District)  |
| 4:00 | <b>Approved</b>                               | Public Hearing on SE 2013-LE-003 (DDR Southeast Spring Mall, L.L.C.) (Lee District)  |
| 4:00 | <b>Approved</b>                               | Public Hearing on SEA 99-M-026 Thomas Lapham (Autostop Service Center) (Mason District)  |
| 4:00 | <b>Approved</b>                               | Public Hearing on AA 01-H-001 (Hiu Newcomb Family, LLC, Mariette Hiu Newcomb, Sarah Newcomb, Hana Newcomb, Lani Newcomb, Anna Newcomb, Bradford and Charles Newcomb) (Hunter Mill District)  |
| 4:00 | <b>Approved</b>                               | Public Hearing on SE 2013-MV-006 (Mohammad I. Mansoor) (Mount Vernon District)   |
| 4:00 | <b>Approved</b>                               | Public Hearing on the Acquisition of Certain Land Rights Necessary for the Construction of the Dead Run Drive Sidewalk from Carper Street to Congress Lane (Dranesville District)  |
| 4:00 | <b>Approved</b>                               | Public Hearing to Establish the Old Mill Station Community Parking District (Sully District)   |
| 4:00 | <b>Decision deferred</b>                      | Public Hearing to Consider Adopting an Ordinance to Establish the Great Meadow Residential Permit Parking District, District 46 (Hunter Mill District)   |
| 4:00 | <b>Approved</b>                               | Public Hearing on Proposed Plan Amendment S13-II-M3 for the McLean Community Business Center (Dranesville District)  |
| 4:30 | <b>Approved</b>                               | Public Hearing to Consider Adopting an Ordinance Expanding the Northern Virginia Community College Residential Permit Parking District, District 39 (Braddock District)  |
| 4:30 | <b>Approved</b>                               | Public Hearing on Amendments to the Code of the County of Fairfax, Virginia, Articles 2 and 3 of Chapter 3 Regarding the Uniformed and Employees' Retirement Systems – Change in Social Security Offset to Service-Connected Disability Benefits |
| 4:30 | <b>Deferred to 12/3/2013<br/>at 4:00 p.m.</b> | Public Hearing on RZ 2013-MV-001 (A&R Huntington Metro LLC) (Mount Vernon District)  |
| 4:30 | <b>Approved</b>                               | Public Hearing on RZ 2011-PR-005 (NVCommercial Incorporated and Clyde's Real Estate Group, Inc.) (Providence District)   |

**FAIRFAX COUNTY  
BOARD OF SUPERVISORS  
November 19, 2013**

**PUBLIC HEARINGS  
(Continued)**

|      |                 |   |
|------|-----------------|---|
| 4:30 | <b>Approved</b> | Public Hearing on SEA 2008-MD-036 (NVCommercial Incorporated) (Providence District)   |
| 4:30 | <b>Held</b>     | Public Hearing to Receive Comment from Citizens on the Proposed Legislative Program to be Presented to the 2014 Virginia General Assembly |



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

**Tuesday**  
**November 19, 2013**

---

9:30 a.m.

**PRESENTATIONS**

**RECOGNITIONS:**

- RESOLUTION – To recognize the Auxiliary Police Officer program for its 30th anniversary. Requested by Chairman Bulova and Supervisor Gross.
- RESOLUTION – To recognize Greenspring for its 15th anniversary. Requested by Supervisor McKay.
- CERTIFICATE – To recognize the Fairfax County Park Authority for receiving reaccreditation by the Commission for Accreditation of Park and Recreation Agencies. Requested by Chairman Bulova.
- RESOLUTION – To recognize Eddie Garretson for his service to Fairfax County. Requested by Supervisors Cook and Herrity.
- CERTIFICATE – To recognize Dave Lavery for being awarded a 2013 Samuel J. Heyman Service to America medal by the Partnership for Public Service. Requested by Supervisor Foust.
- RESOLUTION – To recognize the Virginia High School League for its 100th anniversary. Requested by Supervisor Herrity.

— more —

Board Agenda Item  
November 19, 2013

DESIGNATIONS:

- PROCLAMATION – To designate December 1, 2013, as HIV/AIDS Awareness Day in Fairfax County. Requested by Chairman Bulova.

STAFF:

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

Board Agenda Item  
November 19, 2013

10:30 a.m.

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

ENCLOSED DOCUMENTS:

None. Environmental Quality Advisory Council Annual Report distributed under separate cover.

PRESENTED BY:

Stella Koch, Chairman, Environmental Quality Advisory Council

**THIS PAGE INTENTIONALLY LEFT BLANK**

Board Agenda Item  
November 19, 2013

10:45 a.m.

Presentation by the Library Board of Trustees

ENCLOSED DOCUMENTS:

None.

PRESENTED BY:

Willard O. Jasper, Chairman, Fairfax County Public Library Board of Trustees

**THIS PAGE INTENTIONALLY LEFT BLANK**

Board Agenda Item  
November 19, 2013

11:00 a.m.

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

ENCLOSED DOCUMENTS:

Attachment 1: Appointments to be heard November 19, 2013  
(An updated list will be distributed at the Board meeting.)

STAFF:

Catherine A. Chianese, Assistant County Executive and Clerk to the Board of Supervisors

**THIS PAGE INTENTIONALLY LEFT BLANK**

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

**APPOINTMENTS TO BE HEARD NOVEMBER 19, 2013**  
**(ENCOMPASSING VACANCIES PROJECTED THROUGH DECEMBER 31, 2013)**  
 (Unless otherwise noted, members are eligible for reappointment)

**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<br>(Formerly held by<br>Meg K. Rayford;<br>appointed 2/13 by<br>Bulova)<br>Term exp. 9/16)<br><i>Resigned</i>   | At-Large<br>Chairman's<br>Representative   |                | Bulova            | At-Large<br>Chairman's |
| VACANT<br>(Formerly held by<br>Edwina Dorch;<br>appointed 2/13 by<br>Hyland)<br>Term exp. 9/16<br><i>Resigned</i>      | Mount Vernon<br>District<br>Representative |                | Hyland            | Mount<br>Vernon        |
| VACANT<br>(Formerly held by<br>Sosthenes Klu;<br>Appointed 12/05-9/08<br>by Frey)<br>Term exp. 9/12<br><i>Resigned</i> | Sully District<br>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<br>(Formerly held by Arthur R. Genuario; appointed 4/96-5/12 by Hyland)<br>Term exp. 9/13<br><i>Resigned</i>                    | Builder (Single Family)<br>Representative |                | By Any<br>Supervisor | At-Large        |
| VACANT<br>(Formerly held by Mark S. Ingraio; appointed 1/03 by Mendelsohn; 5/05 by DuBois)<br>Term exp. 5/09<br><i>Resigned</i>        | Citizen<br>Representative                 |                | By Any<br>Supervisor | At-Large        |
| VACANT<br>(Formerly held by James Francis Carey; appointed 2/95-5/02 by Hanley; 5/06 by Connolly)<br>Term exp. 5/10<br><i>Resigned</i> | Lending Institution<br>Representative     |                | By Any<br>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<br>(Formerly held by Barbara Kreykenbohm; appointed 1/09 by Gross)<br>Term exp. 1/11<br><i>Resigned</i> | Mason District<br>Representative |                | Gross             | Mason           |

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

| <u>Incumbent History</u>  | <u>Requirement</u>            | <u>Nominee</u> | <u>Supervisor</u>    | <u>District</u> |
|---|-------------------------------|----------------|----------------------|-----------------|
| VACANT<br>(Formerly held by Nicholas Capezza; appointed 1/11 by Bulova)<br>Term exp. 10/13<br><i>Resigned</i> | At-Large #5<br>Representative |                | By Any<br>Supervisor | At-Large        |

**ATHLETIC COUNCIL (2 years)**

| <u>Incumbent History</u>  | <u>Requirement</u>                                | <u>Nominee</u> | <u>Supervisor</u>    | <u>District</u>        |
|---|---|----------------|----------------------|------------------------|
| James Pendergast<br>(Appointed 7/12 by Cook)<br>Term exp. 6/13        | Braddock District<br>Alternate<br>Representative  |                | Cook                 | Braddock               |
| Eric T. Sohn<br>(Appointed 4/10-12/11 by Herrity)<br>Term exp. 11/13  | Diversity-At-Large<br>Alternate<br>Representative |                | By Any<br>Supervisor | At-Large               |
| Clement Chan<br>(Appointed 12/09-2/12 by Bulova)<br>Term exp. 12/13   | Diversity-At-Large<br>Principal<br>Representative |                | By Any<br>Supervisor | At-Large               |
| Chip Chidester<br>(Appointed 3/10-11/11 by Bulova)<br>Term exp. 10/13 | Member-At-Large<br>Alternate<br>Representative    |                | Bulova               | At-Large<br>Chairman's |

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

| <u>Incumbent History</u>  | <u>Requirement</u>               | <u>Nominee</u> | <u>Supervisor</u> | <u>District</u> |
|---|----------------------------------|----------------|-------------------|-----------------|
| Rachel Rifkind<br>(Appointed 5/09-6/09<br>by Gross)<br>Term exp. 6/11 | Mason District<br>Representative |                | Gross             | Mason           |

**BOARD OF BUILDING AND FIRE PREVENTION CODE APPEALS (4 years)**  
(No official, technical assistant, inspector or other employee of the DPWES, DPZ,  
or FR shall serve as a member of the board.)

| <u>Incumbent History</u>  | <u>Requirement</u>             | <u>Nominee</u> | <u>Supervisor</u>    | <u>District</u> |
|---|--------------------------------|----------------|----------------------|-----------------|
| VACANT<br>(Formerly held by<br>Wayne Bryan;<br>appointed 1/10-2/13<br>by Bulova)<br>Term exp. 2/17<br><i>Resigned</i> | Alternate #2<br>Representative |                | By Any<br>Supervisor | At-Large        |

**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> |
|--|-------------------------------|----------------|----------------------|-----------------|
| Joseph Blackwell<br>(Appointed 2/05-1/08<br>by Kauffman; 2/09-<br>12/11 by McKay)<br>Term exp. 12/13 | At-Large #2<br>Representative |                | By Any<br>Supervisor | At-Large        |
| Robert Mansker<br>(Appointed 9/06-<br>12/11 by Gross)<br>Term exp. 12/13                             | At-Large #3<br>Representative |                | By Any<br>Supervisor | At-Large        |

Continued on next page

(16)

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

| <u>Incumbent History</u>  | <u>Requirement</u>                | <u>Nominee</u>                     | <u>Supervisor</u>    | <u>District</u> |
|---|-----------------------------------|------------------------------------|----------------------|-----------------|
| John M. Yeatman<br>(Appointed 3/05-1/08<br>by Connolly; 1/09-<br>2/11 by Bulova)<br>Term exp. 12/13   | Professional #1<br>Representative | <b>John M. Yeatman</b><br>(Bulova) | By Any<br>Supervisor | At-Large        |
| Ryan Davis<br>(Appointed 2/05-<br>12/05 by McConnell;<br>2/08-12/11 by<br>Herrity)<br>Term exp. 12/13 | Professional #3<br>Representative |                                    | By Any<br>Supervisor | At-Large        |

**CELEBRATE FAIRFAX, INC. BOARD OF DIRECTORS**  
(2 year – limited to 3 consecutive terms)

| <u>Incumbent History</u>  | <u>Requirement</u>            | <u>Nominee</u>                     | <u>Supervisor</u>    | <u>District</u> |
|---|-------------------------------|------------------------------------|----------------------|-----------------|
| Juliann J. Clemente<br>(Appointed 10/12 by<br>Bulova)<br>Term exp. 9/13 | At-Large #4<br>Representative | <b>Peter F. Murphy</b><br>(Bulova) | By Any<br>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<br>(Formerly held by<br>Kanthan Siva;<br>appointed 1/13 by<br>Frey)<br>Term exp. 9/15<br><i>Resigned</i> | Sully District<br>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<br>(Formerly held by Ann Aoki; (Appointed 11/10-9/12 by Foust)<br>Term exp. 9/14<br><i>Resigned</i> | Dranesville District Representative |                | Foust             | Dranesville     |
| VACANT<br>(Formerly held by Joan C. Holtz; appointed 5/09 by Smyth)<br>Term exp. 9/11<br><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<br>(Appointed 11/08-5/10 by Smyth)<br>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> |
|--|-------------------------------|-------------------------------------|----------------------|-----------------|
| Audrey F. Morton<br>(Appointed 2/94 by Davis; 11/97-12/11 by Frey)<br>Term exp. 12/13                    | At-Large #1<br>Representative |                                     | By Any<br>Supervisor | At-Large        |
| Rosemarie Annunziata<br>(Appointed 10/05-1/08 by Connolly; 12/09-1/12 by Bulova)<br>Term exp. 12/13      | At-Large #3<br>Representative |                                     | By Any<br>Supervisor | At-Large        |
| Jason Fong<br>(Appointed 1/00 by Hanley; 2/04-1/08 by Connolly; 12/09-1/12 by Bulova)<br>Term exp. 12/13 | At-Large #4<br>Representative | <b>Jason Fong</b><br>(Bulova)       | By Any<br>Supervisor | At-Large        |
| Robert E. Frye, Sr.<br>(Appointed 1/05-1/08 by Connolly; 12/09-12/11 by Bulova)<br>Term exp. 12/13       | At-Large #5<br>Representative | <b>Robert E. Frye</b><br>(Bulova)   | By Any<br>Supervisor | At-Large        |
| Thomas Garnett, Jr.<br>(Appointed 10/05-1/08 by Kauffman; 12/09-12/11 by McKay)<br>Term exp. 12/13       | At-Large #6<br>Representative |                                     | By Any<br>Supervisor | At-Large        |
| Patrick Morrison<br>(Appointed 10/05-12/09-12/11 by Bulova)<br>Term exp. 12/13                           | At-Large #7<br>Representative | <b>Patrick Morrison</b><br>(Bulova) | By Any<br>Supervisor | At-Large        |

**CIVIL SERVICE COMMISSION (2 years)**

continued

| <u>Incumbent History</u>  | <u>Requirement</u>             | <u>Nominee</u> | <u>Supervisor</u>    | <u>District</u> |
|---|--------------------------------|----------------|----------------------|-----------------|
| D. Patrick Lewis<br>(Appointed 10/05-12/11 by Gross)<br>Term exp. 12/13                       | At-Large #9<br>Representative  |                | By Any<br>Supervisor | At-Large        |
| John C. Harris, Jr.<br>(Appointed 10/05-12/09-12/11 by Hyland)<br>Term exp. 12/13             | At-Large #10<br>Representative |                | By Any<br>Supervisor | At-Large        |
| Herbert C. Kemp<br>(Appointed 9/13 by Foust)<br>Term exp. 12/13                               | At-Large #11<br>Representative |                | By Any<br>Supervisor | At-Large        |
| John Townes<br>(Appointed 11/05-1/08 by McConnell; 12/09-12/11 by Herrity)<br>Term exp. 12/13 | At-Large #12<br>Representative |                | By Any<br>Supervisor | At-Large        |

**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<br>(Formerly held by Benjamin Gibson; appointed 4/11 by McKay)<br>Term exp. 1/15<br><i>Resigned</i> | Lee District<br>Representative           |                | McKay             | Lee             |
| David Hess-Linkous<br>(Appointed 7/11 by Smyth)<br>Term exp. 1/13  | Providence<br>District<br>Representative |                | Smyth             | Providence      |

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

| <u>Incumbent History</u>   | <u>Requirement</u>                        | <u>Nominee</u> | <u>Supervisor</u> | <u>District</u> |
|--|---|----------------|-------------------|-----------------|
| VACANT<br>(Formerly held by<br>Loren C. Bruce;<br>appointed 6/11 by<br>Hudgins)<br>Term exp. 4/13<br><i>Resigned</i> | Hunter Mill<br>District<br>Representative |                | Hudgins           | Hunter Mill     |

**CRIMINAL JUSTICE ADVISORY BOARD (CJAB) (3 years)**

| <u>Incumbent History</u>   | <u>Requirement</u>                        | <u>Nominee</u> | <u>Supervisor</u> | <u>District</u> |
|--|---|----------------|-------------------|-----------------|
| VACANT<br>(Formerly held by<br>Rose Miles Robinson;<br>appointed 7/06-2/09<br>by Hudgins)<br>Term exp. 2/12<br><i>Resigned</i> | Hunter Mill<br>District<br>Representative |                | Hudgins           | Hunter Mill     |
| Andrew Hunter<br>(Appointed 4/04-2/09<br>by Gross)<br>Term exp. 2/12   | Mason District<br>Representative          |                | Gross             | Mason           |
| VACANT<br>(formerly held by<br>Glen Robinson;<br>appointed 11/09 by<br>Smyth)<br>Term exp. 8/12<br><i>Resigned</i>             | Providence<br>District<br>Representative  |                | Smyth             | Providence      |
| VACANT<br>(Formerly held by<br>Michael Birch;<br>appointed 1/08-4/10<br>by Frey)<br>Term exp. 4/13<br><i>Resigned</i>          | Sully District<br>Representative          |                | Frey              | Sully           |

|  |
|--|
| <b>ENVIRONMENTAL QUALITY ADVISORY COUNCIL (EQAC) (3 years)</b> |
|--|

| <u>Incumbent History</u>   | <u>Requirement</u>                       | <u>Nominee</u>                    | <u>Supervisor</u>    | <u>District</u> |
|--|--|-----------------------------------|----------------------|-----------------|
| George W. Lamb<br>(Appointed 1/06-1/08<br>by Connolly; 11/10 by<br>Bulova)<br>Term exp. 11/13                      | At-Large #3<br>Representative            | <b>George W. Lamb</b><br>(Bulova) | By Any<br>Supervisor | At-Large        |
| Frank Divita<br>(Appointed 9/09-11/10<br>by Cook)<br>Term exp. 11/13   | Braddock District<br>Representative      |                                   | Cook                 | Braddock        |
| Johna Gagnon<br>(Appointed 8/93-<br>10/95; 10/98-1/08 by<br>Kauffman; 11/10 by<br>McKay)<br>Term exp. 11/13        | Lee District<br>Representative           |                                   | McKay                | Lee             |
| VACANT<br>(Formerly held by<br>Marie Flanagan;<br>appointed 1/10 by<br>Smyth)<br>Term exp. 1/13<br><i>Resigned</i> | Providence<br>District<br>Representative |                                   | Smyth                | Providence      |

**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 Services 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>        |
|--|--|----------------|-------------------|------------------------|
| VACANT<br>(Formerly held by<br>Chuck Caputo;<br>appointed 1/10-11/10<br>by Bulova)<br>Term exp. 11/13<br><i>Resigned</i> | At-Large #1<br>Business<br>Community<br>Representative |                | Bulova            | At-Large<br>Chairman's |
| Kelly Greenwood<br>(Appointed 4/09-<br>11/10 by Hyland)<br>Term exp. 11/13   | Mount Vernon<br>District<br>Representative             |                | Hyland            | Mount Vernon           |
| Harriet Epstein<br>(Appointed 5/10-<br>11/10 by Smyth)<br>Term exp. 11/13  |  |                |                   |                        |
| Ann Pimley<br>(Appointed<br>9/03&11/06 by Frey)<br>Term exp. 11/09<br><i>Not eligible for<br/>reappointment</i>          | Sully District<br>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<br>(Formerly held by<br>David Braun;<br>appointed 10/06-6/09<br>by Smyth)<br>Term exp. 6/12<br><i>Resigned</i> | Consumer #1<br>Representative |                | By Any<br>Supervisor | At-Large        |

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

continued

| <u>Incumbent History</u>   | <u>Requirement</u>            | <u>Nominee</u> | <u>Supervisor</u>    | <u>District</u> |
|--|-------------------------------|----------------|----------------------|-----------------|
| VACANT<br>(Formerly held by Andrew A. Painter; appointed 2/11 by Smyth)<br>Term exp. 6/13<br><i>Resigned</i>                     | Consumer #4<br>Representative |                | By Any<br>Supervisor | At-Large        |
| VACANT<br>(Formerly held by Carol Ann Coryell; appointed 6/05-6/08 by Frey)<br>Term exp. 6/11<br><i>Resigned</i>                 | Consumer #6<br>Representative |                | By Any<br>Supervisor | At-Large        |
| VACANT<br>(Formerly held by Samuel Jones; appointed 12/09 by Gross)<br>Term exp. 6/12<br><i>Resigned</i>                         | Provider #1<br>Representative |                | By Any<br>Supervisor | At-Large        |
| Lee G. Draznin<br>(Appointed 5/95-7/10 by Bulova)<br>Term exp. 6/13<br><i>Not eligible for reappointment (Need 1 year lapse)</i> | Provider #4<br>Representative |                | By Any<br>Supervisor | At-Large        |

| <b>HISTORY COMMISSION (3 years)</b>   |                |                 |
|---|----------------|-----------------|
| [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> |
|---|---------------------------------|----------------|----------------------|-----------------|
| Barbara Naef<br>(Appointed 6/04-12/10 by Hudgins)<br>Term exp. 12/13  | Archaeologist<br>Representative |                | By Any<br>Supervisor | At-Large        |
| Irma Clifton<br>(Appointed 3/01-12/10 by Hyland)<br>Term exp. 12/13   | At-Large #2<br>Representative   |                | By Any<br>Supervisor | At-Large        |
| Phyllis Walker Ford<br>(Appointed 1/09-12/10 by McKay)<br>Term exp. 12/13   | At-Large #3<br>Representative   |                | By Any<br>Supervisor | At-Large        |
| Elise Ruff Murray<br>(Appointed 11/83-11/89 by Pennino;<br>11/92-11/01 by Hanley;<br>12/04-12/10 by Hudgins)<br>Term exp. 12/13 | Citizen #3<br>Representative    |                | By Any<br>Supervisor | At-Large        |
| Richard Zambito<br>(Appointed 10/10 by Gross)<br>Term exp. 9/13   | Citizen #7<br>Representative    |                | By Any<br>Supervisor | At-Large        |
| Naomi D. Zeavin<br>(Appointed 1/95 by Trapnell;<br>1/96-12/10 by Gross)<br>Term exp. 12/13                                      | Historian #1<br>Representative  |                | By Any<br>Supervisor | At-Large        |
| Ann G. Stuntz<br>(Appointed 3/12 by Hudgins)<br>Term exp. 12/13   | Historian #2<br>Representative  |                | By Any<br>Supervisor | At-Large        |

**HUMAN RIGHTS COMMISSION (3 years)**

| <u>Incumbent History</u>   | <u>Requirement</u>            | <u>Nominee</u> | <u>Supervisor</u>    | <u>District</u> |
|--|-------------------------------|----------------|----------------------|-----------------|
| Ahmed Selim<br>(Appointed 7/08-9/10<br>by Gross)<br>Term exp. 9/13 | At-Large #6<br>Representative |                | By Any<br>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<br>(Formerly held by<br>Judith Tessie Wilson;<br>appointed 2/13 by<br>Cook)<br>Term exp. 7/13<br><i>Resigned</i> | Braddock District<br>#1 Representative   |                | Cook              | Braddock        |
| Richard Gonzalez<br>(Appointed 7/97-7/05<br>by Kauffman; 8/09 by<br>McKay)<br>Term exp. 7/13                            | Lee District #1<br>Representative        |                | McKay             | Lee             |
| VACANT<br>(formerly held by David<br>Dunlap; appointed 7/12<br>by Smyth)<br>Term exp. 7/13<br><i>Resigned</i>           | Providence District<br>#2 Representative |                | Smyth             | Providence      |
| VACANT<br>(Formerly held by<br>Richard Berger;<br>appointed 2/06-8/09 by<br>Frey)<br>Term exp. 7/13<br><i>Resigned</i>  | Sully District #1<br>Representative      |                | Frey              | Sully           |

**INDUSTRIAL DEVELOPMENT AUTHORITY  
(4 years)**

| <u>Incumbent History</u>   | <u>Requirement</u>            | <u>Nominee</u> | <u>Supervisor</u>    | <u>District</u> |
|--|-------------------------------|----------------|----------------------|-----------------|
| Inge Gedo<br>(Appointed 11/09 by<br>Herrity)<br>Term exp. 10/13  | At-Large #3<br>Representative |                | By Any<br>Supervisor | At-Large        |
| Marcus B. Simon<br>(Appointed 12/01 by<br>Hanley; 10/05 by<br>Connolly; 12/09 by<br>Bulova)<br>Term exp. 10/13 | At-Large #5<br>Representative |                | By Any<br>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> |
|--|--|----------------|-------------------|-----------------|
| Siddhartha<br>Chowdhary<br>(Appointed 12/10 by<br>Foust)<br>Term exp. 12/13  | Dranesville District<br>Representative     |                | Foust             | Dranesville     |
| John P. Skudlarek<br>(Appointed 1/04-<br>12/10 by Hyland)<br>Term exp. 12/13 | Mount Vernon<br>District<br>Representative |                | Hyland            | Mount<br>Vernon |
| John K. Kidwell<br>(Appointed 7/12 by<br>Frey)<br>Term exp. 12/13            | Sully District<br>Representative           |                | Frey              | Sully           |

**CONFIRMATION NEEDED:**

- Ms. Anne S. Kanter as the League of Women Voters' Representative

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

| <u>Incumbent History</u>   | <u>Requirement</u>                       | <u>Nominee</u>        | <u>Supervisor</u> | <u>District</u>        |
|--|--|-----------------------|-------------------|------------------------|
| Michael McClanahan<br>(Appointed 12/05-1/07 by Connolly;<br>2/09-5/11 by Bulova)<br>Term exp. 1/13 | At-Large<br>Chairman's<br>Representative | <b>John W. Herold</b> | Bulova            | At-Large<br>Chairman's |

**LIBRARY BOARD (4 years)**

| <u>Incumbent History</u>  | <u>Requirement</u>                  | <u>Nominee</u> | <u>Supervisor</u> | <u>District</u> |
|---|-------------------------------------|----------------|-------------------|-----------------|
| David C. F. Ray<br>(Appointed 4/09-7/09<br>by Cook)<br>Term exp. 7/13 | Braddock District<br>Representative |                | Cook              | Braddock        |

**MOSAIC DISTRICT COMMUNITY DEVELOPMENT AUTHORITY  
(4 years)**

| <u>Incumbent History</u>   | <u>Requirement</u>          | <u>Nominee</u> | <u>Supervisor</u>    | <u>District</u> |
|--|-----------------------------|----------------|----------------------|-----------------|
| VACANT<br>(Formerly held by<br>Kenneth Lawrence;<br>appointed 1/10 by<br>Smyth)<br>Term exp. 1/14<br><i>Resigned</i> | Community<br>Representative |                | By Any<br>Supervisor | At-Large        |

|  |
|--|
| <b>OVERSIGHT COMMITTEE ON DRINKING AND DRIVING (3 years)</b> |
|--|

| <u>Incumbent History</u>   | <u>Requirement</u>                       | <u>Nominee</u> | <u>Supervisor</u> | <u>District</u>        |
|--|--|----------------|-------------------|------------------------|
| VACANT<br>(Formerly held by Eileen Nelson; appointed 3/04-6/07 by Connolly; 6/10 by Bulova)<br>Term exp. 6/13<br><i>Resigned</i>         | At-Large<br>Chairman's<br>Representative |                | Bulova            | At-Large<br>Chairman's |
| VACANT<br>(Formerly held by Adam Parnes; appointed 9/03-6/12 by Hudgins)<br>Term exp. 6/15<br><i>Resigned</i>                            | Hunter Mill District<br>Representative   |                | Hudgins           | Braddock               |
| VACANT<br>(Formerly held by Richard Nilsen; appointed 3/10-6/10 by McKay)<br>Term exp. 6/13<br><i>Resigned</i>                           | Lee District<br>Representative           |                | McKay             | Lee                    |
| VACANT<br>(Formerly held by William J. Stephens; appointed 9/05 by McConnell; 6/08-6/13 by Herrity)<br>Term exp. 6/16<br><i>Resigned</i> | Springfield District<br>Representative   |                | Herrity           | Springfield            |
| VACANT<br>(Formerly held by Ronald Miner; appointed 8/02-6/11 by Frey)<br>Term exp. 6/14<br><i>Resigned</i>                              | Sully District<br>Representative         |                | Frey              | Sully                  |

**PARK AUTHORITY (4 years)**

| <u>Incumbent History</u>  | <u>Requirement</u>            | <u>Nominee</u> | <u>Supervisor</u>    | <u>District</u> |
|---|-------------------------------|----------------|----------------------|-----------------|
| Kala L. Quintana<br>(Appointed 10/10 by<br>Bulova)<br>Term exp. 12/13 | At-Large #1<br>Representative |                | By Any<br>Supervisor | At-Large        |

**PLANNING COMMISSION (4 years)**

| <u>Incumbent History</u>  | <u>Requirement</u>                        | <u>Nominee</u> | <u>Supervisor</u> | <u>District</u> |
|---|---|----------------|-------------------|-----------------|
| Frank de la Fe<br>(Appointed 12/01-<br>12/09 by Hudgins)<br>Term exp. 12/13 | Hunter Mill<br>District<br>Representative |                | Hudgins           | Hunter Mill     |

**POLICE OFFICERS RETIREMENT SYSTEM BOARD OF TRUSTEES (4 years)**

| <u>Incumbent History</u>  | <u>Requirement</u>                    | <u>Nominee</u> | <u>Supervisor</u>    | <u>District</u> |
|---|---------------------------------------|----------------|----------------------|-----------------|
| Craig Dyson<br>(Appointed 1/06-12/09<br>by Hyland)<br>Term exp. 12/13 | Citizen At-Large<br>#1 Representative |                | By Any<br>Supervisor | At-Large        |

## ROAD VIEWERS BOARD (1 year)

| <u>Incumbent History</u>  | <u>Requirement</u>            | <u>Nominee</u> | <u>Supervisor</u>    | <u>District</u> |
|---|-------------------------------|----------------|----------------------|-----------------|
| Joseph Bunnell<br>(Appointed 9/05-12/06<br>by McConnell; 2/08-<br>11/12 by Herrity)<br>Term exp. 12/13                        | At-Large #1<br>Representative |                | By Any<br>Supervisor | At-Large        |
| John W. Ewing<br>(Appointed 2/11-11/02<br>by Hanley; 1/04-12/08<br>by Connolly; 12/09-<br>11/12 by Bulova)<br>Term exp. 12/13 | At-Large #2<br>Representative |                | By Any<br>Supervisor | At-Large        |
| Marcus Wadsworth<br>(Appointed 6/09-11/12<br>by McKay)<br>Term exp. 12/13   | At-Large #3<br>Representative |                | By Any<br>Supervisor | At-Large        |
| VACANT<br>(Formerly held by<br>Stephen E. Still;<br>appointed 6/06-12/11<br>by Smyth)<br>Term exp. 12/12<br><i>Resigned</i>   | At-Large #4<br>Representative |                | By Any<br>Supervisor | At-Large        |
| Micah D. Himmel<br>(Appointed 12/11-<br>11/12 by Smyth)<br>Term exp. 12/13  | At-Large #5<br>Representative |                | By Any<br>Supervisor | At-Large        |

**TENANT LANDLORD COMMISSION (3 years)**

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

| <u>Incumbent History</u>   | <u>Requirement</u>                  | <u>Nominee</u> | <u>Supervisor</u>    | <u>District</u> |
|--|-------------------------------------|----------------|----------------------|-----------------|
| VACANT<br>(Formerly held by<br>Craig Richey;<br>appointed 5/13 by<br>Frey)<br>Term exp. 12/15<br><i>Resigned</i> | Citizen Member<br>#3 Representative |                | By Any<br>Supervisor | At-Large        |
| VACANT<br>(Formerly held by<br>Sally D. Liff; appointed<br>8/04-1/11 by Smyth)<br>Term exp. 1/14<br>Deceased     | Condo Owner<br>Representative       |                | By Any<br>Supervisor | At-Large        |
| VACANT<br>(Formerly held by<br>Kevin Denton;<br>appointed 4/10&1/11<br>by Smyth)<br>Term exp. 1/14<br>Resigned   | Tenant Member #3<br>Representative  |                | By Any<br>Supervisor | At-Large        |

| <b>TREE COMMISSION (3 years)</b>   |  |                       |                          |                        |
|--|--|-----------------------|--------------------------|------------------------|
| <b><u>Incumbent History</u></b>  | <b><u>Requirement</u></b>              | <b><u>Nominee</u></b> | <b><u>Supervisor</u></b> | <b><u>District</u></b> |
| VACANT<br>(Formerly held by<br>Ron Rubin; appointed<br>1/05-10/12 by<br>Hudgins)<br>Term exp. 10/15<br><i>Resigned</i> | Hunter Mill District<br>Representative |                       | Hudgins                  | Hunter Mill            |
| VACANT<br>(Formerly held by<br>Marie Flanagan;<br>appointed 12/09 by<br>Smyth)<br>Term exp. 10/11<br><i>Resigned</i>   | Providence District<br>Representative  |                       | Smyth                    | Providence             |
| Nicholas J. Kokales<br>(Appointed 12/09-<br>11/10 by Herrity)<br>Term exp. 10/13                                       | Springfield District<br>Representative |                       | Herrity                  | Springfield            |

| <b>TRESPASS TOWING ADVISORY BOARD (3 years)</b>  |                                     |                       |                          |                        |
|--|-------------------------------------|-----------------------|--------------------------|------------------------|
| [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.]  |                                     |                       |                          |                        |
| <b><u>Membership:</u></b> 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. |                                     |                       |                          |                        |
| <b><u>Incumbent History</u></b>  | <b><u>Requirement</u></b>           | <b><u>Nominee</u></b> | <b><u>Supervisor</u></b> | <b><u>District</u></b> |
| VACANT<br>(Formerly held by<br>Ronald P. Miner;<br>appointed 6/06 by<br>Connolly; 9/09 by<br>Bulova)<br>Term exp. 9/12<br><i>Resigned</i>  | Citizen Alternate<br>Representative |                       | By Any<br>Supervisor     | At-Large               |

**UNIFORMED RETIREMENT SYSTEM BOARD OF TRUSTEES (4 years)**

| <u>Incumbent History</u> | <u>Requirement</u>        | <u>Nominee</u> | <u>Supervisor</u> | <u>District</u> |
|--------------------------|---------------------------|----------------|-------------------|-----------------|
| NEW POSITION             | Retiree<br>Representative |                | Elected           | Confirmation    |

**CONFIRMATION NEEDED:**

- 2<sup>nd</sup> Lieutenant Charles Forneck as the Uniformed Employee Representative

**WETLANDS BOARD (5 years)**

| <u>Incumbent History</u>   | <u>Requirement</u>                     | <u>Nominee</u> | <u>Supervisor</u>    | <u>District</u> |
|--|--|----------------|----------------------|-----------------|
| Elizabeth Martin<br>(Appointed 11/09 by<br>Gross)<br>Term exp. 12/13 | At-Large #1<br>Representative          |                | By Any<br>Supervisor | At-Large        |
| Clyde Wilbur<br>(Appointed 10/12 by<br>Herrity)<br>Term exp. 12/13   | Springfield District<br>Representative |                | Herrity              | Springfield     |

**YOUTH BASKETBALL COUNCIL ADVISORY BOARD (1 year)**

**CONFIRMATION NEEDED:**

- Mr. Larry Barr as the Arlington County Alternate Representative

Board Agenda Item  
November 19, 2013

11:10 a.m.

Items Presented by the County Executive

**THIS PAGE INTENTIONALLY LEFT BLANK**

ADMINISTRATIVE – 1

Supplemental Appropriation Resolution AS 14109 for the Police Department to Accept Funding from the Department of Homeland Security Urban Areas Security Initiative Subgrant Award from the Government of the District of Columbia Homeland Security and Emergency Management Agency

ISSUE:

Board of Supervisors' approval of Supplemental Appropriation Resolution AS 14109 in the amount of \$1,950,000 for the Police Department to accept Department of Homeland Security (DHS) FY 2012 Urban Areas Security Initiative (UASI) subgrant award from the State Administrative Agency (SAA). These funds are made available by DHS through the District of Columbia, which is serving as the State Administrative Agency. The funds will be used to upgrade computer hardware for the Automated Fingerprint Identification System (AFIS) in the National Capital Region (NCR). DHS provides financial assistance to address the unique planning, training, equipment, and exercise needs of high-threat, high-density urban areas to assist them in building an enhanced and sustainable capacity to prevent, respond to, and recover from acts of terrorism. The grant period for this supplemental FY 2012 subgrant award is retroactive from September 1, 2012 through May 31, 2014. No positions will be created with this grant and no Local Cash Match is required.

RECOMMENDATION:

The County Executive recommends that the Board approve Supplemental Appropriation Resolution AS 14109 in the amount of \$1,950,000. These funds will be used by the Police Department to upgrade computer hardware for the NCR's AFIS project to enhance security and overall preparedness to the region.

TIMING:

Board approval is requested on November 19, 2013. It should be noted that final confirmation of the grant award occurred on October 18, 2013. Therefore, this Board item is being presented at the earliest subsequent Board meeting scheduled for November 19, 2013.

BACKGROUND:

The Homeland Security Grant Program (HSGP) provides UASI funds from the DHS as financial assistance to high risk urban areas, as defined in legislation, in order to

Board Agenda Item  
November 19, 2013

address the unique planning, equipment, training, and exercise needs of those areas. Funded projects are typically regional in nature with benefits to multiple jurisdictions. In order to effectively implement these projects, a single jurisdiction is identified to act as a recipient of a subgrant award to handle all of the financial management, audit, procurement, and payment provision of the subgrant award and grant program. The Police Department is being awarded \$1,950,000 of unallocated 2012 UASI funds to upgrade computer hardware for all the participating jurisdictions in the NCR AFIS System.

FISCAL IMPACT:

Grant funding in the amount of \$1,950,000 is available in the DHS UASI grant funds through the District of Columbia. These funds will be used to enhance computer hardware capabilities in the Police Department and the NCR fingerprint systems. 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 2014. This grant will allow the recovery of indirect costs; however, the Police Department has decided to maximize grant dollars and use all funding to upgrade computer hardware for all the participating jurisdictions in the NCR AFIS System. No Local Cash Match is required.

CREATION OF NEW POSITIONS:

No positions will be created by this grant award.

ENCLOSED DOCUMENTS:

Attachment 1 – Supplemental Appropriation Resolution 14109  
Attachment 2 – Grant Award Document

STAFF:

David M. Rohrer, Deputy County Executive  
Colonel Edwin C. Roessler Jr., Chief of Police

**SUPPLEMENTAL APPROPRIATION RESOLUTION AS 14109**

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 19, 2013, 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 2014, the following supplemental appropriation is authorized and the Fiscal Planning Resolution is amended accordingly:

Appropriate to:

|         |   |             |
|---------|---|-------------|
| Fund:   | 500-C50000, Federal-State Grant Fund    |             |
| Agency: | G9090, Police Department                | \$1,950,000 |
| Grant:  | 1HS0029-2012, Mobile AFIS Upgrades (PD) |             |

Reduce Appropriation to:

|         |   |             |
|---------|---|-------------|
| Agency: | G8787, Unclassified Administrative Expenses | \$1,950,000 |
| Fund:   | 500-C50000, Federal-State Grant Fund        |             |

Source of Funds: U.S. Department of Homeland Security, \$1,950,000

A Copy - Teste:

---

Catherine A. Chianese  
Clerk to the Board of Supervisors

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



Vincent C. Gray  
Mayor

Chris T. Geldart  
Director

October 18, 2013

Mr. Edward L. Long  
County Executive  
Fairfax County Government  
12000 Government Center Parkway  
Fairfax, VA 22035

Dear Mr. Long:

I am pleased to send your FY 2012 Urban Areas Security Initiative (UASI) subgrant. Through this agreement, the Fairfax County Police Department has been awarded the following subgrant:

- Project Title **AFIS Hardware Upgrades**
- Amount **\$1,950,000.00**
- Project ID **12UASI533-03** (please include this ID in correspondence with our office)
- CFDA No. **97.067**

The subgrant period of performance is **September 1, 2012–May 31, 2014**. You may request reimbursement for items procured during this period, consistent with the project intent. As a reminder, organizations that spend more than \$500,000 in DHS funds during a fiscal year are subject to an independent audit per OMB Circular A-133. If you are subject to this audit, we will contact you to obtain a copy of the report.

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

Please review and sign the necessary attached documents and return them to my office by **November 1, 2013**. If you have questions regarding this award, please contact Charles Madden at [charles.madden@dc.gov](mailto:charles.madden@dc.gov) or 202.724.6568.

Sincerely,

Chris T. Geldart  
Director



GOVERNMENT OF THE DISTRICT OF COLUMBIA

**Homeland Security and Emergency Management Agency**

**FISCAL YEAR 2012 HOMELAND SECURITY GRANT PROGRAM  
URBAN AREAS SECURITY INITIATIVE**

**SUBGRANT AWARD &  
CERTIFICATION OF COMPLIANCE**

- Subgrantee **Fairfax County Police Department**
- Project Title **AFIS Hardware Upgrades**
- Amount **\$1,950,000.00**
- Project ID **12UASI533-03**

As the duly authorized representative of the above-listed organization, I hereby accept the subgrant award and certify that I have read and understand the terms and conditions presented in the following documents:

- FY 2012 Homeland Security Grant Program Funding Opportunity Announcement
- District of Columbia Homeland Security and Emergency Management Agency FY 2012 Terms & Conditions
- US Department of Homeland Security Grant Agreement Articles

Print name

Print title

Signature

Date

**THIS PAGE INTENTIONALLY LEFT BLANK**

ADMINISTRATIVE – 2

Designation of Plans Examiner Status under the Expedited Land Development Review Program

ISSUE:

Board of Supervisors' action to designate an individual as a Plans Examiner to participate in the Expedited Land Development Review Program.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors (the Board) take the following action:

- Designate the following individual identified with his registration number, as a Plans Examiner:

Daniel John Heil

305

TIMING:

Routine.

BACKGROUND:

On August 7, 1989, the Board adopted Chapter 117 (Expedited Land Development Review) of The Code of the County of Fairfax, Virginia (the Code), establishing a Plans Examiner Program under the auspices of an Advisory Plans Examiner Board (APEB). The purpose of the Plans Examiner Program is to expedite the review of site and subdivision plans submitted by certain specially qualified applicants, i.e., Plans Examiners, to the Land Development Services, Department of Public Works and Environmental Services.

The Code requires that the Board designate an individual's status under the Expedited Land Development Review Program.

Board Agenda Item  
November 19, 2013

Plans Examiner Status: Candidates for status as Plans Examiners must meet the education and experience requirements contained in Chapter 117. After review of his application and credentials, the APEB has found that the candidate listed above satisfies these requirements. This finding was documented in a letter dated October 8, 2013, from the Chairman of the APEB, James H. Scanlon, P.E., L.S., to Chairman Bulova.

FISCAL IMPACT:  
None.

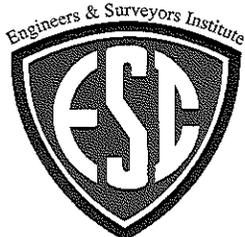
ENCLOSED DOCUMENTS:  
Attachment I – Letter dated October 8, 2013, from the Chairman of the APEB to the Chairman of the Board of Supervisors.

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

# Engineers & Surveyors Institute

*"A public/private partnership"*

4455 Brookfield Corporate Drive, Suite 107 • Chantilly, Virginia 20151  
(703) 263-2232 • Fax (703) 263-0201 • E-mail esi@esinova.org



Founded 1987

Board of Directors  
Chairman  
Rick Ashley  
Carson, Ashley & Associates

Vice Chairman  
Dennis M. Thomas, P.E.  
Burgess & Niple, Inc.

Treasurer  
Jeffrey J. Stuchel, P.E., L.S.  
Walter L. Phillips, Inc.

Secretary  
Bruce G. Nassimbeni  
Fairfax County-DPW&ES

Directors  
William R. Ackman, Jr. P.E.  
Town of Leesburg

Emily A. Baker, P. E.  
City of Alexandria, T&ES

Kimberley P. Fogle, AICP  
Fauquier County

Gary R. Clare, P.E.  
Loudoun County, B&D

Phillip DeLeon, P.E.  
VA Dept. Rail & Public  
Transportation

David S. Dwornik  
Rinker Design & Associates, P.C.

William E. Fissel, P.E.  
Dewberry

Jamie Bain Hedges, P.E.  
Fairfax Water

Paul B. Johnson, P.E.  
Charles P. Johnson & Associates, Inc.

Paul J. Kraucunas, P.E.  
Virginia Department of  
Transportation

R. J. Keller, LS  
R.C. Fields & Associates, P.C.

Peter J. Rigby, Jr., P.E.  
Paciulli, Simmons & Associates, Ltd

J. Keith Sinclair, Jr., P.E.  
A. Morton Thomas & Associates, Inc.

Blake A. Smith, P.E.  
Smith Engineering

Jeffrey J. Stuchel, P.E., L.S.  
Walter L. Phillips, Inc.

Adam J. Volanth, P.E.  
Bohler Engineering, P.C.

Susan S. Wolford, CLA, AICP  
Pennoni Associates

Past Chairmen  
Sidney O. Dewberry, P.E., L.S.  
William H. Gordon, P.E.  
John T. DeBell, P.E., L.S.  
James H. Scanlon, P.E., L.S.  
J. Keith Sinclair, Jr., P.E.  
John F. Amatetti, P.E.  
Reid M. Dudley, P.E.  
Joseph G. Paciulli, L.S.  
Lester O. Nyce, P.E.  
Eric S. Siegel, P.E.  
Martin E. Crahan, AICP  
John S. Groupe, IV, P.E.  
Gary P. Bowman, P.E.  
William R. Zink, P.E.  
Theodore D. Britt, P.E.  
Timothy S. Doody, P.E., L.S.  
Edward B. Snider, Jr. P.E.  
Adam J. Volanth, P.E.  
Phillip DeLeon, P.E.  
Blake A. Smith, P.E.  
Susan S. Wolford, CLA, AICP

Current Past Chairman  
John S. Matusik, P.E.  
Independent

EXECUTIVE DIRECTOR  
Terrance C. Ryan PhD, P.E.

October 8, 2013

RECEIVED

OCT 16 2013

Land Development Services  
Directors Office

Hon. Sharon Bulova, Chairman  
Fairfax County Board of Supervisors  
12000 Government Center Parkway  
Fairfax, VA 22035

Dear Chairman Bulova:

The following named individual, was approved by the Advisory Plans Examiner Board for recommendation as Designated Plans Examiners:

| Name             | Reg. No. |
|------------------|----------|
| Daniel John Heil | #305     |

He has been found to meet the qualifications outlined in Chapter 117-1-2 of the Code of Fairfax County and is in accordance with the criteria adopted by the Fairfax County Board of Supervisors on February 11, 1991.

Sincerely,

James H. Scanlon, P.E., L.S.

Chairman

Fairfax County Advisory Plans Examiner Board

**THIS PAGE INTENTIONALLY LEFT BLANK**

Board Agenda Item  
November 19, 2013

ADMINISTRATIVE – 3

Streets into the Secondary System (Sully District)

ISSUE:

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

RECOMMENDATION:

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

| <u>Subdivision</u>  | <u>District</u> | <u>Street</u>   |
|---|-----------------|---|
| Realty Diversified Services<br>Parcel D-1-B<br>(EZ Storage Chantilly) | Sully           | Centreville Road (Route 657)<br>(Additional Right-of-Way (ROW) Only)<br><br>Lowe Street (Route 2528)<br>(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

**THIS PAGE INTENTIONALLY LEFT BLANK**

Print Form

# 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: 5611-SP-24

SUBDIVISION PLAT NAME: Realty Diversified Services Parcel D-1-B (EZ Storage Chantilly)

COUNTY MAGISTERIAL DISTRICT: Sully

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

FOR OFFICIAL USE ONLY

BY: *Nadia Appahay* DATE OF VDOT INSPECTION APPROVAL: 09-13-2013

| STREET NAME   | LOCATION                                |                              | MILE LENGTH    |
|---|---|------------------------------|----------------|
|   | FROM                                    | TO                           |                |
| Centreville Road (Route 657)<br>(Additional Right-of-Way Only)  | 74' SW CL Lowe Street (Route 2528)      | 582' SW to End of Dedication | 0.0            |
| Lowe Street (Route 2528)<br>(Additional Right-of-Way Only)  | 180' NW CL Centreville Road (Route 657) | 95' NW to End of Dedication  | 0.0            |
|   |   |                              |                |
|   |   |                              |                |
|   |   |                              |                |
|   |   |                              |                |
| <b>NOTES:</b>   |   |                              | <b>TOTALS:</b> |
| Centreville Road: 5' Concrete Sidewalk on West Side to be maintained by VDOT (Constructed by VDOT Project # 0657-029-385 C501). |   |                              | 0.0            |
| Lowe Street: 4' Concrete Sidewalk on South Side to be maintained by VDOT.   |   |                              |                |
|   |   |                              |                |
|   |   |                              |                |
|   |   |                              |                |

**THIS PAGE INTENTIONALLY LEFT BLANK**

Board Agenda Item  
November 19, 2013

ADMINISTRATIVE - 4

Approval of Traffic Calming Measures as Part of the Residential Traffic Administration Program (Mason District)

ISSUE:

Board endorsement of Traffic Calming measures as part of the Residential Traffic Administration Program (RTAP).

RECOMMENDATION:

The County Executive recommends that the Board endorse a traffic calming plan for Old Columbia Pike (Attachment I) consisting of the following:

- Seven Speed Humps on Old Columbia Pike (Mason District)

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

TIMING:

Board action is requested on November 19, 2013.

BACKGROUND:

As part of the RTAP, roads are reviewed for traffic calming when requested by a Board member on behalf of a homeowners' or civic association. Traffic calming employs the use of physical devices such as multi-way stop signs (MWS), speed humps, speed tables, raised pedestrian crosswalks, chokers, median islands, or traffic circles to reduce the speed of traffic on a residential street. Staff performed engineering studies documenting the attainment of qualifying criteria. Staff worked with the local Supervisors' office and community to determine the viability of the requested traffic calming measures to reduce the speed of traffic. Once the plan for the road under review is approved and adopted by staff that plan is then submitted for approval to residents of the ballot area in the adjacent community. On October 10, 2013, the Department of Transportation received verification from the local Supervisor's office confirming community support for the above referenced traffic calming plan.

Board Agenda Item  
November 19, 2013

FISCAL IMPACT:

Funding in the amount of \$45,000 for the traffic calming measures associated with the Old Columbia Pike project is available in Fund100-C10001, General Fund, under Job Number 40TTCP.

ENCLOSED DOCUMENTS:

Attachment I: Traffic Calming Plan for Old Columbia Pike

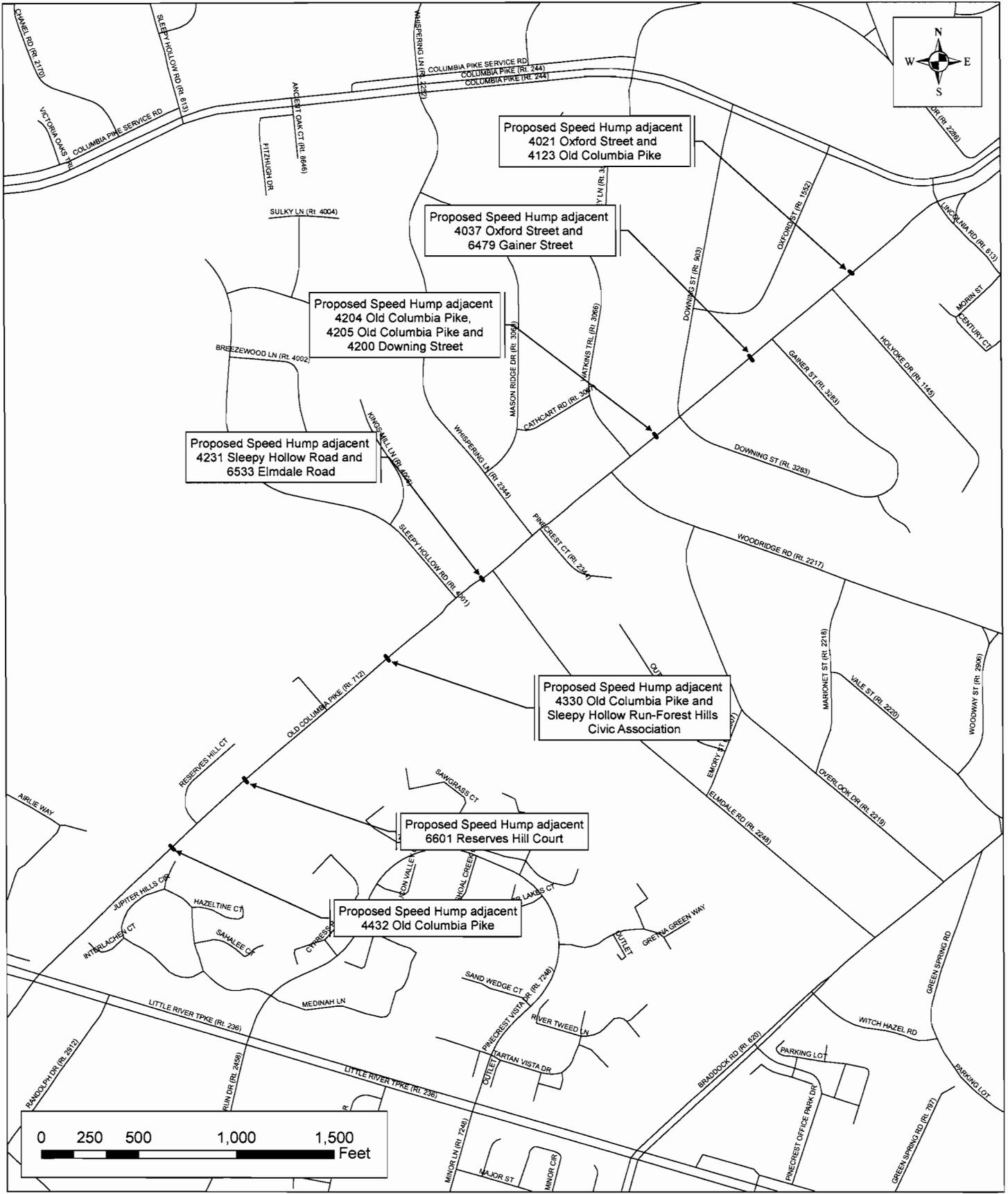
STAFF:

Robert A. Stalzer, Deputy County Executive

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

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

Steven K. Knudsen, Transportation Planner, Traffic Operations Section, FCDOT



Fairfax County Department of Transportation  
 Residential Traffic Administration Program (RTAP)  
 TRAFFIC CALMING STUDY PLAN  
 OLD COLUMBIA PIKE  
 Mason District

November 19, 2013



**THIS PAGE INTENTIONALLY LEFT BLANK**

Board Agenda Item  
November 19, 2013

ADMINISTRATIVE - 5

Additional Time to Commence Construction for Special Exception Amendment  
SEA 99-H-022, The Academy of Christian Education, Inc. (Hunter Mill District)

ISSUE:

Board consideration of additional time to commence construction for SEA 99-H-022, pursuant to the provisions of Sect. 9-015 of the Zoning Ordinance.

RECOMMENDATION:

The County Executive recommends that the Board approve twelve months additional time for SEA 99-H-022 to August 3, 2014.

TIMING:

Routine.

BACKGROUND:

Under Sect. 9-015 of the Zoning Ordinance, if the use is not established or if construction is not commenced within the time specified by the Board of Supervisors, an approved special exception shall automatically expire without notice unless the Board approves additional time. A request for additional time must be filed with the Zoning Administrator prior to the expiration date of the special exception. The Board may approve additional time if it determines that the use is in accordance with the applicable provisions of the Zoning Ordinance and that approval of additional time is in the public interest.

On August 3, 2009, the Board of Supervisors approved Special Exception Amendment SEA 99-H-022, subject to development conditions. The application was filed in the name of The Academy of Christian Education, Inc. to amend SE 99-H-022, previously approved for a private school of general education and an accessory child care center, to permit an interior expansion and modifications to development conditions, pursuant to Sections 5-504 and 9-006 of the Fairfax County Zoning Ordinance, for the property at 1808-A Michael Faraday Court, Tax Map 18-3 ((5)) 6 (see Locator Map, Attachment 1). SEA 99-H-022 was approved with a condition that the use be established, as evidenced by the issuance of a new Non-Residential Use Permit (Non-RUP), or construction be commenced and diligently prosecuted within thirty (30) months of the approval date unless the Board grants additional time. The development conditions for SEA 99-H-022 are included as part of the Clerk to the Board's letter (see Attachment 2).

Board Agenda Item  
November 19, 2013

On April 10, 2012, the Board of Supervisors approved eighteen (18) months additional time to commence construction for SEA 99-H-022 until August 3, 2013. A copy of the Clerk to the Board's letter regarding the approval of additional time is contained in Attachment 3.

On August 5, 2013, the Department of Planning and Zoning (DPZ) received a letter dated July 31, 2013, from Sheri L. Akin, agent for the applicant, requesting twelve (12) months additional time to commence construction (see Attachment 4). The approved Special Exception will not expire pending the Board's action on the request for additional time.

SEA 99-H-022 was approved to permit an increase in the interior area of the private school to 16,744 square feet and an increase in the maximum number of employees to 34. No new construction or exterior change was proposed with the amendment.

Ms. Akin states in her letter that the request for additional time is due to the downturn in the economy, in which the anticipated interior expansion plans for completion of the school were delayed. The request letter states that a Non-RUP is currently being pursued for the future expansion space. Subsequent to the receipt of this letter, Ms. Akin indicates a Non-RUP has been obtained for a portion of the future expansion space and requests the additional time to lease the remaining interior space. Ms. Akin indicates the Academy of Christian Education anticipates finalizing the interior planning of the future space, obtaining permits, and commencing construction by the requested extension date for all of the improvements.

Staff has reviewed Special Exception Amendment SEA 99-H-022 and has established that, as approved, it is still in conformance with all applicable provisions of the Fairfax County Zoning Ordinance to permit a private school of general education and an accessory child care center. Further, staff knows of no change in land use circumstances that affects compliance of SEA 99-H-022 with the special exception standards applicable to this use, or which should cause the filing of a new special exception application and review through the public hearing process. The Comprehensive Plan recommendation for the property has not changed since approval of the Special Exception. Finally, the conditions associated with the Board's approval of SEA 99-H-022 are still appropriate and remain in full force and effect. Staff believes that approval of the request for twelve (12) months additional time is in the public interest and recommends that it be approved.

FISCAL IMPACT:  
None

Board Agenda Item  
November 19, 2013

ENCLOSED DOCUMENTS:

Attachment 1: Locator Map

Attachment 2: Letter dated August 4, 2009, to Sheri L. Hoy

Attachment 3: Letter dated May 25, 2012, to Sheri L. Akin

Attachment 4: Letter dated July 31, 2013, to Leslie B. Johnson

STAFF:

Robert A. Stalzer, Deputy County Executive

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

Barbara C. Berlin, Director, Zoning Evaluation Division (ZED), DPZ

Kevin J. Guinaw, Chief, Special Projects/Applications/Management Branch, ZED, DPZ

Pamela Nee, Chief, Environment and Development Review Branch, Planning Division, DPZ

Carrie Lee, Staff Coordinator, ZED, DPZ

**THIS PAGE INTENTIONALLY LEFT BLANK**

**Special Exception Amendment**

**SEA 99-H-022**

**Applicant:** THE ACADEMY OF CHRISTIAN EDUCATION, INC.

**Accepted:** 05/05/2009

**Proposed:** AMEND SE 99-H-022 PREVIOUSLY APPROVED FOR PRIVATE SCHOOL OF GENERAL EDUCATION TO PERMIT MODIFICATION OF DEVELOPMENT CONDITIONS

**Area:** 2.3071 AC OF LAND; DISTRICT - HUNTER MILL

**Zoning Dist Sect:** 05-0504

**Art 9 Group and Use:** 3-11

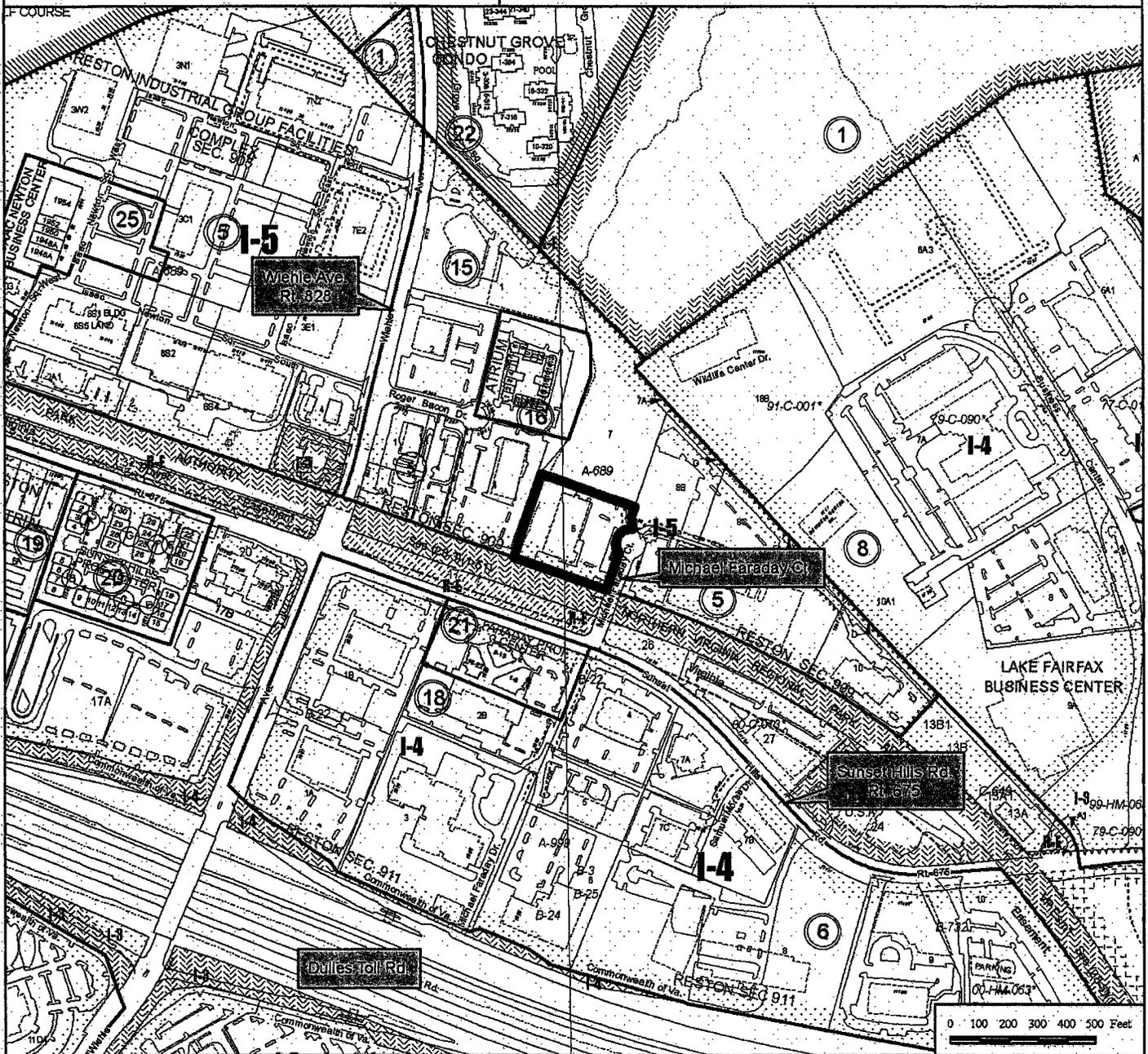
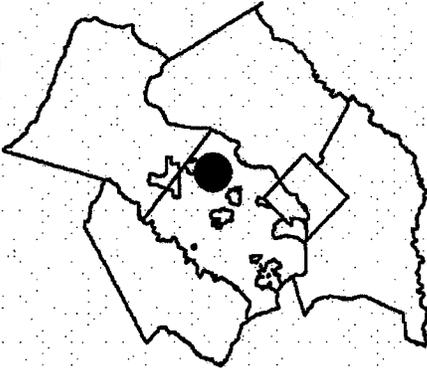
**Located:** 1808-A MICHAEL FARADAY COURT

**Zoning:** I-5

**Plan Area:** 3,

**Overlay Dist:**

**Map Ref Num:** 018-3- /05/ /0006





# County of Fairfax, Virginia

*To protect and enrich the quality of life for the people, neighborhoods and diverse communities of Fairfax County*

August 4, 2009

Sheri L. Hoy  
 McGuire Woods LLP  
 1750 Tysons Boulevard, Suite 1800  
 McLean, Virginia 22102

RE: Special Exception Amendment Application SEA 99-H-022

Dear Ms. Hoy:

At a regular meeting of the Board of Supervisors held on August 3, 2009, the Board approved Special Exception Amendment Application SEA 99-H-022 in the name of The Academy of Christian Education, Incorporated. The subject property is located at 1808-A Michael Faraday Court on approximately 2.31 acres of land zoned I-5 in the Hunter Mill District [Tax Map 18-3 ((5)) 6]. The Board's action amends Special Exception Application SE 99-H-022, previously approved for a private school of general education and an accessory child care center, to permit an interior expansion and modifications to development conditions pursuant to Sections 5-504 and 9-006 of the Fairfax County Zoning Ordinance, by requiring conformance with the following development conditions, which supersede all previously approved conditions for the subject property. Previously approved conditions are marked with an asterisk (\*).

1. This Special Exception Amendment is granted for and runs with the land indicated in this application and is not transferable to other land.\*
2. This Special Exception Amendment is granted only for the purpose(s), structure(s) and/or use(s) indicated on the special exception plat approved with the application, as qualified by these development conditions. Other by-right, special permit and/or special exception uses may be permitted within the portion of the building not used by the school or child care center without the approval of a Special Exception Amendment provided that such uses do not affect this Special Exception.\*

Office of the Clerk to the Board of Supervisors  
 12000 Government Center Parkway, Suite 533  
 Fairfax, Virginia 22035

Phone: 703-324-3151 ♦ Fax: 703-324-3926 ♦ TTY: 703-324-3903  
 Email: [clerktothebos@fairfaxcounty.gov](mailto:clerktothebos@fairfaxcounty.gov)  
<http://www.fairfaxcounty.gov/bosclerk>

3. This Special Exception Amendment is subject to the provisions of Article 17, Site Plans, as may be determined by the Director, Department of Public Works and Environmental Services (DPWES). Any plan submitted pursuant to this special exception shall be in substantial conformance with the approved Special Exception Plat entitled "Special Exception Plat/Site Plan, Academy of Christian Education," prepared by Gordon and Associates and dated April 1999, and the detail sheet dated June 9, 1999 (see Attachment 1) and these conditions. Minor modifications to the approved Special Exception may be permitted pursuant to Paragraph 4 of Section 9-004 of the Zoning Ordinance.\*
4. The total maximum daily enrollment for the school of general education and the child care center shall not exceed 250 students and the maximum number of employees shall not exceed 34 on the site at any one time.
5. The after school child care center shall only be available to those students who are enrolled at the Academy of Christian Education, and shall operate between the hours of 3:30 pm to 6:00 pm. The total maximum daily enrollment of students in the after school child care center shall not exceed 62 students at any one time. No additional staff will be utilized for the after school child care program.\*
6. Awnings shall be placed over the windows located in the front of the building, and planters shall be provided as indicated on the Special Exception Plat to soften the visual impact of the building.\*
7. Shade trees or outdoor shade umbrellas shall be placed alongside benches and picnic tables, as indicated on the "Detailed Playground and Landscape Sheet (Attachment 1.) \*"
8. A pressure-treated board-on-board fence, or other material similar in appearance, shall encompass the site in the general location as indicated on the Special Exception Plat. The fence shall be four (4) feet in height in the front yard and seven (7) feet in height in the side and rear yards. Additionally, a seven (7) feet high fence shall be placed in the playground area to separate the pervious and asphalt play areas.\*
9. The number of children using the outdoor play area at any one time shall not exceed that required by the standards set forth in Sections 9-309 and 9-310 of the Zoning Ordinance. The school shall adhere to the playground schedule prepared by the Academy of Christian Education and provided as Attachment 2.\*
10. No children shall arrive at or depart from the school unless accompanied by an adult. A rideshare program to encourage and assist in the organization of student and employee car/van pools shall be instituted by

the school and maintained indefinitely. A carpool shall be defined as consisting of two or more students and/or employees. The school shall appoint an individual or committee to head the rideshare program and the names of the individual(s) shall be provided to the Fairfax County Department of Transportation.

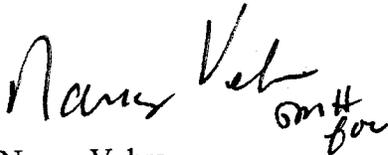
11. Parking for school faculty shall be provided on-site as shown on the Special Exception Plat. These spaces shall be designated and marked on the pavement "Reserved for Faculty Only". \*
12. The three parking spaces located in the northeastern most section of the site are located on an access easement; they shall be removed and relocated elsewhere on the site; open space/landscaping shall not be reduced as a result of the relocation.
13. Vehicles may enter and exit the site from the northern entrance, but the access point to the south may be used only for exiting the site. A "Do Not Enter" sign shall be installed at the southern entrance to this site, and shall be subject to all applicable Zoning Ordinance requirements. The asphalt shall be marked with directional arrows at both entrances. \*
14. An adequate turn-around area for automobiles shall be provided by striping with yellow pavement markings in the area located at the terminus of the travel aisle nearest the school building as indicated on the Special Exception Plat. Striped, yellow pavement markings shall be located at the northern access to partition off and limit the size of the throat access. A crosswalk shall be striped in the area as indicated on the Special Exception Plat. \*
15. The storage container and loading ramp shall be relocated to an area that does not obstruct parking or the travel aisles. \*
16. All dumpsters/trash collection areas provided on site shall be screened with enclosures constructed of pressure treated wood or a material similar in appearance.\*
17. Signage shall be provided in accordance with Article 12 of the Zoning Ordinance.\*
18. If, at the time of building permit approval, it is determined by the Director of DPWES that the parking provided on-site is inadequate to serve the needs of the school, additional parking shall be provided. Any additional parking on-site must not reduce the amount of open space, play area, or landscaping on the site. If additional parking can not be provided, a Special Exception Amendment shall be required or the enrollment shall be reduced to the point where the required parking can be provided on site.\*

19. If requested by Fairfax County, the owner shall provide an easement to Parcel 7 for a trail pursuant to the Fairfax County Trails Plan.\*
20. For the life of this special exception amendment use, the operations on the remainder of the property shall not include the storage, processing, or handling of hazardous materials as defined in Section 9-011(&)H of the Fairfax County Zoning Ordinance.\*
21. A copy of the development conditions shall be posted in a conspicuous place on the property of the use and shall be made available to all departments of Fairfax County during the hours of operation of the permitted use. \*

This approval, contingent on the above noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations, or adopted standards. The applicant shall be himself responsible for obtaining the required Non-Residential Use Permit through established procedures, and this Special Exception shall not be valid until this has been accomplished.

Pursuant to Section 9-015 of the Zoning Ordinance, this special exception shall automatically expire, without notice, thirty (30) months after the date of approval unless, at a minimum, the use has been established as evidenced by the issuance of a new Non-RUP or construction has commenced and been diligently prosecuted. The Board of Supervisors may grant additional time to establish the use or to commence construction if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special exception. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.

Sincerely,

Handwritten signature of Nancy Vehrs in cursive, with the initials "NV" and "dms" written below it.

Nancy Vehrs  
Clerk to the Board of Supervisors  
NV/dms

SEA 99-H-022  
August 4, 2009

-5-

Cc: Chairman Sharon Bulova  
Supervisor Catherine Hudgins, Hunter Mill District  
Janet Coldsmith, Director, Real Estate Division, Dept. of Tax Administration  
Regina Coyle, Director, Zoning Evaluation Division, DPZ  
Diane Johnson-Quinn, Deputy Zoning Administrator, Dept. of Planning and Zoning  
Angela K. Rodeheaver, Section Chief, Transportation, Planning Division  
Ellen Gallagher, Capital Projects and Operations Div., Dept. of Transportation  
Ken Williams, Plans & Document Control, ESRD, DPWES  
Department of Highways-VDOT  
Sandy Stallman, Park Planning Branch Manager, FCPA  
Charlene Fuhrman-Schulz, Development Officer, DHCD/Design Development Division  
District Planning Commissioner  
Barbara J. Lippa, Executive Director, Planning Commission  
Karyn Moreland, Chief Capital Projects Sections, Dept. of Transportation



**ACADEMY OF CHRISTIAN EDUCATION**  
**11480 Sunset Hills Road #10E**  
**Reston, Virginia 20190**  
**(703) 471-2132**

June 12, 1999

The following is the playground schedule proposed for the Academy in order to be in compliance with Fairfax County requirements for the Academy's proposed future playground at 1808 Michael Faraday Court, Reston, Virginia. The size of the playground would be approximately 13,900 square feet. Maximum number of students in grades K-4 through sixth grade at the facility would be 250. Two schedules follow: one for the anticipated enrollment of approximately 200 in the fall of 1999 and one for the maximum enrollment of 250.

|  | Morning Snack Break  | Lunch Recess         |
|--|----------------------|----------------------|
| <b>Fall 1999: approximately 200 students</b> |                      |                      |
| 2 K-4s = 50 students                         | 9:30-10:00 = ½ hour  | 11:30-12:00 = ½ hour |
| 3 K-5s = 60 students                         | 10:00-10:30 = ½ hour | 12:00-12:30 = ½ hour |
| 2 1 <sup>st</sup> = 40 students              | 10:30-11:00 = ½ hour | 12:30-1:00 = ½ hour  |
| 1 2 <sup>nd</sup> = 15 students              |                      |                      |
| 1 3 <sup>rd</sup> = 15 students              | 11:00-11:15 = ¼ hour | 1:00-1:30 = ½ hour   |
| 1 4 <sup>th</sup> = 10 students              |                      |                      |
| 1 5 <sup>th</sup> = 10 students              | 11:15-11:30 = ¼ hour | 1:30-2:00 = ½ hour   |
| <b>Total = 200</b>                           |                      |                      |
| <b>Maximum enrollment: 250 students</b>      |                      |                      |
| 2 K-4s = 50 students                         | 9:30-10:00 = ½ hour  | 11:30-12:00 = ½ hour |
| 3 K-5s = 60 students                         | 10:00-10:30 = ½ hour | 12:00-12:30 = ½ hour |
| 2 1 <sup>st</sup> = 40 students              | 10:30-11:00 = ½ hour | 12:30-1:00 = ½ hour  |
| 1 2 <sup>nd</sup> = 20 students              |                      |                      |
| 1 3 <sup>rd</sup> = 20 students              | 9:00-9:15 = ¼ hour   | 1:00-1:15 = ¼ hour   |
| 1 4 <sup>th</sup> = 20 students              | 9:15-9:30 = ¼ hour   | 1:15-1:30 = ¼ hour   |
| 1 5 <sup>th</sup> = 20 students              | 11:00-11:15 = ¼ hour | 1:30-1:45 = ¼ hour   |
| 1 6 <sup>th</sup> = 20 students              | 11:15-11:30 = ¼ hour | 1:45-2:00 = ¼ hour   |
| <b>Total = 250</b>                           |                      |                      |

- GENERAL NOTES:**
- 1) THE PROPERTY DELINEATED ON THIS PLAN IS LOCATED ON TAX MAP 18.3 (19) PARCEL 6 AND IS ZONED L-5.
  - 2) PROPOSED USE: PRIVATE SCHOOL OF GENERAL EDUCATION.
  - 3) BUILDING HEIGHT: 24 FT., 1 STORY WITH MEZZANINE LEVEL.
  - 4) PROPERTY CONTAINS 100,073 SF OR 2,307.1 AC.
  - 5) TOTAL GROSS FLOOR AREA: 22,300 SF.
  - 6) THIS PLAN IS BASED ON A SUBMITTED PLAN FOR RESTON ROLLER RINK PREPARED BY GORDON ASSOCIATES DATED FEB. 1980 AND REVISED THRU JAN. 1982.

**PARKING TABULATIONS:**

|  |    |
|--|----|
| TOTAL SPACES REQUIRED:                         | 67 |
| TOTAL NUMBER OF SPACES PROPOSED:               | 57 |
| TOTAL REQUIRED FOR SCHOOL USE:                 | 26 |
| TOTAL PROPOSED FOR SCHOOL USE:                 | 26 |
| TOTAL REQUIRED FOR REMAINING OFFICE/WAREHOUSE: | 26 |
| TOTAL PROPOSED FOR REMAINING OFFICE/WAREHOUSE: | 26 |

**PARKING NOTES:**

- 1) SCHOOL USE CALCULATION BASED ON 27 SPACES FOR FACILITY AND 4 SPACE FOR VISITORS AS PER SECTION 11-106(1) OF THE FAIRFAX COUNTY ZONING
- 2) OFFICE/WAREHOUSE CALCULATION BASED ON 4,200 S.F. OF OFFICE USE AND 7,000 S.F. OF WAREHOUSE USE AS PER SECTION 11-106(1) AND 11-106(2) OF THE FAIRFAX COUNTY ZONING ORDINANCE.
- 3) THIS CALCULATION IS BASED ON THE ORIGINAL SITE PLAN (SP-2048) BY GORDON ASSOCIATES DATED FEB. 1980. CURRENTLY 87 ARE EXISTING PER GORDON ASSOCIATES SITE VISIT APRIL 7, 1980.

**ACKNOWLEDGMENT:**

ACADEMY OF CHRISTIAN EDUCATION  
1485 SUNSET HILLS ROAD, FIVE  
RESTON, VA.

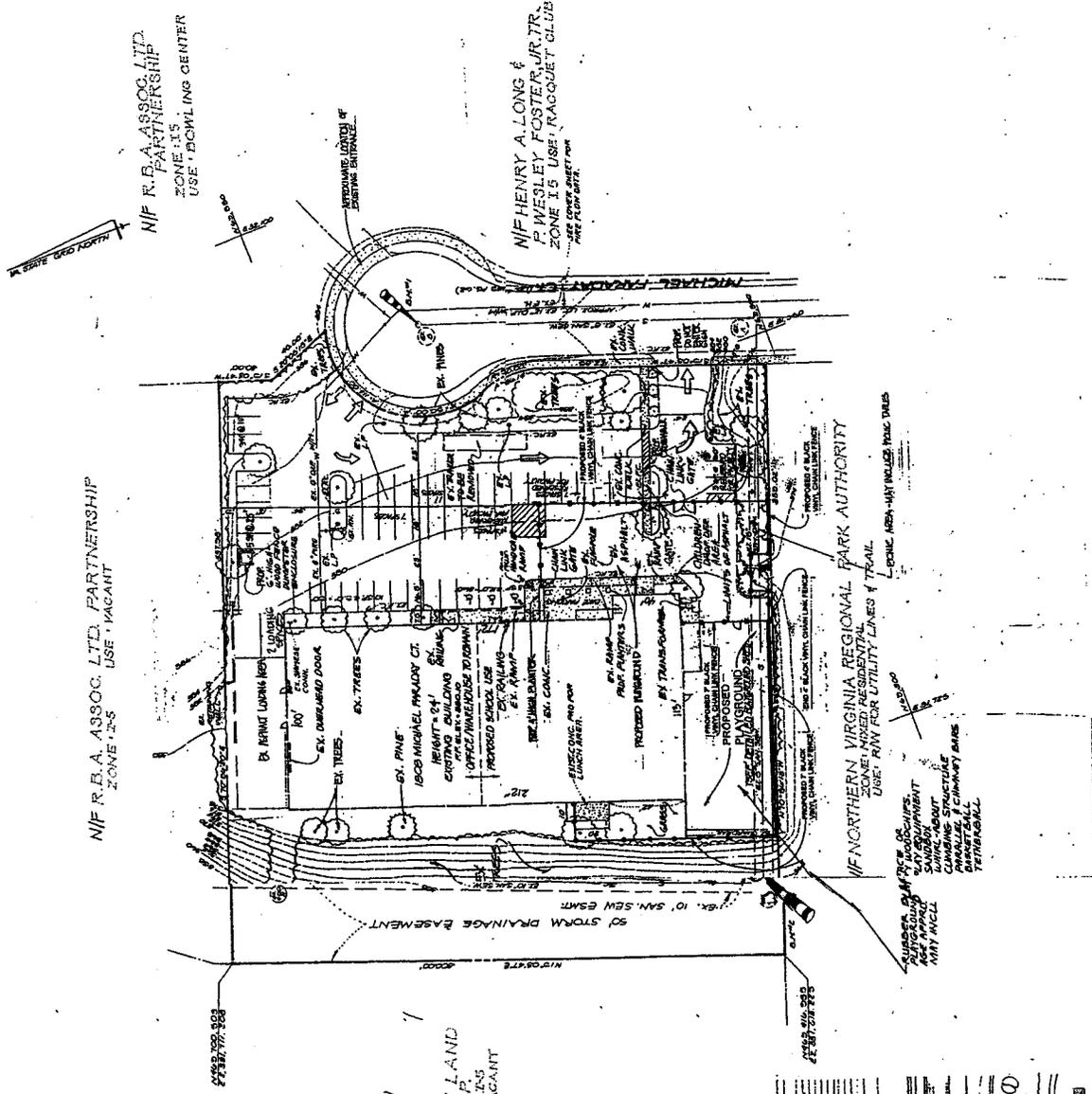
PROPOSED REVIEW AND COMMENTS ENCLOSURE WILL COMPLY WITH RESTON ARCHITECTURAL BOARD OF REVIEW RECOMMENDATIONS.

|     |             |          |
|-----|-------------|----------|
| NO. | DESCRIPTION | APPROVED |
| 1   | REVISION    | DATE     |
| 2   |             |          |
| 3   |             |          |
| 4   |             |          |
| 5   |             |          |
| 6   |             |          |
| 7   |             |          |
| 8   |             |          |
| 9   |             |          |
| 10  |             |          |

**SPECIAL EXCEPTION PLATS**

ACADEMY OF CHRISTIAN ED  
1148 SUNSET HILLS ROAD, #1  
RESTON, VA.

Scale: 1" = 20'  
Date: JUNE 1982  
William H. Gordon Associate  
Consulting Engineers

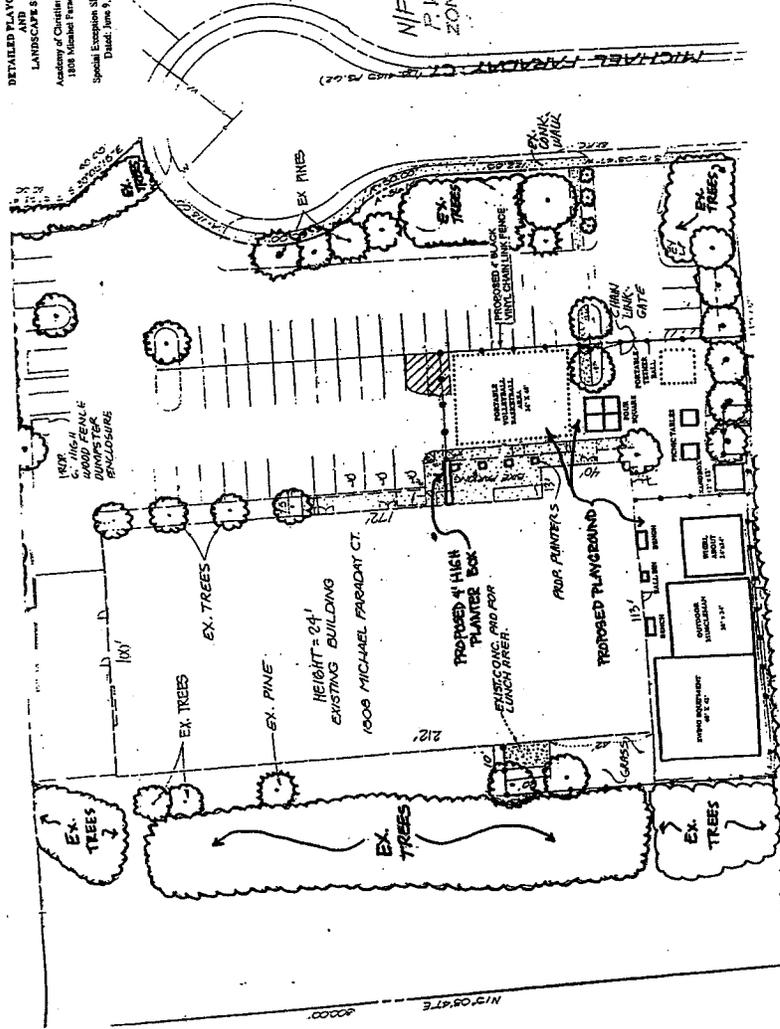


**LEGEND**

|                        |                        |
|------------------------|------------------------|
| EXISTING               | PROPOSED               |
| EXISTING BUILDING      | PROPOSED BUILDING      |
| EXISTING PARKING       | PROPOSED PARKING       |
| EXISTING DRIVEWAY      | PROPOSED DRIVEWAY      |
| EXISTING SIDEWALK      | PROPOSED SIDEWALK      |
| EXISTING CURB          | PROPOSED CURB          |
| EXISTING UTILITY       | PROPOSED UTILITY       |
| EXISTING TREE          | PROPOSED TREE          |
| EXISTING FENCE         | PROPOSED FENCE         |
| EXISTING SIGN          | PROPOSED SIGN          |
| EXISTING LIGHT         | PROPOSED LIGHT         |
| EXISTING WALL          | PROPOSED WALL          |
| EXISTING DOOR          | PROPOSED DOOR          |
| EXISTING WINDOW        | PROPOSED WINDOW        |
| EXISTING ROOF          | PROPOSED ROOF          |
| EXISTING FLOOR         | PROPOSED FLOOR         |
| EXISTING CEILING       | PROPOSED CEILING       |
| EXISTING MECHANICAL    | PROPOSED MECHANICAL    |
| EXISTING ELECTRICAL    | PROPOSED ELECTRICAL    |
| EXISTING PLUMBING      | PROPOSED PLUMBING      |
| EXISTING HVAC          | PROPOSED HVAC          |
| EXISTING INSULATION    | PROPOSED INSULATION    |
| EXISTING PAINT         | PROPOSED PAINT         |
| EXISTING FINISH        | PROPOSED FINISH        |
| EXISTING MATERIAL      | PROPOSED MATERIAL      |
| EXISTING COLOR         | PROPOSED COLOR         |
| EXISTING TEXTURE       | PROPOSED TEXTURE       |
| EXISTING SOUND         | PROPOSED SOUND         |
| EXISTING VIBRATION     | PROPOSED VIBRATION     |
| EXISTING AIR QUALITY   | PROPOSED AIR QUALITY   |
| EXISTING WATER QUALITY | PROPOSED WATER QUALITY |
| EXISTING SOIL QUALITY  | PROPOSED SOIL QUALITY  |
| EXISTING CLIMATE       | PROPOSED CLIMATE       |
| EXISTING VEGETATION    | PROPOSED VEGETATION    |
| EXISTING ANIMALS       | PROPOSED ANIMALS       |
| EXISTING PLANTS        | PROPOSED PLANTS        |
| EXISTING FUNGI         | PROPOSED FUNGI         |
| EXISTING BACTERIA      | PROPOSED BACTERIA      |
| EXISTING VIRUSES       | PROPOSED VIRUSES       |
| EXISTING PARASITES     | PROPOSED PARASITES     |
| EXISTING INSECTS       | PROPOSED INSECTS       |
| EXISTING MAMMALS       | PROPOSED MAMMALS       |
| EXISTING BIRDS         | PROPOSED BIRDS         |
| EXISTING REPTILES      | PROPOSED REPTILES      |
| EXISTING AMPHIBIANS    | PROPOSED AMPHIBIANS    |
| EXISTING MOLLUSCS      | PROPOSED MOLLUSCS      |
| EXISTING ARACHNIDS     | PROPOSED ARACHNIDS     |
| EXISTING NEMATODES     | PROPOSED NEMATODES     |
| EXISTING PROTISTS      | PROPOSED PROTISTS      |
| EXISTING FUNGI         | PROPOSED FUNGI         |
| EXISTING BACTERIA      | PROPOSED BACTERIA      |
| EXISTING VIRUSES       | PROPOSED VIRUSES       |
| EXISTING PARASITES     | PROPOSED PARASITES     |
| EXISTING INSECTS       | PROPOSED INSECTS       |
| EXISTING MAMMALS       | PROPOSED MAMMALS       |
| EXISTING BIRDS         | PROPOSED BIRDS         |
| EXISTING REPTILES      | PROPOSED REPTILES      |
| EXISTING AMPHIBIANS    | PROPOSED AMPHIBIANS    |
| EXISTING MOLLUSCS      | PROPOSED MOLLUSCS      |
| EXISTING ARACHNIDS     | PROPOSED ARACHNIDS     |
| EXISTING NEMATODES     | PROPOSED NEMATODES     |
| EXISTING PROTISTS      | PROPOSED PROTISTS      |

DETAILED PLAYGROUND  
 AND  
 LANDSCAPE SHEET  
 Academy of Christian Education  
 1808 Michael Parady Ct  
 Special Exception SE 91-8-012  
 Dated: June 5, 1999

N/HENRY  
 P. WESLEY  
 ZONE 1.5 US1



JUN 08 2012



# County of Fairfax, Virginia

To protect and enrich the quality of life for the people, neighborhoods and diverse communities of Fairfax County

Zoning Evaluation Division

May 25, 2012

Sheri L. Hoy  
McGuire Woods LLP  
1750 Tysons Boulevard, Suite 1800  
McLean, VA 22102

RE: Special Exception Amendment Application SEA 99-H-022

Dear Ms. Hoy:

At a regular meeting of the Board of Supervisors held on April 10, 2012, the Board approved 18 months additional time to commence construction for Special Exception Amendment Application SEA 99-H-022 in the name of the Academy of Christian Education, Incorporated until August 3, 2013, pursuant to the provisions of Section 9-015 of the Zoning Ordinance.

Sincerely,

Catherine A. Chianese  
Clerk to the Board of Supervisors

Cc: Chairman Sharon Bulova  
Supervisor Catherine Hudgins, Hunter Mill District  
Janet Coldsmith, Director, Real Estate Division, Dept. of Tax Administration  
Barbara C. Berlin, Director, Zoning Evaluation Division, DPZ  
Diane Johnson-Quinn, Deputy Zoning Administrator, Dept. of Planning and Zoning  
Thomas Conry, Dept. Manager, GIS, Mapping/Overlay  
Angela K. Rodeheaver, Section Chief, Transportation, Planning Division  
Capital Projects and Operations Div., Dept. of Transportation  
Audrey Clark, Director, Building Plan Review, DPWES  
Ken Williams, Plans & Document Control, ESRD, DPWES  
Department of Highways - VDOT  
Sandy Stallman, Park Planning Branch Manager, FCPA  
Gordon Goodlett, Development Officer, DHCD/Design Development Division  
Planning Commission  
Jose Comayagua, Director, Facilities Management  
Gary Chevalier, Office of Capital Facilities/Fairfax County Public Schools  
Kevin Guinaw, Chief, Special Projects Applications/Management Branch, ZED, DPZ

Office of Clerk to the Board of Supervisors  
12000 Government Center Parkway, Suite 533  
Fairfax, Virginia 22035

Phone: 703-324-3151 ♦ Fax: 703-324-3926 ♦ TTY: 703-324-3903  
Email: [clerktothebos@fairfaxcounty.gov](mailto:clerktothebos@fairfaxcounty.gov)  
<http://www.fairfaxcountv.gov/bosclerk>

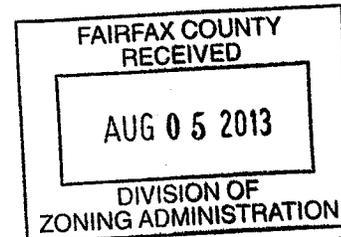
McGuireWoods LLP  
 1750 Tysons Boulevard  
 Suite 1800  
 Tysons Corner, VA 22102-4215  
 Phone: 703.712.5000  
 Fax: 703.712.5050  
 www.mcguirewoods.com

Sheri L. Akin  
 Direct: 703.712.5483

McGUIREWOODS

sakin@mcguirewoods.com  
 Direct Fax: 703.712.5050

July 31, 2013



2013-1246

Ms. Leslie B. Johnson  
 Zoning Administrator  
 Department of Planning and Zoning  
 Suite 807  
 12055 Government Center Parkway  
 Fairfax, Virginia 22035-2301

**Re: Academy of Christian Education  
 Special Exception Amendment SEA 99-H-022  
 Tax Map No. 18-3-((5))-6**

Dear Ms. Johnson:

Pursuant to Section 9-012 of the Fairfax County Zoning Ordinance, I am writing on behalf of the Academy of Christian Education ("ACE") to request that the Fairfax County Board of Supervisors grant additional time to complete construction of the improvements allowed by Special Exception SEA 99-H-022. This special exception was originally approved by the Board of Supervisors on August 3, 2009, and is set to expire August 3, 2013. For your reference, a copy of the Board of Supervisors approval letter is enclosed.

ACE requests a one year (12 month) extension until August 3, 2014, in order to complete construction of all of the expansion plans. Due to the downturn in the economy, not all of the expansion plans have been completed for this School of Special Education. A Non-RUP is currently being pursued for the majority of the expansion space. However, ACE would like to retain its ability to utilize the remaining space allowed under the SE approval in the future. ACE anticipates finalizing its planning process, obtaining permits, and commencing construction by the requested extension date for all of the improvements.

Based upon our review, no changes in land use circumstances or with Comprehensive Plan recommendations have occurred that would warrant further review through the public hearing process, and ACE will continue to do everything it can to

expedite the remaining process for implementation of SEA 99-H-022. If you have any questions, feel free to contact me.

Sincerely,



Sheri L. Akin  
Land Use Planner

Enclosure

cc: Supervisor Catherine M. Hudgins, Hunter Mill District  
Kevin Guinaw, Chief, Special Projects/Applications Management Branch, ZED  
Winnie Williams, Planning Technician, Zoning Permit Review Branch  
Jonathan P. Rak, Esquire, McGuireWoods LLP

49817352\_1.DOCX

**THIS PAGE INTENTIONALLY LEFT BLANK**

Board Agenda Item  
November 19, 2013

ADMINISTRATIVE - 6

Authorization to Advertise a Public Hearing on Amendment to the Code of the County of Fairfax, Chapter 2, Article 2 (Disposal of Property Seized by Police)

ISSUE:

Board authorization to advertise an amendment to Chapter 2, Article 2 (Disposal of Property) regarding the disposal of weapons by the Police Department.

RECOMMENDATION:

The County Executive recommends that the Board authorize the advertisement of a public hearing on the proposed amendment to Chapter 2, Article 2 (Disposal of Property).

TIMING:

Authorization to advertise the proposed amendment on November 19, 2013; Board of Supervisors' public hearing scheduled for January 14, 2014 at 4:00 p.m. The provisions of the amendment will become effective immediately.

BACKGROUND:

Fairfax County Code § 2-2-4 (Property seized by police; applicability of Sections 2-2-1 to 2-2-6) currently requires weapons seized or taken possession of by the Police Department to be disposed of pursuant to Virginia State Code § 18.1-269. In 1990, the Virginia General Assembly adopted § 15.1-133.01:1 to address the disposal of weapons by local law enforcement agencies. This state code was later recodified in 1997 as § 15.2-1721. County Code § 2-2-4 is being amended to refer to the appropriate state code section.

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

Attachment 1 – Proposed Amendment to Fairfax County Code Section 2-2-4  
Attachment 2 – State Code Section 15.2-1721

STAFF:

David M. Rohrer, Deputy County Executive  
Colonel Edwin C. Roessler Jr., Chief of Police  
Jamie Greenzweig, Assistant County Attorney

**THIS PAGE INTENTIONALLY LEFT BLANK**

**Section 2-2-4. Property seized by police; applicability of Sections 2-2-1 to 2-2-6.**

Nothing in Sections 2-2-1 to 2-2-6 shall be held to require the Chief of Police to take possession of or to make disposition of any lost or stolen property, the disposition or possession of which is otherwise provided for by law, and none of the provisions of Sections 2-2-1 to 2-2-6 shall apply to pistols, revolvers, derringers, Bowie knives, dirks, slingshots, metallic knuckles or other deadly weapons of like character, but all such weapons shall be disposed of in accordance with as required by Va. Code Ann § 18.1-269 15.2-1721, ~~Va. Code Ann.~~<sup>4</sup>

*(9-11-57, § 3; 1961 Code, § 17-10; 12-78-2*

<sup>4</sup> As to illegal weapons generally, see Va. Code Ann., §§ ~~18.1-269 to 18.1-272~~ 18.2-308 to 18.2-308.8.

**§ 15.2-1721. Disposal of unclaimed firearms or other weapons in possession of sheriff or police.**

Any locality may destroy unclaimed firearms and other weapons which have been in the possession of law-enforcement agencies for a period of more than sixty days. For the purposes of this section, "unclaimed firearms and other weapons" means any firearm or other weapon belonging to another which has been acquired by a law-enforcement officer pursuant to his duties, which is not needed in any criminal prosecution, which has not been claimed by its rightful owner and which the State Treasurer has indicated will be declined if remitted under the Uniform Disposition of Unclaimed Property Act (§ [55-210.1](#) et seq.).

At the discretion of the chief of police, sheriff, or their duly authorized agents, unclaimed firearms and other weapons may be destroyed by any means which renders the firearms and other weapons permanently inoperable. Prior to the destruction of such firearms and other weapons, the chief of police, sheriff, or their duly authorized agents shall comply with the notice provision contained in § [15.2-1719](#).

(1990, c. 324, § 15.1-133.01:1; 1997, c. [587](#).)

Board Agenda Item  
November 19, 2013

ADMINISTRATIVE - 7

Authorization to Advertise a Public Hearing on Amendment to the Code of the County of Fairfax, Chapter 5 (Offenses) to Add Article 6 (Excessive Sound Generation in Residential Areas and Dwellings)

ISSUE:

Board authorization to advertise: (1) an amendment to Chapter 5 by adding Article 6 regarding the regulation of excessive sound generation in residential areas and dwellings, and (2) an amendment to Chapter 108 by repealing Article 5 regarding nuisance noise.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors authorize the advertisement of a public hearing on the proposed addition of Article 6 (Excessive Sound Generation in Residential Areas and Dwellings) to Chapter 5 (Offenses), and the proposed repeal of Article 5 (Nuisance Noise) to Chapter 108 (Noise).

TIMING:

Authorization to advertise the proposed amendment on November 19, 2013; Board of Supervisors' public hearing is scheduled for December 3, 2014, at 4:00 p.m. The provisions of the amendments will become effective immediately if adopted.

BACKGROUND:

Fairfax County has a longstanding policy that certain audible and discernible sounds are a serious hazard to the public health, welfare, peace and safety and adversely affect the quality of life of its citizens. Article 5 of Chapter 108 of the *Code of the County of Fairfax* has historically addressed the concern of "nuisance noise" in the County. However, in April 2009, the Supreme Court of Virginia, in the case of *Tanner v. City of Virginia Beach*, ruled that Virginia Beach's ordinance was unconstitutional, which raised possible concerns about the constitutionality of the "nuisance noise" provisions in Article 5 of Chapter 108.

Although the Fairfax County Department of Planning and Zoning is currently working on a comprehensive revision of Chapter 108, excessive sound generation in residential areas is an issue that requires more immediate redress. Accordingly, this addition to Chapter 5 (Offenses) is necessary as an interim solution to allow the Police Department

Board Agenda Item  
November 19, 2013

to effectively respond to calls for service regarding excessive sound or sound generation in residential dwelling areas. It should be noted that in 2012, the Police Department received an average of 152 calls per month for loud parties alone. The addition of Article 6 to Chapter 5 (Offenses) should allow the Police Department to enforce these types of sound violations while the Department of Planning and Zoning further studies and reviews a more comprehensive overhaul of Chapter 108. Furthermore, in order to avoid potential conflict with the proposed Article 6 to Chapter 5 (Offenses), it is recommended that Article 5 (Nuisance Noise) of Chapter 108 (Noise) be repealed simultaneously with the addition of Article 6 to Chapter 5 (Offenses).

As the holiday party season nears, it is recommended that language in the County Code be in place to address loud party complaints from residents, among other sources of excessive sound, that may adversely impact the quality of life of its residents.

FISCAL IMPACT:

None

ENCLOSED DOCUMENTS:

Attachment 1 – Proposed Addition of Article 6 to Chapter 5 (Offenses)

Attachment 2 – Proposed Repeal of Article 5 to Chapter 108 (Noise)

STAFF:

David M. Rohrer, Deputy County Executive  
Colonel Edwin C. Roessler Jr., Chief of Police  
Cynthia L. Tianti, Deputy County Attorney

**Chapter 5. - Offenses.**

**Article 6**

**AN ORDINANCE TO REGULATE  
CERTAIN EXCESSIVE SOUND GENERATION  
IN RESIDENTIAL AREAS AND DWELLINGS**

**5-6-1. Declaration of findings and policy.**

The Board hereby finds and declares that certain audible and discernible sounds are a serious hazard to the public health, welfare, peace and safety and the quality of life of the citizens of Fairfax County; that the people have a right to and should be ensured an environment free from such sound that may jeopardize the public health, welfare, peace and safety or degrade the quality of life; and that it is the policy of the Board to prevent such sound to the extent such action is not inconsistent with a citizen's First Amendment rights.

**5-6-2. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Audible* means the sound can be heard by the human ear with or without a medically approved hearing aid or device.

*Discernible* means that the sound is sufficiently distinct such that its source can be clearly identified.

*Emergency* means any occurrence or set of circumstances involving actual or imminent physical injury or illness or property damage that requires immediate action.

*Emergency work* means any work performed for the purpose of preventing or alleviating the physical injury or illness or property damage threatened or caused by an emergency, including work performed by public service companies when emergency inspection, repair of facilities, or restoration of services is required for the immediate health, safety, or welfare of the community.

*Instrument, machine or device* means and refers to any musical instrument, radio, phonograph, compact disc player, cassette tape player, amplifier or any other machine or device for producing, reproducing or the amplification of sound.

*Residential area* means the parcel on which a residential dwelling is located and any contiguous rights of way, roads, streets, lanes, sidewalks, or other such means of egress and ingress to any such parcel.

*Residential dwelling* means any building or other structure, including multifamily and mixed use structures, in which one or more persons lives on a permanent or temporary basis, including, but not limited to, houses, apartments, condominiums, hotels, and motels.

*Sound* means an oscillation in pressure, particle displacement, particle velocity or other physical parameter, in a medium with internal forces that causes compression and rarefaction of that medium. The description of sound may include any characteristic of such sound, including duration, intensity and frequency.

*Sound generation or to generate sound* means any conduct, activity or operation, whether human, mechanical, electronic or other, including but not limited to, any animal or bird, and any instrument, machine or device, whether continuous, intermittent or sporadic, and whether stationary or ambulatory in nature, which produces or results in a sound that is audible and discernible to the human ear.

### **5-6-3. Administration and enforcement.**

- (a) The police department may issue a summons for enforcement of the noise control program established by this article and may be assisted by other County departments as required.
- (b) Nothing in this section shall preclude a private citizen from obtaining a magistrate's summons based upon a probable cause determination by the magistrate's office.

### **5-6-4. Violations.**

- (a) Any person who violates any provision of this article shall be deemed to be guilty of a Class 3 misdemeanor for a first offense. Any person who violates a provision of this article within one (1) year from the date of a prior conviction under this ordinance shall be guilty of a Class 2 misdemeanor.
- (b) The person operating or controlling the sound generation or source shall be guilty of any violation caused by that generation or source. If it cannot be determined which person is operating or controlling the sound generation or source, any owner, tenant, resident or manager physically present on the property where the violation is occurring is rebuttably presumed to be operating or controlling the sound generation or source.

- (c) In addition to and not in lieu of the penalties prescribed in this section, the Board may apply to the circuit court for an injunction against the continuing violation of any of the provisions of this ordinance and may seek any other remedy or relief authorized by law.

**5-6-5. Exceptions.**

No provisions of this ordinance shall apply to:

- (1) the emission of sound for the purpose of alerting persons to the existence of an emergency, provided that such alarm signals cease once any such threat is no longer imminent;
- (2) the emission of sound in the performance of emergency work;
- (3) activities for which the regulation of noise has been preempted by federal or state law;
- (4) motor vehicles travelling on a public right of way;
- (5) Back-up generators operating during power outages resulting from storms and other emergencies;
- (6) Heat pumps and/or air conditioners located on property containing single family detached or attached dwellings that are operating in accordance with the manufacturer's specifications;
- (7) Operation of public transportation facilities;
- (8) Work authorized by a variance or partial variance pursuant to Article 6 of Chapter 108 of the Code.

**5-6-6. Sound generation and residential dwellings.**

- (a) No person in any residential dwelling or residential area, including the common areas of multifamily dwellings or mixed use structures, shall permit, operate, or cause any source of sound or sound generation to create a sound that is audible in any other person's residential dwelling with the doors and windows to the other person's residential dwelling closed. In addition, the source of sound or sound generation must be discernible regardless of whether such doors and windows are closed.

- (b) *Exemptions.* The following activities or sources of sound shall be exempt during the hours of 7 a.m. to 9 p.m. from the prohibition set forth in section (a) of this section:
- (1) Activities related to the construction, repair, maintenance, remodeling or demolition, grading or other improvement of real property, except no such activities shall commence before 9 a.m. on Saturdays, Sundays, and federal holidays.
  - (2) Gardening, lawn care, tree maintenance or removal, and other landscaping activities.
  - (3) Refuse collection and sanitation services, except that refuse collection and sanitation services may begin at 6:00 a.m.
  - (4) The testing of audible signal devices which are employed as warning or alarm signals in case of fire, emergency, theft, or burglary, or imminent danger.
- (c) The following activities or sources of sound shall be exempt during the hours of 7 a.m. to 11 p.m. from the prohibition set forth in section (a) of this section:
- (1) Band performances or practices, athletic contests or practices and other such activities on school or recreational grounds.
  - (2) Bells, carillons, and other calls to worship provided that any such sounds do not occur for a duration of longer than 5 minutes per hour.
- (d) *Prohibitions.*
- (1) Use of a loudspeaker or other sound amplification device that is mounted in a fixed or movable position on the exterior of any structure between the hours of 11 p.m. and 7 a.m.
  - (2) Repairing or modifying any motor vehicle or other mechanical device in the outdoors between 9 p.m. and 7 a.m.
  - (3) Operation of powered model vehicles in the outdoors between 9 p.m. and 7 a.m.
  - (4) Collection of trash in residential districts and/or within 100 yards of a residence between 9 p.m. and 6 a.m.
  - (5) Operation of power lawn equipment between 9 p.m. and 7 a.m.

- (6) Loading or unloading trucks in the outdoors within 100 yards of a residence between 9 p.m. and 6 a.m.
- (7) Sound generation in an area designated by the Board as a quiet zone.

**5-6-7. Severability.**

A determination of invalidity or unconstitutionality by a court of competent jurisdiction of any clause, sentence, paragraph, section or part of this article shall not affect the validity of the remaining parts thereto.

**5-6-8. Effect on Chapter 108.**

- (a) Article 5 of Chapter 108 of the Fairfax County Code is hereby repealed in its entirety. *But see* Article 6 of Chapter 5 of this Code.
- (b) To the extent that anything in this Ordinance in regard to the regulation of certain sound generation in residential areas and dwellings, conflicts with any provision of Chapter 108 of this Code entitled “Noise,” this article supersedes any such provision in Chapter 108. In addition, notwithstanding anything in this article, all development conditions and proffers of any nature that refer to the Noise Ordinance shall be deemed to apply to Chapter 108 and not this article, and all such development conditions and proffers are unaffected by this article and shall remain in full force and effect. Nor shall anything in this Ordinance be construed to exempt any use from any future development conditions or proffers related to noise.

CHAPTER 108

Article 5 of this Chapter is hereby repealed in its entirety. *But* see Chapter 5, Article 6 of this Code.

**ARTICLE 5. Nuisance Noise.**

**Section 108-5-1. Loud and unnecessary noise.**

It shall be unlawful for any person to make, continue to make, or cause to be made or continued, a noise disturbance within the County of Fairfax.

*(7-17-68, § 17-4; 24-75-16A; 1961 Code, § 16A.5.1.)*

**Section 108-5-2. Specific prohibitions.**

The following acts, are declared to be noise disturbances in violation of this Chapter, provided that the acts so specified shall not be deemed to be an exclusive enumeration of those acts which may constitute a noise disturbance under [Section 108-5-1](#), and provided that the acts so specified in Subparagraph (a) below may still constitute a noise disturbance under [Section 108-5-1](#) independently of the hours of day said acts take place.

(a)

Operating or permitting the use, or operation of any radio receiving set, musical instrument, television, phonograph, or any other device for the production of sound between the hours of 11 p.m. and 7 a.m. the following day in such a manner as to be plainly audible across property boundaries or through partitions common to two persons within a building or plainly audible at fifty (50) feet from such device when operated within a motor vehicle parked on a public right-of-way or in a public place.

(b)

Owning, keeping, possessing, or harboring any animal or animals which frequently or habitually howl, bark, meow, squawk or make such other noise as is plainly audible across property boundaries or through partitions common to two (2) persons within a building.

*(24-75-16A; 1961 Code, § 16A.5.2; 34-76-108.)*

ACTION – 1

Industrial Development Authority Health Care Revenue Bonds (Inova Health System Project) Series 2013 Refunding Bond Issue

ISSUE:

Board adoption of a resolution approving the issuance by the Industrial Development Authority (the “IDA”) of Fairfax County of its Health Care Revenue Bonds (Inova Health System Project) Series 2013, to be issued in one or more series (the “Bonds”), in an aggregate principal amount not to exceed \$250,000,000.

RECOMMENDATION:

The County Executive recommends that the Board approve the issuance of the Bonds by adopting the resolution that is set forth as Attachment 1 (the “County Resolution”).

TIMING:

Board action is requested on November 19, 2013, so that Inova may proceed to sell and close the Bonds in a manner which will permit it to take advantage of favorable market conditions.

BACKGROUND:

Board approval of the proposed issuance of the Bonds is required by County Ordinance adopted October 28, 1974. Proceeds of the Bonds will be used by Inova Health System Foundation and its affiliates (“Inova”) primarily to refund all or a portion of the following series of Bonds: (i) Industrial Development Authority of Fairfax County, Virginia, Variable Rate Demand Obligation Revenue Bonds (Fairfax Hospital System, Inc.), Series 1988A, 1988B, 1988C and 1988D, (ii) Industrial Development Authority of Fairfax County, Virginia, Variable Rate Demand Health Care Revenue Bonds (Inova Health System Project), Series 2000, and (iii) Industrial Development Authority of Fairfax County, Virginia, Health Care Revenue Bonds (Inova Health Care System Project), Series 2005A and 2005C (collectively, the “Prior Bonds”) The Prior Bonds to be refinanced are principal payments coming due as determined by Inova. The Bonds will bear interest at fixed rates or variable rates to be determined by Inova. The issuance of the Bonds and the refunding of the Prior Bonds is being done for the purpose of reducing Inova’s variable rate demand debt exposure and to take advantage of a favorable interest rate environment.

Board Agenda Item  
November 19, 2013

The financing is for refunding only (no new money) and will not result in an extension of the weighted average maturity of the debt being refinanced.

The Bonds will also be supported by a debt service reserve fund for the Bonds if in the opinion of Inova at the time of the sale of the Bonds a debt service reserve fund is warranted and will provide for payment of all or a portion of the costs of issuance.

Attachment 2 is a copy of the resolution adopted by the IDA on November 12, 2013 (the "IDA Resolution"), constituting the recommendation of the IDA that the Board approve the issuance of the Bonds.

Upon adoption of the County Resolution, the Chairman of the Board of Supervisors and the County Executive will be authorized to execute a letter evidencing the approval of the Board of the issuance of the Bonds. No further action will be required of the Board for the issuance of the Bonds.

FISCAL IMPACT:

As set forth in the Fiscal Impact Statement (Attachment 3 hereto), the issuance of the Bonds is expected to have no incremental economic fiscal impact. This action does not constitute a debt obligation of the County or the Board and therefore has no impact on the County's financial statements. The Bonds will be entirely supported by the revenues of Inova.

ENCLOSED DOCUMENTS:

Attachment 1 - County Resolution Approving the Issuance of the Bonds  
Attachment 2 - Series Resolution of the IDA  
Attachment 3 - Fiscal Impact Statement

STAFF:

Susan Datta, Chief Financial Officer and Director, Department of Management and Budget  
Joseph LaHait, County Debt Coordinator

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 19, 2013, at which meeting a quorum was present and voting, the following resolution was adopted:

**RESOLUTION OF THE BOARD OF SUPERVISORS OF FAIRFAX COUNTY, VIRGINIA APPROVING, AMONG OTHER THINGS, A PLAN OF FINANCING AND THE ISSUANCE OF NOT EXCEEDING \$250,000,000 AGGREGATE PRINCIPAL AMOUNT OF INDUSTRIAL DEVELOPMENT AUTHORITY OF FAIRFAX COUNTY, VIRGINIA REVENUE BONDS (INOVA HEALTH SYSTEM PROJECT) SERIES 2013 IN ONE OR MORE SERIES; AND DELEGATING CERTAIN POWERS TO THE COUNTY EXECUTIVE**

**WHEREAS**, Fairfax County, Virginia (the “County”) is a political subdivision of the Commonwealth of Virginia exercising public and essential governmental functions pursuant to the Constitution and laws of the Commonwealth of Virginia; and

**WHEREAS**, on October 28, 1974, the Board of Supervisors of Fairfax County, Virginia (the “Board”) adopted by ordinance (the “Ordinance”) an emergency amendment to the 1961 Code of the County of Fairfax, Virginia, as amended, providing a new Chapter 15F creating the Industrial Development Authority of Fairfax County, Virginia (the “Authority”) and appointing the initial members thereof and said Ordinance having been duly readopted on December 9, 1974, as required by law; and

**WHEREAS**, the Ordinance authorizes the Authority to exercise all the powers granted by the Industrial Development and Revenue Bond Act, being Chapter 49, Title 15.2, Code of Virginia of 1950, as amended (the “Act”), including the power to issue revenue bonds of the Authority for the purpose of providing funds to pay the cost of certain projects required or useful for health care purposes; and

**WHEREAS**, Inova Health Care Services (“Inova Health Care”) is a private, nonstock corporation duly incorporated and validly existing under and by virtue of the laws of the Commonwealth of Virginia, which operates Inova Fairfax Hospital (“Inova Fairfax Hospital”), Inova Fair Oaks Hospital (“Inova Fair Oaks Hospital”) and Inova Mount Vernon Hospital (“Inova Mount Vernon Hospital”) located in Fairfax County, Virginia, and Inova Alexandria Hospital (“Inova Alexandria Hospital”) located in the City of Alexandria, Virginia; and

**WHEREAS**, Loudoun Hospital Center (“Inova Loudoun Hospital”) is a private, nonstock corporation duly incorporated and validly existing under and by virtue of the laws of the Commonwealth of Virginia, which operates Inova Loudoun Hospital located in Loudoun County, Virginia; and

**WHEREAS**, Inova Health System Foundation (“Inova”) is the controlling member of Inova Health Care and Inova Loudoun Hospital (collectively with Inova, the “Inova Obligated Group”); and

**WHEREAS**, the Authority has previously issued its (i) Industrial Development Authority of Fairfax County, Virginia, Variable Rate Demand Obligation Revenue Bonds (Fairfax Hospital System, Inc.), Series 1988A, 1988B, 1988C and 1988D, (ii) Industrial Development Authority of Fairfax County, Virginia, Variable Rate Demand Health Care Revenue Bonds (Inova Health System Project), Series 2000, and (iii) Industrial Development Authority of Fairfax County, Virginia, Health Care Revenue Bonds (Inova Health Care System Project), Series 2005A and 2005C (collectively the “Prior Bonds”); and

**WHEREAS**, the Authority has, by resolution adopted on November 12, 2013 (the “Authority Resolution”), approved a plan of financing and refinancing (the “Plan of Financing”) which will entail the issuance by the Authority from time to time of one or more series of its revenue bonds (the “Bonds”), in an aggregate principal amount not exceeding \$250,000,000 for the purpose of providing funds to (a) refund all or any portion of the Prior Bonds; (b) fund a debt service reserve fund for the Bonds, if in the opinion of Inova at the time of the sale of the Bonds, a debt service reserve fund is warranted; and (c) pay certain expenses incurred in connection with the authorization, issuance and sale of the Bonds; and

**WHEREAS**, the Authority has delivered or caused to be delivered to the Board the following: (i) a fiscal impact statement concerning the Bonds in the form specified in Section 15.2-4907 of the Act; and (ii) a copy of the Authority Resolution setting forth the recommendation of the Authority that the Board approve the Plan of Financing and the issuance of the Bonds; and

**WHEREAS**, the Board has determined that it is necessary at this time to approve the Plan of Financing, including the issuance of the Bonds, in an aggregate principal amount not exceeding \$250,000,000 outstanding at any one time, to promote the improvement of the health and living conditions of the people of the County and the Commonwealth of Virginia, improve health care and otherwise aid in improving the prosperity and welfare of the County and the Commonwealth of Virginia and its inhabitants;

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Supervisors of Fairfax County, Virginia:

**Section 1.** The Board hereby approves the Plan of Financing, including the issuance by the Authority of the Bonds in one or more series in an aggregate principal amount not exceeding Two Hundred Fifty Million Dollars (\$250,000,000) for the purpose of providing funds to (a) undertake the refunding of all or any portion of the Prior Bonds; (b) fund a debt service reserve fund for the Bonds, if in the opinion of Inova at the time of the sale of the Bonds, a debt service reserve fund is warranted; and (c) pay certain expenses incurred in connection with the authorization, issuance and sale of the Bonds.

**Section 2.** The Chairman of the Board of Supervisors and the County Executive or his designee are hereby authorized and directed, on behalf of the Board, to take any and all actions

necessary, including the execution of any documents, to carry out the Plan of Financing and to consummate the issuance and sale of the Bonds in conformity with the provisions of this resolution.

**Section 3.** The approval of the Plan of Financing and the issuance of the Bonds and the refunding of all or any portion of the Prior Bonds, as required by the Ordinance, does not constitute an endorsement to any prospective purchaser of the Bonds of the creditworthiness of Inova, or any of its affiliates, and, as required by the Act, the Bonds shall provide that neither the Commonwealth of Virginia, the County nor the Authority shall be obligated to pay the principal of, the redemption premium, if any, or the interest on the Bonds or other costs incident thereto except from the revenues and funds pledged therefor and neither the faith or credit nor the taxing power of the Commonwealth of Virginia, the County or the Authority shall be pledged thereto.

**Section 4.** The approval by the Board of the Plan of Financing, including the issuance by the Authority of the Bonds in one or more series and the refunding of all or a portion of the Prior Bonds as provided herein, does not constitute the granting of approval for purposes of, or the waiver or rights, or rights of approval, with respect to any other regulatory functions of the County concerning any of the facilities financed or refinanced with the proceeds of the Bonds that lie within the County, including but not limited to permits, zoning, and availability fees.

**Section 5.** This Resolution shall take effect immediately.

A Copy Teste:

---

Catherine A. Chianese  
Clerk to the Board of Supervisors

**SERIES RESOLUTION OF THE INDUSTRIAL DEVELOPMENT AUTHORITY OF FAIRFAX COUNTY, VIRGINIA AUTHORIZING, AMONG OTHER THINGS, THE ISSUANCE OF INDUSTRIAL DEVELOPMENT AUTHORITY OF FAIRFAX COUNTY, VIRGINIA HEALTH CARE REVENUE BONDS (INOVA HEALTH SYSTEM PROJECT), SERIES 2013 TO BE ISSUED IN ONE OR MORE SERIES**

**WHEREAS**, the Industrial Development Authority of Fairfax County, Virginia (the “Authority”) is a political subdivision of the Commonwealth of Virginia and is authorized under Chapter 49, Title 15.2, Code of Virginia of 1950, as amended (the “Act”), to enter into loan agreements, contracts, deeds and other instruments for the purpose of financing or refinancing certain facilities, including medical facilities and other facilities owned and operated or used by organizations described in Section 501(c)(3) of the Internal Revenue Code of 1986, as amended, to the end that the Authority may protect and promote the health and welfare of the inhabitants of the Commonwealth of Virginia, and to issue its revenue bonds for the purpose of carrying out any of its powers; and

**WHEREAS**, Inova Health Care Services (“Inova Health Care”) is a private, nonstock corporation duly incorporated and validly existing under and by virtue of the laws of the Commonwealth of Virginia, which operates Inova Fairfax Hospital (“Inova Fairfax Hospital”), Inova Fair Oaks Hospital (“Inova Fair Oaks Hospital”) and Inova Mount Vernon Hospital (“Inova Mount Vernon Hospital”) located in Fairfax County, Virginia, and Inova Alexandria Hospital (“Inova Alexandria Hospital”) located in the City of Alexandria, Virginia; and

**WHEREAS**, Loudoun Hospital Center (“Inova Loudoun Hospital”) is a private, nonstock corporation duly incorporated and validly existing under and by virtue of the laws of the Commonwealth of Virginia, which operates Inova Loudoun Hospital located in Loudoun County, Virginia; and

**WHEREAS**, Inova Health System Foundation (“Inova”) is the controlling member of Inova Health Care and Inova Loudoun Hospital (collectively with Inova, the “Inova Obligated Group”); and

**WHEREAS**, the Authority has previously issued its (i) Industrial Development Authority of Fairfax County, Virginia, Variable Rate Demand Obligation Revenue Bonds (Fairfax Hospital System, Inc.), Series 1988A, 1988B, 1988C and 1988D, (ii) Industrial Development Authority of Fairfax County, Virginia, Variable Rate Demand Health Care Revenue Bonds (Inova Health System Project), Series 2000, and (iii) Industrial Development Authority of Fairfax County, Virginia, Health Care Revenue Bonds (Inova Health Care System Project), Series 2005A and 2005C (all collectively, the “Prior Bonds”); and

**WHEREAS**, the Authority has been requested by Inova to issue its Health Care Revenue Bonds (Inova Health System Project) Series 2013 to be issued from time to time in one or more

series (collectively, the “Bonds”) for the purpose of providing funds to undertake any or all of the following: (a) refund all or any portion of the Prior Bonds; (b) fund a debt service reserve fund for the Bonds, if in the opinion of Inova at the time of the sale of the Bonds, a debt service reserve fund is warranted; and (c) pay certain expenses incurred in connection with the authorization, issuance and sale of the Bonds (collectively, the “Plan of Financing”); and

**WHEREAS**, the Board of Directors (the “Board”) of the Authority has determined that the issuance of the Bonds will accomplish the purposes of the Act and promote the safety, health, welfare, convenience and prosperity of the inhabitants of the Commonwealth of Virginia and Fairfax County and surrounding areas; and

**WHEREAS**, there have been presented at this meeting draft copies of the following documents relating to the issuance of the Bonds:

(a) the Trust Agreement, dated as of December 1, 2013 or such other date as shall be set forth on the cover page thereof (together with similar Trust Agreements as may be necessary to provide for the issuance of the Bonds in more than one series, collectively, the “Trust Agreement”), between the Authority and U.S. Bank National Association, as Bond Trustee (the “Bond Trustee”), securing the Bonds; and

(b) the Loan Agreement, dated as of December 1, 2013 or such other date as shall be set forth on the cover page thereof (together with similar Loan Agreements as may be necessary to provide for the issuance of the Bonds in more than one series, collectively, the “Loan Agreement”, and together with the Trust Agreement and other documents delivered in connection with the issuance of the Bonds, the “Financing Documents”), between the Authority and Inova, relating to the Bonds;

**WHEREAS**, the Authority has determined that adequate provision has been made for the payment of the principal and purchase price (if applicable) of, redemption premium, if any, and interest on the Bonds; and

**WHEREAS**, the Authority hereby finds that the use of the proceeds of the Bonds to refund all or any portion of the Prior Bonds will accomplish the public purposes set forth in the Act; and

**NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE INDUSTRIAL DEVELOPMENT AUTHORITY OF FAIRFAX COUNTY, VIRGINIA DOES HEREBY RESOLVE, AS FOLLOWS:**

**Section 1.** Capitalized words and terms used in this Series Resolution and not defined herein shall have the same meanings in this Series Resolution as such words and terms are given in the Trust Agreement or the Loan Agreement.

**Section 2.** Pursuant to the authority granted to it by the Act, the Authority hereby authorizes the issuance of the Bonds in one or more series, from time to time, in an aggregate principal amount not to exceed \$250,000,000.

The Bonds shall be issued as fully registered bonds in denominations permitted by the provisions of the Trust Agreement. The Bonds shall be issuable in book-entry form, or as otherwise provided in the Trust Agreement. The Bonds shall bear interest at fixed or variable rates of interest as provided in the Trust Agreement. Interest on the Bonds shall be payable on each interest payment date, as provided in the Trust Agreement. Payments of principal of and interest on the Bonds shall be made by the Bond Trustee to the registered owners of the Bonds in such manner as is set forth in the Trust Agreement.

**Section 3.** The Bonds shall be subject to optional, extraordinary optional and mandatory redemption, and mandatory and optional purchase, at the times, upon the terms and conditions, and at the prices set forth in the Trust Agreement.

**Section 4.** The Board hereby delegates to the Chairman of the Authority or, in his absence, the Vice Chairman of the Authority, subject to the limitations and guidelines contained herein, the power to determine and carry out the following with respect to the Bonds:

(A) To determine the aggregate principal amount of the Bonds, not to exceed \$250,000,000, to be sufficient for the purposes described in the preambles to this Series Resolution;

(B) To determine the maturities and maturity amounts of, and the Sinking Fund Requirements for, the Bonds, respectively, no such maturity to extend beyond December 31, 2043;

(C) To approve the sale of the Bonds in accordance with the provisions of Section 8 of this Series Resolution;

(D) To determine any other terms or provisions for the Bonds deemed advisable and not in conflict with the terms and provisions of this Series Resolution.

The execution and delivery of the Trust Agreement and the Loan Agreement pursuant to Section 6 of this Series Resolution, shall be conclusive evidence of the determinations or other actions taken by the Chairman of the Authority or, in his absence, the Vice-Chairman pursuant to the authority granted in this Series Resolution.

**Section 5.** The proceeds of the Bonds shall be applied as provided in Section 2.07 of the Trust Agreement and in a closing certificate of the Authority.

**Section 6.** The forms, terms and provisions of the Trust Agreement and the Loan Agreement are hereby approved in all respects, and the Chairman or Vice-Chairman and the Secretary or any Assistant Secretary of the Authority are hereby authorized and directed to execute and deliver the Trust Agreement and the Loan Agreement in substantially the forms presented to this meeting, together with such changes, modifications and deletions as they, with the advice of counsel, may deem necessary or appropriate, including but not limited to changes, modifications and deletions necessary to incorporate the final terms of the Bonds and such execution and delivery shall be conclusive evidence of the approval and authorization thereof by the Authority.

**Section 7.** The form of the Bonds set forth in the Trust Agreement are hereby approved in all respects, and the Chairman or Vice-Chairman and the Secretary or any Assistant Secretary of the Authority are hereby authorized and directed to execute, by manual or facsimile signature, as provided in such forms of the Bonds, and to deliver to the Bond Trustee for authentication on behalf of the Authority, the Bonds in definitive form, which shall be in substantially the forms presented to this meeting together with such changes, modifications and deletions as they, with the advice of counsel, may deem necessary, appropriate and consistent with the Trust Agreement; and such execution and delivery shall be conclusive evidence of the approval and authorization thereof by the Authority.

**Section 8.** The Authority hereby approves the sale of the Bonds to the purchaser thereof as identified in the Trust Agreement, the Bonds or other documents entered into in connection with the delivery of the Bonds at a price of not less than ninety-seven percent (97.00%) of the principal amount of the Bonds.

**Section 9.** Upon their execution in the forms and manner set forth in the Trust Agreement, the Bonds shall be deposited with the Bond Trustee for authentication, and the Bond Trustee is hereby authorized and directed to authenticate the Bonds and, upon the due and valid execution of the Trust Agreement, the Loan Agreement and the other Financing Documents, the Bond Trustee shall deliver the Bonds to the purchaser thereof against payment therefor, subject to the provisions of Section 2.07 of the Trust Agreement.

**Section 10.** The one or more official statements or other offering documents (collectively, the "Official Statement") (if any) used in connection with the issuance of the Bonds is hereby approved and the Chairman or Vice-Chairman is hereby authorized to execute, on behalf of the Authority, one or more Official Statements together with such changes, modifications and deletions as the Chairman or Vice-Chairman, with the advice of counsel, may deem necessary or appropriate; and such execution shall be conclusive evidence of the approval thereof by the Authority. The Authority hereby authorizes execution of one or more certificates relating to the "deemed final" status of the Official Statement (or preliminary official statement if so prepared) under Rule 15c2-12 of the Securities Exchange Act of 1934, as amended. The Authority hereby approves and authorizes the distribution and use of copies of the Official Statement (including a preliminary official statement, if any), the Trust Agreement, the Loan Agreement and the other Financing Documents in connection with such sale.

**Section 11.** U.S. Bank National Association, Richmond, Virginia, is hereby appointed Bond Trustee for the Bonds.

**Section 12.** Charles R. Rainey, Jr., Chairman of the Authority, Marcus B. Simon, Vice-Chairman of the Authority and Robert Surovell, Secretary of the Authority, are each hereby appointed an Authority Representative, with full power to carry out the duties set forth in the Trust Agreement and the Loan Agreement.

**Section 13.** The Chairman, the Vice-Chairman, the Secretary and any Assistant Secretary of the Authority are authorized and directed (without limitation except as may be expressly set forth herein) to take such action and to execute and deliver any such documents, certificates, undertakings, agreements, letters of instructions, tax regulatory agreements, escrow

agreements, or other instruments, including any such documents, certificates, undertakings, agreements, letters of instructions, tax regulatory agreements, escrow agreements, amendments or supplements to any Financing Document, remarketing memorandum, or other instruments to be entered into by the Authority in connection with the issuance of the Bonds and the redemption or purchase of all or a portion of the Prior Bonds and the retirement and cancellation thereof, as they, with the advice of counsel, may deem necessary or appropriate to effect the transactions contemplated by the Trust Agreement, the Loan Agreement and such execution and delivery shall be conclusive evidence of the authorization and approval thereof by the Authority.

**Section 14.** All costs and expenses in connection with the Plan of Financing and the issuance of the Bonds, including the fees and expenses of bond counsel, shall be paid from the proceeds of the Bonds to the extent permitted by law. If for any reason the Bonds are not issued, it is understood that all such expense shall be paid by Inova and that the Authority shall have no responsibility therefor.

**Section 15.** The Authority hereby recommends that the Board of Supervisors of Fairfax County, Virginia approve the Plan of Financing and the issuance of the Bonds.

**Section 16.** This Series Resolution shall take effect immediately upon its passage.

## CERTIFICATE

The undersigned Chairman of the Industrial Development Authority of Fairfax County, Virginia (the "Authority") certifies that the foregoing is a true, correct and complete copy of a resolution adopted by a majority of the Directors of the Authority present and voting at a meeting duly called and held on November 12, 2013, in accordance with law, with a quorum present and acting throughout, and that such resolution has not been repealed, revoked, rescinded or amended but is in full force and effect on the date hereof.

Dated: November 12, 2013

---

Chairman of Industrial Development  
Authority of Fairfax County, Virginia

**FISCAL IMPACT STATEMENT  
FOR PROPOSED BOND FINANCING\***

Date: November 19, 2013

To the Board of Supervisors  
of Fairfax County, Virginia

Applicant: Inova Health System Foundation and Affiliates  
Facility: Refunding Bonds Related to Health Care Facilities In Fairfax County

|    |   |               |
|----|---|---------------|
| 1. | Maximum amount of financing sought.   | \$250,000,000 |
| 2. | Estimated taxable value of the facility's real property to be constructed in the locality.                              | 0             |
| 3. | Estimated real property tax per year using present tax rates.   | 0             |
| 4. | Estimated personal property tax per year using present tax rates.   | 0             |
| 5. | Estimated merchants' capital tax per year using present tax rates.  | 0             |
| 6. | (a) Estimated dollar value per year of goods that will be purchased from Virginia companies within the locality.        | 0             |
|    | (b) Estimated dollar value per year of goods that will be purchased from non-Virginia companies within the locality.    | 0             |
|    | (c) Estimated dollar value per year of services that will be purchased from Virginia companies within the locality.     | 0             |
|    | (d) Estimated dollar value per year of services that will be purchased from non-Virginia companies within the locality. | 0             |
| 7. | Estimated number of regular employees on year round basis.  | 0             |
| 8. | Average annual salary per employee.   | 0             |

---

Chairman, Industrial Development Authority  
of Fairfax County, Virginia

---

\* Proposed bond financing re-finances previously financed projects in its entirety and therefore no incremental economic fiscal impact is anticipated

Board Agenda Item  
November 19, 2013

ACTION – 2

Approval of State Litter Prevention and Recycling Grant Funding Transfer to Clean Fairfax Council, Incorporated

ISSUE:

Board approval of the transfer of the State Litter Prevention and Recycling Grant Funding to Clean Fairfax Council, Incorporated. The total grant amount for Fairfax County in FY2013 is \$128,207.

RECOMMENDATION:

The County Executive recommends that the Board approve the transfer of \$128,207 to Clean Fairfax Council, Incorporated.

TIMING:

Approval of the transfer is requested to allow Clean Fairfax Council, Incorporated to utilize the grant funding.

BACKGROUND:

Annually, Fairfax County applies for a State grant from the Virginia Department of Environmental Quality from the Litter Prevention and Recycling Fund Program. A grant was awarded from this fund to the County in September 2013 in the amount of \$128,207. Funds were received in the Solid Waste Program's budget, specifically Fund 400-C40140, Collection and Recycling.

For the Board's information, last year's grant amount was \$145,292. The grant varies from year to year, as it is based upon State fees collected of certain items. It is distributed to localities based on a formula that uses population and road miles as its basis. The litter fund grant to Fairfax County includes \$1,060 that is directed to the Town of Clifton. This amount is directed to the Town by Clean Fairfax Council.

Clean Fairfax Council, Incorporated will need to comply with the provisions of the grant, including reporting back to the County pursuant to State requirements and the

Board Agenda Item  
November 19, 2013

Memorandum of Understanding between the County and Clean Fairfax Council,  
Incorporated.

FISCAL IMPACT:

None. The grant is from the State.

ENCLOSED DOCUMENTS:

Attachment 1: Litter and Recycling Fund grant application

STAFF:

Robert A. Stalzer, Deputy County Executive

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

Virginia Department of Environmental Quality

ATTACHMENT 1

**FY 2014 APPLICATION AND CONTRACT  
FOR A VIRGINIA LITTER PREVENTION AND RECYCLING GRANT**

**Deadline for application: June 30, 2013**

Grant Period: July 1, 2013 through June 30, 2014

Are you applying as a single locality? Yes or No (If yes, fill in ONLY your local government name on the line for The Primary Agency)

Are you applying as a co-op? Yes or No (If yes, fill in your agency as the primary agency and the localities that you are representing in addition to your own on the "Localities of" line)

The Primary Agency County of Fairfax

The Localities of County of Fairfax and Town of Clifton

The Agency is applying for FY 2014 grant funding and agrees to use these grant funds to perform the litter prevention and recycling activities listed below: (Note: for an agency to qualify, a minimum of two items must be selected.)

|                                     |                          |                                     |  |
|-------------------------------------|--------------------------|-------------------------------------|--|
| Yes                                 | No                       | Yes                                 | No                                     |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>               |
|                                     | Planning & Organization  |                                     | Adopt-A Programs (List)                |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> |                                     | <u>Adopt-A-Spot</u>                    |
| <input checked="" type="checkbox"/> | Recycling                |                                     |  |
| <input checked="" type="checkbox"/> | Youth Education          |                                     |  |
| <input checked="" type="checkbox"/> | Cleanups                 | <input checked="" type="checkbox"/> | Other (List) <u>SpringFest Fairfax</u> |
| <input checked="" type="checkbox"/> | Law Enforcement          |                                     | <u>Report-a-Litterer</u>               |
| <input checked="" type="checkbox"/> | Public Communication     |                                     | <u>Trash Team</u>                      |

I certify that the above information is correct and agree to the terms and conditions contained herein and in the Guidelines (DEQ-LPR-2) for this grant program. For Co-op applications, I certify that a written agreement between the Coordinating Agency and each participating locality is on file.

Name of Organization: DPWES-Solid Waste Management Program

Name of Authorized Official: Edward L. Long Jr.  
(Please print)

Edward.Long@fairfaxcounty.gov  
Email Address for Grant Notification

Circle correct title: (County Administrator, City Manager, Town Manager or Coordinating Agency's Executive Director)  
(County Executive)

Signature: Edward L. Long Jr.  
Address: 12000 Government Center Pkwy. #552  
Fairfax, VA 22032

Date: 5/13/13  
FIN# 54-0787833  
FIPS# \_\_\_\_\_

Phone: \_\_\_\_\_

As long grant funds are committed by June 30, they can be reported as committed funds (outstanding invoices) on your accounting report as having been spent. Unspent funds will be deducted from the locality's FY 2013 - 2014 grant.

Do you expect to have any unspent grant money remaining?  Yes  No

INFORMATION BELOW IS FOR DEPARTMENT OF ENVIRONMENTAL QUALITY USE ONLY

Signature of DEQ Official: \_\_\_\_\_ Date: \_\_\_\_\_



| TRANS          | AGENCY | FUND FUND DET | FFY          | PROGRAM PROG SUB ELE            | OBJECT      | AMOUNT | COST CODE |
|----------------|--------|---------------|--------------|---------------------------------|-------------|--------|-----------|
| 325            | 440    | 0925          | 2014         | 515 09 00                       | 1451        |        | 140       |
| INVOICE NUMBER |        |               | PROJECT CODE |                                 | DESCRIPTION |        |           |
|                |        |               | 90024        |                                 |             |        |           |
| GRANTS         |        |               |              | LITTER PREVENTION AND RECYCLING |             |        |           |

Mail to: Steve Coe, DEQ, Litter and Recycling Grant, P.O. Box 1105, Richmond, VA 23218

**THIS PAGE INTENTIONALLY LEFT BLANK**

ACTION – 3

Action on a Parking Reduction for Huntington Avenue Properties (Mount Vernon District)

ISSUE:

Board action on a parking reduction for A&R Huntington Avenue Properties, Tax Maps #083-1-08-0092A, 0092B, 0093A, 0093B and 0094A, Mount Vernon District.

RECOMMENDATION:

The County Executive recommends that the Board disapprove a parking reduction of 100 percent (16 fewer spaces) of the required parking for the secondary/retail component of the proposed development and ~~28.8~~ **27.8** percent reduction (~~652~~ fewer spaces) for the residential component. Overall, the applicant's request is for a ~~33.5~~ **32.6%** reduction pursuant to Paragraph 5 of Section 11-102 of Chapter 112 (Zoning Ordinance) of the Code of the County of Fairfax, Virginia, as described in the attached Revised Parking Reduction (#25678-PKS-001).

Should the Board desire to approve the parking reduction request, the County Executive recommends that the approval be conditioned upon the following:

1. A minimum of 161 garage parking spaces shall be maintained on site at all times to serve the ~~441~~ **139** residential dwelling units at a rate of no fewer than 1.1 spaces per dwelling unit. The ~~441~~ **161** parking spaces shall be secured by controlled access within the parking garage. The site plan shall clearly identify how the parking spaces will be secured for residential use only.
2. This parking reduction is based on the applicant constructing up to ~~441~~ **139** residential dwelling units (~~no more than 25, two-bedroom units, and 116 studio and one-bedroom units~~); and up to 3,534 gross square feet of secondary/retail uses, as proffered in conjunction with the approval of the A&R Huntington Metro LLC proffers (RZ/FDP 2013-MV-001). Any additional uses must be parked at Code.
3. The current owners, their successors, or assigns of the parcels identified as Tax Maps #083-1-08-0092A, 0092B, 0093A, 0093B and 0094A on the Fairfax County Property Maps shall submit a parking space utilization study for review and approval by the Board at any time in the future that the Zoning Administrator so requests. Following review of that study, or if a study is not submitted within 90 days after being requested, the Board may rescind this parking reduction or

require alternative measures to satisfy parking needs which may include requiring all uses to comply with the full parking space requirements specified in Article 11 of the Zoning Ordinance in effect at the time the parking utilization study is submitted.

4. All parking provided shall be in accordance with applicable requirements of Article 11 of the Zoning Ordinance and the Fairfax County Public Facilities Manual including the provisions referencing the accessibility standards of the Virginia Uniform Statewide Building Code.
5. The Transportation Demand Management (TDM) program proffered in conjunction with the approval of the A&R Huntington Metro LLC proffers (RZ/FDP 2013-MV-001) must be implemented.
6. Shared parking with any additional use(s) shall not be permitted without the submission of a new parking study prepared in accordance with the applicable requirements of the Zoning Ordinance and shall be subject to Board approval.
7. The conditions of approval of this parking reduction shall be binding on the successors of the current owners and/or other applicants and shall be recorded in the Fairfax County land records in a form acceptable to the County.
8. Unless a time extension has been approved by the Board, this parking reduction shall expire without notice 6 months from the date of Board approval if condition #7 has not been executed.

TIMING:

Board action is requested on November 19, 2013.

BACKGROUND:

A & R Huntington Metro, LLC has submitted a rezoning application (RZ/FDP 2013-MV-001) to rezone a 1.0 acre site, from C-5 (Neighborhood Retail Commercial) to Planned Residential Mixed (PRM), scheduled for public hearing on November 19, 2013. The site is located in the southeast quadrant of the intersection of Huntington Avenue and Biscayne Drive and within ¼ mile of the Huntington Metrorail Station. It's currently developed with two single family attached (duplex) homes and a 12-unit apartment building. The applicant plans on constructing an apartment building, consisting of 44-**139** dwelling units and a two-level parking garage. Approximately 3,534 gross square feet of the first floor will contain community-serving secondary/retail uses, such as retail sales establishments, eating establishments, and personal service establishments.

The applicant has provided 161 parking spaces to serve the residential use at a rate of 1.1 spaces per dwelling unit. No parking is being provided to serve the secondary/retail uses. Under strict application of the Zoning Ordinance requirements, a total of ~~242~~ 239 parking spaces are required: ~~226~~ 223 spaces for the proposed residential component and 16 parking spaces for the proposed secondary/retail component.

A reduction of the code required parking may be approved by the Board, under Paragraph 5 of the Zoning Ordinance, Section 11-102, based on the site's proximity to mass transit provided that the spaces are unnecessary and that the reduction will not adversely affect the site or the adjacent area.

DISCUSSION:

Staff is concerned that the proposed significant reduction in the number of parking spaces from that of the Zoning Ordinance's minimum requirement and the provision of no retail spaces could negatively impact the surrounding residential neighborhood if adequate parking is not provided. Specifically, staff's concerns related to the requested reduction are:

1. Parking is not being provided to serve the proposed secondary/retail uses, which may include retail sales establishments, eating establishments, and personal service establishments. Rather than a 100% reduction for these uses, staff recommends that some parking be provided, including handicap spaces, unless it can be demonstrated that the employees and patrons of the shops will not own a car or will keep it elsewhere.
2. Minimal parking is being provided to serve the residential use. Additional guest and resident parking is warranted based on the site's location and proposed dwelling unit mix. Additional parking would help alleviate parking concerns onsite to avoid spillover onto the existing residential neighborhood streets.
3. The site is located within the Huntington Residential Permit Parking District (RPPD) which limits the overflow of commuter or non-resident parking onto residential streets during the weekday hours of 6 a.m.-8 p.m. Once the mixed use development is approved, the RPPD restrictions along the property's frontage on Biscayne Drive and Glendale Terrace will be lifted and parking will no longer be prohibited. The concern is that if the applicant fails to provide an adequate supply of parking for the proposed land uses, then building residents as well as other residents in areas that have significant on street commuter parking, would experience additional parking problems. Typical parking problems that residents have concerns about include the availability of parking

for themselves and their guests, traffic safety, emergency vehicle access, and impacts on deliveries and other services.

Staff cannot support the requested reduction at this time. However, if it is the intent of the Board to approve the requested reduction, staff recommends that the approval be subject to the conditions contained in the Recommendation Section above. This recommendation reflects a coordinated review by the Department of Transportation, the Department of Planning and Zoning; and, the Department of Public Works and Environmental Services.

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

Attachment 1 – Revised Parking Reduction Study by Wells + Associates, Inc., #25678-PKS-001 dated September 20, 2013

STAFF:

Robert A. Stalzer, Deputy County Executive

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

Michelle A. Brickner, Deputy Director for Land Development Services, DPWES



WELLS + ASSOCIATES

**MEMORANDUM**

**TO:** Jan Leavitt  
Code Development and Compliance Division  
Fairfax County Department of Public Works and Environmental Services

**FROM:** Robin L. Antonucci  
William F. Johnson, P.E.  
Brian J. Horan, E.I.T.

**RE:** RZ/FDP 2013-MV-001; A&R Huntington Metro, LLC  
Map 83-1 ((8)) 92A, 92B, 93A, 93B, and 94A  
Fairfax County, Virginia

**SUBJECT:** Revised Parking Reduction

**DATE:** February 1, 2013 Revised September 20, 2013

---

**Introduction**

This memorandum presents the results of a revised parking reduction analysis conducted in conjunction with the proposed development of a residential, transit-oriented development ("TOD") (referred to as "A&R Huntington TOD") in Fairfax County, Virginia. The subject properties that comprise the application area (2013 Tax Maps 83-1 ((8)) 92A, 92B, 93A, 93B, and 94A) are located in the southeast quadrant of the Huntington Avenue (Route 1332)/Biscayne Drive (Route 1330) intersection in close proximity to the Huntington Metrorail Station (within 1/4 mile of the station portal). More specifically, the subject site is bounded on the north by Huntington Avenue, on the west by Biscayne Drive, and on the south by Glendale Terrace (Route 1348), as shown on Figure 1.

The subject site is zoned C-5 ("Neighborhood Retail Commercial") and is currently developed with two single family attached (duplex) homes and a 12-unit apartment building. The applicant has submitted a rezoning application (RZ/FDP 2013-MV-001) to Fairfax County to rezone the site to the PRM ("Planned Residential Mixed") district in order to develop a new residential transit-oriented mixed-use project on the subject site. The conceptual/final development plan (CDP/FDP) prepared by Bowman Consulting reflects a single, approximate 136,000 gross square foot (GSF) building with a two level parking garage. As a result of discussions with County staff, the applicant has revised his plans to reflect a building with up to 3,534 GSF of first floor community-serving secondary/retail uses, such as retail sales establishments, eating establishments, and personal service establishments (i.e. "community-serving secondary/retail uses") and up to 141 residential units.

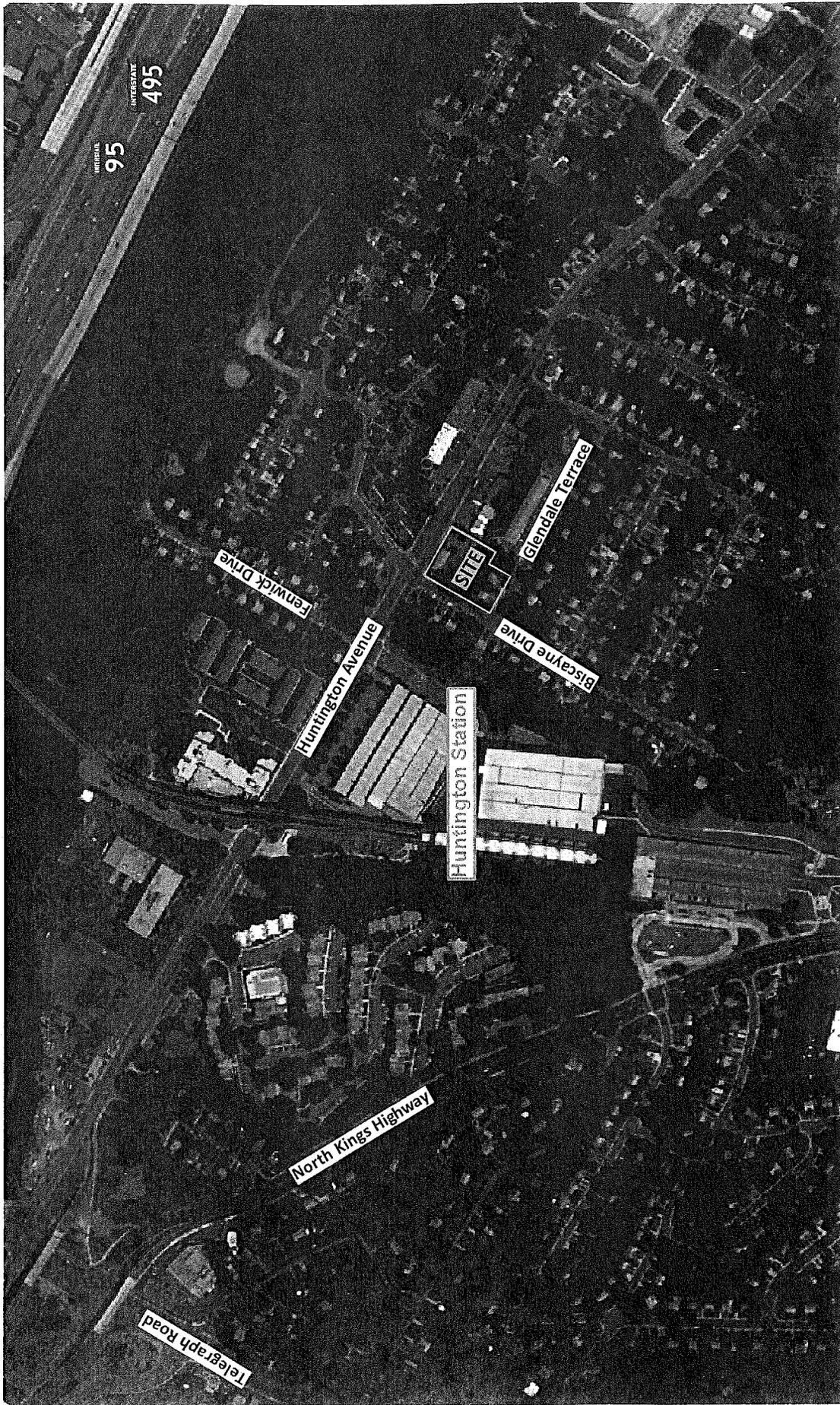


Figure 1  
Site Location



A&R Huntington TOD  
Fairfax County, Virginia



Wells + Associates, Inc.

In furtherance of this plan, the applicant had initially requested a reduction in the number of parking spaces that would be required by a strict application of the Fairfax County Zoning Ordinance, as summarized below:

- Since that initial February, 2013 submission of the parking reduction, the Applicant has made a number of changes as reflected above. In addition to the reduction in the proposed community-serving secondary/retail uses and number of residential units the number of parking spaces available in the garage has increased from 152 spaces to 161 spaces. As a result, an **overall parking reduction of 33.5 percent (or 81 fewer parking spaces)** for a total of 161 parking spaces to serve only the residential units is requested. The reduction for each individual use is as follows:
  - **A residential parking reduction of 28.8 percent (or 65 fewer parking spaces)** for a total of 161 parking spaces to serve the new residential uses. This represents a reduction in the rate from 1.6 spaces/unit (required) to 1.14 spaces/unit (proposed). *Note that the actual number of parking spaces will depend on the final unit count as determined at site plan, and would be subject to a rate of 1.14 spaces/unit.*
  - **A community-serving secondary/retail parking reduction of 100 percent (or 16 fewer parking spaces)** for a total of 0 parking spaces to serve the new community-serving secondary/retail uses.

## Background

The August 9, 2013 CDP/FDP reflects 141 proposed multifamily dwelling units, as well as approximately 3,534 GSF of community-serving secondary/retail uses served by 161 parking spaces. The applicant has indicated that the 141 residential dwelling units is a maximum and the project could be developed with fewer units depending on the final building plans and market demand. For purposes of this parking reduction request however, the development is assumed to consist of the maximum 141 multifamily dwelling units and 3,534 GSF of community-serving secondary/retail uses. An elimination of the community-serving secondary/retail required parking is being sought consistent with other transit-oriented development (TOD) provisions currently recognized in the Tysons Corner Comprehensive Plan text. A reduced copy of the CDP/FDP is provided as Figure 2. A full size copy is also provided as Attachment I. The applicant's revised Statement of Justification is provided in Attachment II.

## Proposed Parking Supply

As stated above, parking for the residential uses will be provided in a two level parking structure. As reflected in the CDP/FDP (see Figure 2), access to this new parking garage would be provided along Biscayne Drive at two locations; one for each of the garage levels. Due to site constraints and to maximize the amount of available parking there is no internal garage ramping system. A separate loading entrance is also located on Biscayne Drive. A total of 161 parking spaces are provided between the two parking levels.

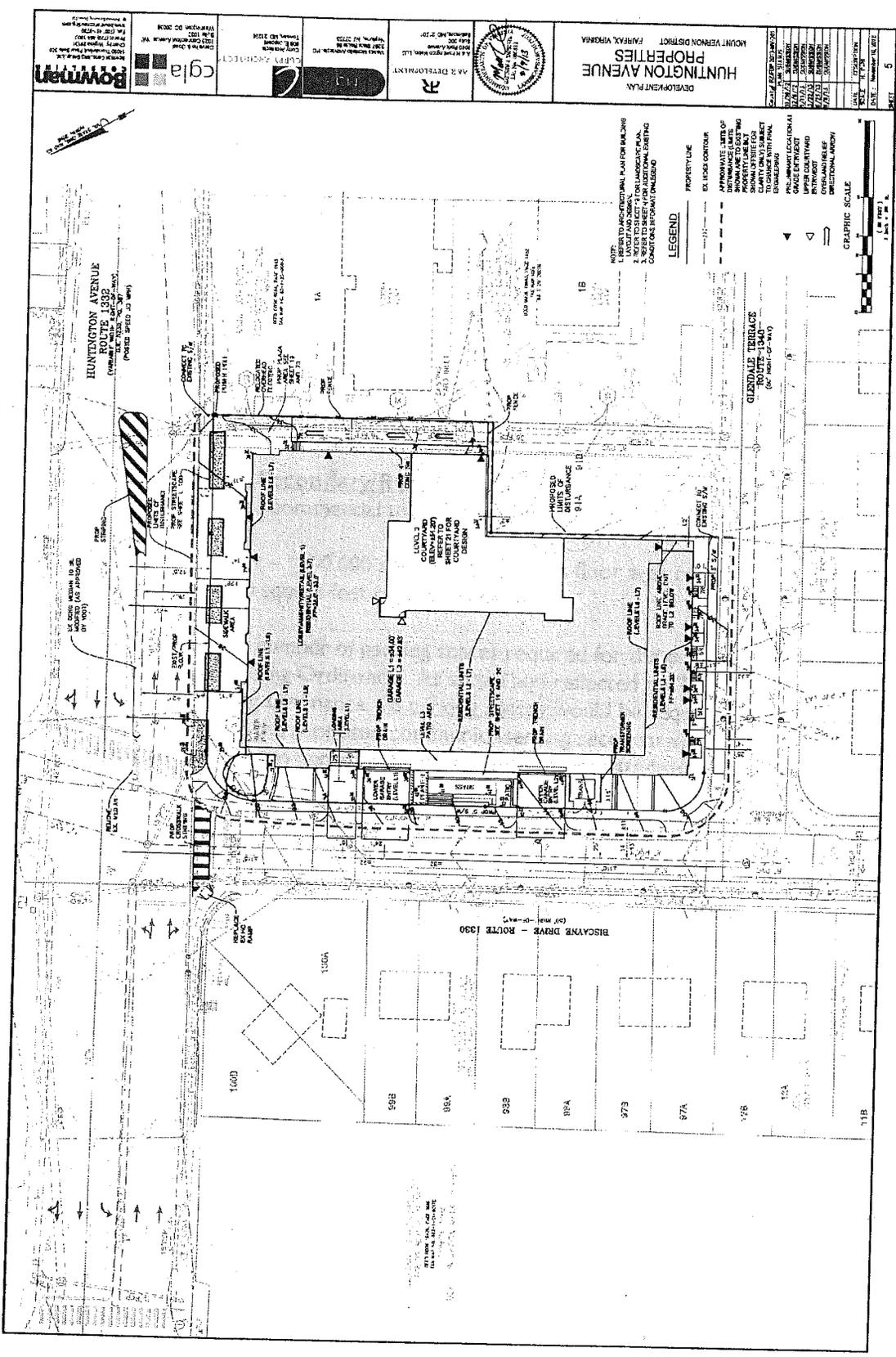


Figure 2  
Conceptual Development Plan

\*Plan provided by Bowman Consulting



## Fairfax County Parking Requirements

Article 11 of the Fairfax County Zoning Ordinance establishes parking requirements for various land uses by providing parking rates per unit of land use (i.e., per residential dwelling unit, per 1,000 GSF of retail uses, etc.). According to the Ordinance, all required parking spaces shall be located on the same lot as the structure or uses to which they are accessory or on a lot contiguous thereto, which has the same zoning classification, and is either under the same ownership, or is subject to arrangements satisfactory to the Director that will ensure the permanent availability of such spaces. A copy of the relevant Ordinance text is provided herein as Attachment III.

**Residential.** Article 11, Section 11-103 of the Ordinance outlines the parking requirements for residential uses as follows:

Dwelling, Multiple Family – “One and six-tenths (1.6) spaces per unit”

**Community-Serving Secondary/Retail.** Article 11, Section 11-104 of the Ordinance outlines the parking requirements for commercial uses as follows:

Shopping Center – “100,000 square feet of gross floor area or less: Four and three-tenths (4.3) spaces per 1000 square feet of gross floor area”

Table I summarizes the number of parking spaces required for the development under a strict interpretation of the Zoning Ordinance. As stated and reflected on Table I, based on a strict application of the Zoning Ordinance, 16 parking spaces would be required to accommodate the parking demand associated with the proposed community-serving secondary/retail uses; while 226 parking spaces would be required to accommodate the demand associated with the residential units, for a total of 242 parking spaces overall.

## Requested Parking Reduction

As reflected in Table I, the proposed TOD would require 242 parking spaces to meet a strict application of the Ordinance requirements. The applicant is requesting up to a 33.5% overall reduction (or 81 fewer spaces) than would be required by the Ordinance. This reduction includes a 100% reduction of the community-serving secondary/retail required parking spaces. The basis for such a request is the provision as established in the Ordinance of, “the site’s proximity to a mass transit station” (Section 11-102.5).

The following sections evaluate the requested parking reduction with respect to this provision. Sources of data for this analysis include, but are not limited to, a literature review of parking requirements in transit oriented developments (TODs) both locally and nationally; development plans prepared by Bowman Consulting, the files and library of Wells + Associates, Inc., the Institute of Transportation Engineers (ITE), and “Tysons Corner Urban Center” plan text as amended through June 22, 2010. Copies of the relevant Ordinance text are also included in Attachment III.



Board Agenda Item  
November 19, 2013

ACTION - 4

Approval of Comments on the Metropolitan Washington Council of Governments  
Regional Transportation Priorities Plan (RTPP) for the National Capital Region

ISSUE:

Approval of comments on the Metropolitan Washington Council of Governments Transportation Planning Board (TPB) Draft Regional Transportation Priorities Plan (RTPP).

RECOMMENDATION:

The County Executive recommends that the Board approve the attached letter, transmitting its comments and suggestions on the TPB's Draft Regional Transportation Priorities Plan.

TIMING:

Action should be taken on this item on November 19, 2013, so that the Board's comments can be considered as part of the Final RTPP. The TPB will officially accept comments on the Draft RTPP up until its meeting on November 20, 2013.

BACKGROUND:

On October 10, 2013, the TPB released a revised draft of the RTPP for public comment. Comments will be accepted prior to the TPB meeting on November 20, 2013. Development of the RTPP started in 2010 following a recommendation by the TPB's Citizens Advisory Committee that TPB develop a more transparent and strategic process for determining which projects and programs in the region should be built or implemented.

The purpose of the RTPP is to identify those transportation strategies that best promote the TPB's goals for economic opportunity, transportation choices, system safety and efficiency, quality of life, and environmental stewardship. The RTPP will identify 10 to 15 strategies that are the top regional priorities for addressing the most pressing challenges that the region faces in meeting the community's shared goals. In addition, the RTPP will be used to highlight priorities that should be funded and included in the region's Constrained Long-Range Transportation Plan (CLRP). Since projects cannot be included in the CLRP unless funding is identified, and since the TPB has little direct

Board Agenda Item  
November 19, 2013

control over funding, the actual implementation of priorities, will occur at the state and local levels.

The concept of a priorities plan has its roots in more than a decade of TPB planning, including the establishment of regional goals through the TPB Vision, analysis of transportation and land-use scenarios using the adopted CLRP as a baseline, and various studies of the region's transportation funding challenges. In recent years, the TPB has extensively discussed how these activities might be applied to defining priorities for improving the regional transportation system.

Since July 2011 when the main part of the priority-setting effort started, the TPB has engaged business leaders, transportation experts, smart growth advocates, and the general public in several rounds of discussion about the challenges the region faces and ways to address them. Recently, the TPB surveyed 660 randomly selected residents of the region to help identify the challenges that matter most to the general public and the strategies that have the greatest likelihood of winning their support. Subsequent to that survey, stakeholders, advocacy groups, and interested members of the public have been encouraged to review the draft plan and submit feedback to TPB.

It is anticipated that the final RTPP document will be considered by the TPB at its December 18, 2013, meeting.

FISCAL IMPACT:

None

ENCLOSED DOCUMENTS:

Attachment I: Letter Transmitting the Board's Comments on TPB's Draft Regional Transportation Priorities Plan.

STAFF:

Robert A. Stalzer, Deputy County Executive  
Tom Biesiadny, Director, Fairfax County Department of Transportation (FCDOT)  
Eric Teitelman, Chief, Capital Projects and Operations Division, FCDOT  
Todd Minnix, Chief, Transportation Design Division, FCDOT  
Dan Rathbone, Chief, Transportation Planning Division, FCDOT  
Dwayne Pelfrey, Chief, Transit Operations Division, FCDOT  
Todd Wigglesworth, Acting Chief, Coordination and Funding Division, FCDOT  
Randy White, Transit Operations Division, FCDOT  
Michael Lake, Coordination and Funding Division, FCDOT



# County of Fairfax, Virginia

To protect and enrich the quality of life for the people, neighborhoods and diverse communities of Fairfax County

November 1, 2013

Mr. Ronald F. Kirby  
Director, Department of Transportation Planning  
Metropolitan Washington Council of Governments  
777 North Capitol Street, N.E., Suite 300  
Washington, D.C. 20002-4239

Dear Mr. Kirby:

Thank you for the opportunity to comment on the draft Regional Transportation Priorities Plan (RTPP) for the National Capital Region. The comments provided to you with this letter are the draft staff comments which will be presented to our Board of Supervisors on November 19, 2013 for their consideration. Due to the short time between our Board meeting and the TPB meeting, we are requesting that these staff comments be included in the Revised Draft RTPP to be presented at the November 20, 2013, TPB meeting. The Board approved comments will be sent to the TPB following the Board's action on November 19, 2013. If there are any changes as a result of the Board of Supervisors meeting, please distribute the Board approved comments at the TPB meeting.

If you have any questions or need further information, please contact Mike Lake at 703-877-5666.

Sincerely,

Tom Biesiadny  
Director

Attachments: a/s

### **General Comments**

#### Ongoing Goals #4 (OG4) Increase Roadway Efficiency:

- Intelligent transportation systems (ITS) are briefly mentioned in OG4. There continues to be significant development in ITS. ITS solutions are very cost-effective compared to the provision of additional transportation infrastructure and will compete well when performance measures are applied under MAP 21.

#### Ridesharing:

- The latest developments in instant ridesharing and car sharing are significant and require policies and possibly regulations by local and state jurisdictions.

### **Specific Comments**

#### Page 44 / Chapter 3, Strategies (On-Going) – Apply Bus Priority Treatments (OG3):

- Transit signal priority and queue jumps can be useful in helping buses traverse a very limited number of consecutive congested intersections. However, in a corridor with a substantial number of congested intersections, or beyond a certain level of congestion throughout a segment of a corridor, transit signal priority and queue jumps may expedite the passage of a bus through one intersection, only to reach the back of the queue for the next signal downstream. These strategies can be useful in expediting bus travel within the limitations outlined above.

#### Pages 53-55 / Chapter 3, Strategies (Long-Term) – Scenario A: Express Toll Lanes:

- The performance of the Beltway Express lanes in the first year of operation suggests that drivers in the region may not be quite as willing to pay for a congestion-free option as the study authors appear to assume they would be. As a network of managed lanes expands throughout the region, especially on those facilities where the only option for implementing managed lanes is to convert existing general-purpose lanes, the level of congestion on alternate un-tolled roads is likely to increase.
- Would the BRT services that operate on limited-access highways be planned to have intermediate stops? If so, how would those stops be accommodated? What about connections to cross streets or other destinations? The answers to these questions will impact the design of the service and the passenger facilities needed to support it.
- Unless the agreement with the private entity constructing the HOT lanes specifies otherwise, the first call on the toll revenues will be to pay the operating costs of the facility with support for transit services on the facility as a secondary priority. As an example, the I-95/I-395 HOT Lanes proposal included nearly \$300 million over 20 years for transit capital and operations, and park-and-ride construction, in the corridor. When the project was truncated to terminate at the Fairfax County/City of Alexandria boundary, that transit funding evaporated.

November 19, 2013

The Honorable Scott York, Chairman  
National Capital Region Transportation Planning Board  
777 North Capitol Street, N.E. Suite 300  
Washington, D.C. 20002-4239

Dear Chairman York:

On behalf of the Fairfax County Board of Supervisors, I am writing to provide you comments and recommendations on the draft Regional Transportation Priorities Plan (RTPP) for the National Capital Region. These comments were approved by the Board on November 19, 2013. The Board commends the Transportation Planning Board's (TPB) efforts to address the impacts of growth on the National Capital Region and identify transportation strategies that best promote TPB goals through the development of the RTPP. We agree with the overall purpose of the RTPP, which is to identify and focus our region on "near-term, ongoing, and long-term regional strategies that offer the greatest potential for addressing regional challenges and that the public can support." As the TPB works to finalize the Plan, please include our suggestions attached to this letter in your deliberations.

Thank you for the opportunity to provide comments on the draft RTPP. If you need any clarification or further information, please contact Mike Lake at (703) 877-5666.

Sincerely,

Sharon Bulova  
Chairman

Attachments: a/s

cc: Ron Kirby, Director, National Capital Region Transportation Planning Board  
Members, Fairfax County Board of Supervisors  
Edward L. Long Jr., County Executive  
Robert A. Stalzer, Deputy County Executive  
Tom Biesiadny, Director, Department of Transportation

**THIS PAGE INTENTIONALLY LEFT BLANK**

Board Agenda Item  
November 19, 2013

ACTION - 5

Authorization to Execute an Agreement with the Virginia Department of Transportation for the Installation and Maintenance of "Watch for Children" Signs as Part of the Residential Traffic Administration Program (RTAP)

ISSUE:

Board authorization for the County Executive to execute a program administration agreement between Fairfax County and the Virginia Department of Transportation (VDOT) for the installation and maintenance of "Watch for Children" signage.

RECOMMENDATION:

The County Executive recommends Board authorization to execute a program agreement, in substantial form, between VDOT and the County for the transfer of installation and maintenance responsibilities for this program from the State to the County.

TIMING:

The Board should act on this item on November 19, 2013, so that the program can be re-instated.

BACKGROUND:

On October 15, 2012, the Fairfax County Department of Transportation (FCDOT) submitted to the Fairfax County Board of Supervisors a Memorandum for the purpose of temporarily halting the Watch for Children (WFC) Program (Attachment II). The Memorandum noted that the WFC Signage Program was being temporarily suspended to allow for a change in the statewide program. In particular the *Code of Virginia* provided that the Board could request, by resolution to the Commissioner of Highways, signs alerting motorists that children may be at play nearby. The cost for the installation of these signs was borne by the jurisdiction requesting the installation. However, in 2012, the General Assembly passed HB 914, providing that localities enter into agreements with the VDOT and install the WFC signs themselves, rather than requesting approval from the Commissioner.

This legislation is similar to a suggestion that FCDOT submitted to the Governor's Commission on Government Reform and Restructuring in 2010. In March 2010, Secretary of Transportation Sean Connaughton requested proposals for possible Code

Board Agenda Item  
November 19, 2013

and policy changes to improve the efficiency for transportation projects and programs for the Reform Commission to consider. Among the list of suggestions submitted by the Fairfax County staff was to allow WFC signs to be included in blanket permit agreements that the County has with the Commonwealth to install other signs within VDOT rights-of-way, such as No Parking and Yield to Pedestrian signs.

On August 6, 2013, FCDOT received from VDOT a copy of a Memorandum of Agreement (MOA) for the Installation and Maintenance of "Watch for Children" Signs. This MOA notes Fairfax County's desire to enter into an agreement with VDOT and allows the County to install and maintain these signs, subject to terms set by VDOT. The agreement has been reviewed to form by the Fairfax County Attorney's office.

FISCAL IMPACT:

An estimated budget of \$4,500 per year is needed to maintain this program at its current level of use. An additional cost of \$5,000 is requested to fulfill current outstanding requests for this signage. The cost will be part of the RTAP Traffic Calming budget. Historically, this was funded from Fairfax County's allocation of the VDOT Secondary Road Program.

ENCLOSED DOCUMENTS:

Attachment I – Memorandum of Agreement Between the Virginia Department of Transportation and Locality for the Installation and Maintenance of "Watch for Children" Signs

Attachment II – Memorandum to Board of Supervisors Regarding the "Watch for Children" Signage Program, October 15, 2012 without memorandum attachment.

STAFF:

Robert A. Stalzer, Deputy County Executive

Tom Biesiadny, Director, FCDOT

Patricia Moody McCay, Assistant County Attorney

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

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

Steven K. Knudsen, Transportation Planner, Traffic Operations Section, FCDOT

MEMORANDUM OF AGREEMENT BETWEEN THE VIRGINIA DEPARTMENT OF  
TRANSPORTATION AND LOCALITY FOR THE INSTALLATION AND MAINTENANCE  
OF "WATCH FOR CHILDREN" SIGNS

This Agreement, is hereby made and executed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, by and between the <County/Town> of \_\_\_\_\_, Virginia, hereinafter referred to as the LOCALITY and the Commonwealth of Virginia, Department of Transportation, hereinafter referred to as VDOT.

**WHEREAS**, the *Code of Virginia*, §33.1-210.2 authorizes that the governing body of any county or town may enter into an agreement with the Commissioner of Highways allowing such county or town to install and maintain at locations specified in the Agreement signs alerting motorists that children may be at play nearby and providing that the cost of installation and maintenance of all such signs shall be borne by the county or town; and

**WHEREAS**, the Commissioner has delegated to VDOT's District Administrators the authority to enter into such agreements, and delegated the approval of any addendum to such agreements to the appropriate local Land Development Engineer; and

**WHEREAS**, the LOCALITY has determined that it would be in the best interests of the citizens of the LOCALITY for the LOCALITY to assume the obligation of the installation and maintenance of the specified children at play warning signs in the LOCALITY, and the Commissioner, acting through the District Administrator has agreed to allow the LOCALITY to assume said obligation, subject to the terms and conditions set forth in this Agreement; and

**WHEREAS**, it is the desire of the <County/Town> OF \_\_\_\_\_ to enter into an agreement with VDOT, allowing LOCALITY to install and maintain signs alerting motorists that children may be at play nearby.

**NOW THEREFORE**, in consideration of the mutual promises and other consideration contained herein, the Parties hereto agree that LOCALITY shall be permitted to install and maintain "Watch for Children" warning signs (hereinafter "Watch for Children signs" or "W15-V1 signs") subject to and in accord with the terms set forth below.

- I. The LOCALITY shall purchase, install and maintain all W15-V1 signs as outlined in this Agreement and in accordance with the requirements of any required land use permit(s).
- II. Installation and Type of Sign to be used
  - a. The installation of W15-V1 "Watch for Children" sign(s) shall be performed in accordance with the conditions outlined in this Agreement and at locations within

LOCALITY's legal boundaries that are indicated in Attachment A, which is incorporated herein by reference.

- b. All installations of such signs sought at locations not specified in this Agreement as of the date of execution, shall likewise conform to the requirements of this Agreement and shall prior to installation be submitted to VDOT in writing using an addendum attached to this Agreement for that purpose;
- c. The size and type of sign to be used to alert motorists that children may be at play nearby is the W15-V1, detailed in the latest edition of the Virginia Supplement to FHWA's Manual on Uniform Traffic Control Devices (MUTCD). See <http://www.virginiadot.org/business/manuals-default.asp>.
- d. New installations of the W15-V1 shall be fluorescent yellow-green background in color.
- e. The sign materials and sign installation shall be in accordance with the latest edition of the VDOT Road & Bridge Specifications and the VDOT Road and Bridge Standards. See <http://www.virginiadot.org/business/manuals-default.asp>.
- f. The parties agree that the LOCALITY's authority and obligations as specified within this Agreement are expressly limited to the signs listed in Attachment A to this Agreement and to those subsequently added pursuant to a mutually agreed upon written addendum.

### III. Placement of W15-V1 Signs

- a. Within a subdivision, a single sign may only be placed on streets that are major entry points where the statutory or posted speed limit is 35 mph or less, beyond but not within 200 feet of, the posted speed limit sign.
- b. At the major approach(s) to a residential development not within or part of a subdivision where there is 1/3 mile or more of residential development (either side of roadway) with direct frontage/access and where the speed limit has been reduced to 35 mph or less; a single sign may only be installed beyond but not within 200 feet from, the (reduced) posted speed limit sign.
- c. Placement of W15-V1 signs shall comply with requirements as generally outlined in the latest edition of the MUTCD. See <http://www.virginiadot.org/business/manuals-default.asp>.
- d. Signs shall not be installed in any of the following locations:
  - i. On any roadway where the speed limit exceeds 35 mph;

- ii. In lieu of a standard Playground sign (W15-1), used to warn motorists of a designated playground;
  - iii. At a location where school warning signs are in place;
  - iv. In combination (same pole) with any other regulatory or warning signs;
  - v. Preceding any existing regulatory or warning signs; or
  - vi. Closer than 200 feet to any existing regulatory or warning signs.
- e. Should VDOT determine that another regulatory or warning sign must be placed such that it would render the "Watch for Children" sign in violation of the sign placement requirements contained herein or displace the location of a "Watch for Children" sign placed pursuant to this Agreement, the VDOT determination will take priority and the "Watch for Children" sign must be removed; in which case, such sign may be relocated by the LOCALITY at its expense.

IV. Maintenance, Replacement and Removal of W15-V1 Signs

- a. All W15-V1 signs shall conform to requirements indicated in:
  - i. this Agreement,
  - ii. the MUTCD,
  - iii. the Virginia Supplement to the MUTCD,
  - iv. the VDOT Road & Bridge Standards, and,
  - v. the VDOT Road & Bridge Specifications.
- b. The LOCALITY will bear all costs pertaining to the purchase, installation and maintenance of such sign(s), and any accessories necessary for proper erection of the signs.
- c. In the event the LOCALITY locates, or installs W15-V1 sign(s) in a manner inconsistent with this Agreement and/or the stipulations/requirements of the land use permit, the sign(s) will be removed by VDOT at the expense of the LOCALITY.
- d. W15-V1 signs not installed or maintained in accordance with the latest edition of the MUTCD, the VDOT Road & Bridge Standards, the conditions of the land use permit and other requirements stipulated in this Agreement will be removed by VDOT at the expense of the LOCALITY.

V. **Miscellaneous**

- a. Nothing in this Agreement shall be construed to create any rights in any third parties or to constitute a waiver of the sovereign immunity of the LOCALITY or the Commonwealth of Virginia.

MEMORANDUM OF AGREEMENT BETWEEN VDOT AND LOCALITY  
FOR THE INSTALLATION AND MAINTENANCE OF "WATCH FOR CHILDREN" SIGNS

Month Day, 20xx

Page 3 of 7

- b. In the event that it becomes necessary for VDOT to remove one or more "Watch for Children" signs pursuant to this Agreement, VDOT may, in its discretion, provide the LOCALITY with an invoice detailing the costs of sign removal and the LOCALITY agrees to reimburse VDOT the costs incurred by VDOT within 30 days of receipt of any such invoice.
  
- c. The parties acknowledge that all obligations set forth in this Agreement which may involve any funding or financial commitments to be borne by the LOCALITY are subject to annual appropriations by the governing body of LOCALITY.

**In Witness Whereof**, the Parties, intending to be bound hereby, have caused this Agreement to be executed by their duly authorized representatives as of the day, month and year first herein written.

**PARTIES:**

**VDOT**

**LOCALITY**

\_\_\_\_\_  
Signature: Commissioner/Designee

\_\_\_\_\_  
Signature: LOCALITY Representative

VDOT District Administrator  
Title: VDOT Designee

\_\_\_\_\_  
Title: LOCALITY Representative



---

ADDENDUM TO ORIGINAL AGREEMENT FOR  
THE INSTALLATION AND MAINTENANCE OF  
“WATCH FOR CHILDREN” SIGNS

**WHEREAS**, it is the desire of the LOCALITY OF \_\_\_\_\_,  
to purchase, install and maintain additional W15-V1 signs specified in the list attached to this  
Addendum;

**AND WHEREAS**, all the additional signs indicated in this Addendum are subject to and shall be  
installed and maintained in accordance with the terms agreed upon in the original signed  
Agreement to which this document is attached and incorporated by reference.

**NOW THEREFORE**, the additional signs indicated in this Addendum may be installed only  
upon VDOT approval, as indicated by signature below.

\_\_\_\_\_  
**SIGNATURE: LOCALITY REPRESENTATIVE**

\_\_\_\_\_  
**Title: LOCALITY Representative**

\_\_\_\_\_  
**Date**

(The LOCALITY shall submit this AGREEMENT to their local VDOT representative)

=====  
For VDOT Use Only

Approved: \_\_\_\_\_  
(Land Development Engineer)

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





# County of Fairfax, Virginia

## MEMORANDUM

**DATE:** October 15, 2012

**TO:** Members, Board of Supervisors

**FROM:** Tom Biesiadny, Director  
Department of Transportation

**SUBJECT:** ‘Watch for Children’ Signage Program

The “Watch for Children” (WFC) Signage Program that is part of the Fairfax County Department of Transportation’s Residential Traffic Administration Program (RTAP) is being temporarily suspended to allow for a change in the statewide program. Historically, the WFC Program allowed for installation of “Watch for Children” signs at the primary entrance to residential neighborhoods, or at a location with an extremely high concentration of children relative to the area, such as playgrounds, day care centers, or community centers. In particular, Section 33.1-210.2 of the *Code of Virginia* provided that the Board could request, by resolution to the Commissioner of Highways, signs alerting motorists that children may be at play nearby. The cost for the installation of these signs was borne by the jurisdiction requesting the installation. FCDOT reviewed each request to ensure the proposed signs would be effectively located and would not be in conflict with any other traffic control devices.

The suspension of this program is the result of HB 914, which amends §33.1-210.2, and was passed by the General Assembly during the 2012 session. HB 914 provides that localities enter into agreements with the Virginia Department of Transportation (VDOT) and install the “Watch for Children” signs themselves, rather than requesting approval from the Commissioner.

This legislation is similar to a suggestion that FCDOT submitted to the Governor’s Commission on Government Reform and Restructuring in 2010. In March 2010, Secretary of Transportation Sean Connaughton requested proposals for possible Code and policy changes to improve the efficiency for transportation projects and programs for the Reform Commission to consider. Among the list of suggestions submitted by the Fairfax County staff was to allow “Watch for Children” signs to be included in blanket permit agreements that the County has with the Commonwealth to install other signs within VDOT rights-of-way, such as No Parking and Yield to Pedestrian signs. The County staff noted that once approved by the Fairfax County Board of Supervisors, FCDOT could install blanket permit signs in two to three weeks, while installations of “Watch for Children” signs through VDOT can take between two and three months.

Fairfax County Department of Transportation  
4050 Legato Road, Suite 400  
Fairfax, VA 22033-2895  
Phone: (703) 877-5600 TTY: 711  
Fax: (703) 877 5723  
[www.fairfaxcounty.gov/fcdot](http://www.fairfaxcounty.gov/fcdot)



Members, Board of Supervisors  
October 15, 2012  
Page 2 of 2

Attached is a memorandum from VDOT's Traffic Engineering Division regarding process changes related to future requests pertaining to "Watch for Children" signs. The amendment requires that the local governing body to enter into an agreement with VDOT allowing the county or town to install and maintain, at locations specified in such agreement, signs alerting motorist's children may be at play nearby. VDOT is currently reviewing the draft agreement. FCDOT will bring the agreement to the Board for consideration when it is ready. If you have any questions in the meantime, please contact Steve Knudsen at 703-877-5768.

Attachments:

VDOT Memorandum #280.1; Guidance on Installation of Watch for Children Signs  
Draft of Agreement for Maintenance & Replacement of Existing W15-V1 Signs

cc: Edward L. Long Jr., County Executive  
Robert A. Stalzer, Deputy County Executive  
Catherine Chianese, Assistant County Executive  
Michael Long, Deputy County Attorney  
Karyn Moreland, Acting Chief, Capital Projects and Operations Division, FCDOT  
Selby Thannikary, Chief, Traffic Operations Section, FCDOT  
Noelle Dominguez, Legislative Liaison, FCDOT  
Steven K. Knudsen, Transportation Planner III, Traffic Operations Section, FCDOT

**THIS PAGE INTENTIONALLY LEFT BLANK**

Board Agenda Item  
November 19, 2013

## INFORMATION - 1

### Fairfax-Falls Church Community Services Board Fee Schedule

Since its establishment in 1969, the Fairfax-Falls Church Community Services Board (CSB) has complied with Section 37.2-504 (A) (7) of the Code of Virginia, which states the CSB shall prescribe a reasonable schedule of fees for services provided by personnel or facilities under the jurisdiction or supervision of the CSB Board and establish procedures for the collection of the same.

The CSB ensures compliance with the Code of Virginia in four ways: (1) conducts a review of fee related materials by a Committee comprised of CSB Board members; (2) posts a Notice of Public Comment and accepts written comments regarding Proposed Fees; (3) widely publicizes the changes (e.g., on [www.fairfaxcounty.com/csb](http://www.fairfaxcounty.com/csb) webpage with English and Spanish translated documents; in CSB News; through Fairfax County Newswire; in message on all billing statements); and (4) accepts comments during a CSB Board meeting during the agenda item matters of the public.

In accordance with the CSB's Memorandum of Agreement with the Board of Supervisors, and State regulations, on October 23, 2013 the CSB Board approved a Fee Schedule with updates or additions to charges based on cost, new contracted rates, and comparative data from other CSBs.

The services on the Fee Schedule include outpatient, residential, and ancillary services. Fees for outpatient services are traditionally cost-based and recorded in increments that are consistent with Current Procedural Terminology (CPT) maintained by the American Medical Association to uniformly describe medical (including psychiatric), surgical, and diagnostic services. Fees for residential services are mostly income-based due to the extended length of stay for residential treatment, or the permanency of a community living setting for individuals with an intellectual disability, and when required grounded in federal regulations. Ancillary charges are usual and customary fees for copying of records, or fees for bad checks set by Fairfax County Code and/or the Code of Virginia.

Fees for most Virginia Medicaid State Plan Option services have been set at the Medicaid reimbursement rate. These services have not typically been covered by commercial insurance plans. However, there have been a few examples of successful single case agreements negotiated with in-network and out-of-network companies for some reimbursement. There may be opportunities for new reimbursement from Medicaid Managed Care Organizations through the three-year Commonwealth Coordinated Care demonstration project for full Medicare-Medicaid covered individuals. Highlights of the changes to CSB Fee Schedule include: new clinical procedure codes and fees for three levels of evaluation and management codes used by medical staff; reestablishment of per diem fees subject to the Ability to Pay Scale for two residential treatment programs for better alignment; new fees for several nursing services and physician directed addiction medicine and physical exams; new telehealth facility fee as

Board Agenda Item  
November 19, 2013

allowed under Medicare; clarification of the difference in release of information copying charges between individuals and third party payers; removal of fees for services no longer provided.

Highlights of the changes to the CSB Ability to Pay Scale include: elimination of the minimum fee; an increase in the 0% liability income threshold to 150% of Federal Poverty; reduction of the number of increments between 0% and 100% liability down from 12 to six; removal of subsidies for mid and upper incomes. Individuals with incomes over 200% of Federal Poverty Level will pay a little more than in the past. Approval of the new Scale demonstrates fiscal responsibility without threatening the safety net.

At its October meeting, the CSB Board also adopted revisions to its Reimbursement for Services Policy 2120 to include references to payment plans and repayment contracts.

The CSB Executive Director has approved revisions to the CSB Fee and Subsidy Related Procedures Regulation 2120.1 regarding: removal of redundancies, update of terminology; addition of categories of unanticipated revisions to be authorized following instruction from County and Virginia Codes, Medicaid, Federal regulation or law, and the American Medical Association; and revision of services provided at no cost to the individual.

Unless otherwise directed by the Board of Supervisors, the County Executive will direct staff to proceed with the implementation of the new Fee Schedule. Sufficient advance notice of fee changes must be given to consumers.

FISCAL IMPACT:

The FY 2014 Revised Budget Plan for the CSB includes \$20.7 million in estimated fee revenues. The proposed changes to the Fee Schedule and Ability to Pay Scale are essential components of the CSB's plan to achieve this target.

ENCLOSED DOCUMENT:

Attachment 1 - CSB Fee Schedule  
Attachment 2 - CSB Ability to Pay Scale  
Attachment 3 – Summary of CSB Fee Related Changes

STAFF:

Patricia Harrison, Deputy County Executive  
George Braunstein, Executive Director, CSB  
James P. Stratoudakis, Ph.D., Director Corporate Compliance and Risk Management,  
CSB

### CSB Fee Schedule, Effective January 1, 2014

MH (Mental Health) ID (Intellectual Disability) SUD (Substance Use Disorder)

| Service   | Subject to Ability to Pay Scale | Fee                                  | Explanation  |
|---|---------------------------------|--------------------------------------|--|
| Addiction Medicine Physician Assessment                               | Yes                             | <b>\$161.00</b>                      | New service fee as requested primarily to pick up Third Party reimbursement.<br>Compute cost = \$161.20 based on typical 45 minute F2F time; round down to \$161   |
| Addiction Medicine Physician-Monitoring (follow up)                   | Yes                             | <b>\$54.00</b>                       | New service fee as requested primarily to pick up Third Party reimbursement.<br>Compute cost = \$53.73 based on typical 15 minute F2F time; round up to \$54   |
| Adolescent Day Treatment - SUD  | Yes                             | <b>\$4.80</b>                        | Recalibrated day rate (4 hours) into 1/4 hour rate.  |
| Adolescent Day Treatment- MH  | Yes                             | <b>\$50.00</b>                       | Computed cost = \$49.67; round up to \$50<br>Medicaid SPO rate = \$36.53   |
| Adult Day Treatment - MH  | Yes                             | <b>\$40.00</b>                       | Computed cost = \$37.68, round up to \$40<br>Medicaid SPO rate = \$34.78   |
| Adult Day Treatment- SUD  | Yes                             | <b>\$4.80</b>                        | Recalibrated day rate (4 hours) into 1/4 hour rate.  |
| A New Beginning Residential Treatment                                 | Yes                             | <b>\$238.30</b>                      | The SA Residential Treatment programs requested to reinstate per diems to better align with the proposed ATP Scale.  |
| Case Management   | Yes                             | <b>\$326.50</b>                      | Provided to individuals with more severe MH, ID and SUD disabilities and must meet the definition of State DBHDS, DMAS and Federal CMS. Medicaid SPO rate = \$326.50   |
| Congregate Residential ID Waiver Services                             | No                              | <b>\$17.36</b>                       | No change.   |
| Crisis Intervention   | Yes                             | <b>\$60.00</b>                       | Computed cost = \$59.51; round up to \$60<br>Medicaid SPO rate= \$30.79  |
| Crisis Stabilization - Adult Residential                              | Yes                             | <b>\$89.00</b>                       | Current rate was set by the Regional Management Group beginning in FY 2011 for admissions from the 5 Northern Virginia CSBs.<br>Computed cost = \$88.13 per hour; round up to \$89<br>Medicaid SPO rate = \$89 |
| Crossroads Adult Residential Treatment                                | Yes                             | <b>\$186.52</b>                      | The SA Residential Treatment programs requested to reinstate per diems to better align with the proposed ATP Scale.  |
| Crossroads Youth Residential Treatment                                | Yes                             | <b>\$331.62</b>                      | No change.   |
| Detoxification, Residential-setting                                   | Yes                             | <b>\$275.00</b>                      | Computed cost = \$275.83; round down to \$275  |
| Drop-In Support Services, ID  | No                              | <b>&lt; or = 10% of gross income</b> | This is a service provided ONLY by the private provider community. These vendors charge \$2 per hour of service up to a maximum of 10% of the individual's income.   |
| Family Therapy  | Yes                             | <b>\$80.00</b>                       | Current fee was not cost-based. Current fee based on fixed amount per event.<br>Computed cost = \$79.09 per hour for all therapy/counseling; round up to \$80  |
| Group Therapy/Counseling  | Yes                             | <b>\$25.00</b>                       | Computed cost = \$79.09 per hour for all therapy/counseling. Based on average minutes per indiv in Group, calculated cost = under \$25; round up to \$25   |
| Head Start - Services to  | No                              | <b>\$25.00</b>                       | No change. These fees are included in a Memorandum of Agreement between the CSB and the DFS Head Start Program. They may be renegotiated in a future Fee update.   |
| Independent Evaluations   | No                              | <b>\$75.00</b>                       | There is no consumer financial liability for this service. Reports are filed with the State Courts and State-set rates are reimbursed to the CSB.  |
| Individual Therapy/Counseling   | Yes                             | <b>\$80.00</b>                       | Current fee based on 1/4 hour.<br>Computed cost = \$79.09 per hour for all therapy/counseling.   |
| Initial Evaluation/Assessment   | Yes                             | <b>\$150.00</b>                      | No change.   |
| Injection Procedure   | Yes                             | <b>\$20.00</b>                       | No change.   |
| Intensive Care Coordination - Youth                                   | No                              | <b>\$1,160.00</b>                    | There is no consumer financial liability for this service. It is a contracted rate with Fairfax CSA effective 7/1/13.  |
| Intensive Community Treatment   | Yes                             | <b>\$153.00</b>                      | No change.   |
| Intensive Outpatient - SUD, Individual or Group                       | Yes                             | <b>\$4.80</b>                        | No change.   |
| Lab Tests   | No                              | <b>Actual Cost</b>                   | The consumer is financially liable for the cost of lab tests not otherwise reimbursed to the lab company by their insurance plan.  |
| Late Cancellation or No Show  | Yes                             | <b>\$25.00</b>                       | Previously termed Missed Appointment. The consumer is financially liable for late cancellations without 23-hour notification and no-shows. It is subject to a fee revision based on the Ability to Pay Scale.  |
| Legal Testimony   | Yes                             | <b>\$25.00</b>                       | No change.   |
| Mental Health Support Service<br>Mental Health Skill-building Service | Yes                             | <b>\$91.00</b>                       | Name of service is scheduled to change in January 1, 2014. Medicaid SPO rate will not change before July 2014.   |

(131)

## CSB Fee Schedule, Effective January 1, 2014

MH (Mental Health) ID (Intellectual Disability) SUD (Substance Use Disorder)

| Service  | Subject to Ability to Pay Scale | Fee   | Explanation   |
|--|---------------------------------|---|---|
| Multi-Family Counseling                                      | Yes                             | <b>\$80.00</b>  | Current fee was tied to Group Counseling. Current fee based on fixed amount per event.<br>Computed cost = \$79.09 <u>per hour</u> for all therapy/counseling; round up to \$80  |
| Neurological Testing   | Yes                             | <b>\$1,168.00</b>   | No change.  |
| New Generations Residential Treatment                        | Yes                             | <b>\$120.00</b>   | No change.  |
| Nursing Assessment   | Yes                             | <b>\$58.00</b>  | New service fee as requested by the Director of Nursing.<br>Computed cost = \$58.00 per hour.   |
| Nursing Subsequent Care                                      | Yes                             | <b>\$29.00</b>  | New service fee as requested by the Director of Nursing to pick up Third Party reimbursement.<br>Computed cost = \$58.00 per hour; typical follow-up is 30 minutes.   |
| Physical Exam (Physician)                                    | Yes                             | <b>\$95.00</b>  | New service fee. Primary care equivalent to Evaluation & Management services.<br>Compute cost = \$95.72 per typical 40 minute F2F event; round down to \$95   |
| Psychiatric Evaluation                                       | Yes                             | <b>\$107.00</b>   | Current fee is based on 1/4 hour of service.<br>Computed cost = \$214.93 per hour; typical F2F time for this service is 30 minutes; round down to \$107   |
| Psychiatric Evaluation & Management High Complexity          | Yes                             | <b>\$144.00</b>   | New AMA procedure code replaces 90862.<br>Computed cost = \$214.93 per hour; typical F2F time for this service is 40-45 minutes; round up to \$144  |
| Psychiatric Evaluation & Management Low Complexity           | Yes                             | <b>\$54.00</b>  | New AMA procedure code replaces 90862.<br>Computed cost = \$214.93 per hour; typical F2F time for this service is 1/4 hour; round up to \$54  |
| Psychiatric Evaluation & Management Moderate Complexity      | Yes                             | <b>\$90.00</b>  | New AMA procedure code replaces 90862.<br>Computed cost = \$214.93 per hour; typical F2F time for this service is 25-30 minutes; round up to \$90   |
| Psychological Testing  | No                              | <b>\$150.00</b>   | This is a fee charged by private providers serving individuals with ID.   |
| Psychological Testing Battery                                | Yes                             | <b>\$851.00</b>   | No change.  |
| Psychosocial Rehabilitation                                  | Yes                             | <b>\$24.38</b>  | No change.  |
| Release of Information: Individual                           | Yes                             | <b>50¢ per pg up to 50 pgs;<br/>25¢ per pg for &gt; = 51 pgs</b>                    | Retitled to clearly indicate ROI to individuals.  |
| Release of Information: Research                             | No                              | <b>\$10.00</b>  | No change.  |
| Release of Information: Third Party                          | No                              | <b>\$10 admin fee<br/>50¢ per pg up to 50 pgs;<br/>25¢ per pg for &gt; = 51 pgs</b> | Aligned Fee Schedule with ongoing ROI practice allowed under HIPAA to charge \$10 admin fee to Third Parties for copying  |
| Release of Information: Worker's Compensation                | No                              | <b>\$15.00</b>  | No change.  |
| Residential Fee ID Community Living Services                 | No                              | <b>75% of gross income</b>  | No change.  |
| Residential Fee MH/SUD Community Living Services             | No                              | <b>30% of gross income</b>  | This standardizes the Fee assessed in all Residential Fee MH/SUD Community Living programs.<br>In comparison, the SA Residential Treatment programs requested to reinstate per diems to better align with the proposed ATP Scale.           |
| Returned Check (due to insufficient funds or closed account) | No                              | <b>\$50.00</b>  | No change.  |
| Skilled Nursing Waiver LPN Services                          | No                              | <b>\$27.03</b>  | Medicaid Waiver covers Skilled Nursing Services provided by LPNs. This will take a considerable effort to reorient vendors and staff to record and bill for Skilled Nursing Services but there will be some revenue gains for all.          |
| Skilled Nursing Waiver RN Services                           | No                              | <b>\$31.19</b>  | Medicaid Waiver covers Skilled Nursing Services provided by RNs. This will take a considerable effort to reorient vendors and staff to record and bill for Skilled Nursing Services but there will be some revenue gains for all.           |
| Sojourn House Residential Treatment                          | Yes                             | <b>Residential = \$240<br/>Comb. Resid Svcs = \$192<br/>Total Per Diem - \$432</b>  | This is a service for which CSA and Medicaid have been the pay sources. The rates were approved by Fairfax CSA effective 7/1/13.  |
| Telehealth Facility Fee                                      | No                              | <b>\$20.00</b>  | Medicare reimburses providers with a \$20 facility fee in addition to clinical services when GT modifiers are on the claim. This is not a charge to individuals.  |
| Transportation   | No                              | <b>\$100.00</b>   | This is a fee governed by the Transportation Subsidy Policy and Procedure. While it isn't subject to the Ability to Pay Scale, it has its own methodology for assessing a fee based on 13% of countable income or \$100, whichever is less. |
| Urine Collection & Drug Screening- Retests Only              | Yes                             | <b>\$25.00</b>  | No change.  |

Fairfax-Falls Church Community Services Board

Ability to Pay Scale

Application of the CSB Ability to Pay Scale is limited to charges for services that are not covered by insurance.  
 Excluded are services identified on the CSB Fee Schedule as not being subject to the Ability to Pay Scale.  
 The Scale is reviewed annually and updated as necessary.

| Number of Dependents. Includes individual |                                       | 1                                 |        |          |          | 2      |          |          |        | 3        |          |        |          | 4 or more |  |  |  |
|---|---------------------------------------|-----------------------------------|--------|----------|----------|--------|----------|----------|--------|----------|----------|--------|----------|-----------|--|--|--|
| % Federal Poverty Levels                  | Individual's share of CSB service fee | Annual Gross Family Income ranges |        |          |          |        |          |          |        |          |          |        |          |           |  |  |  |
| Over 350%                                 | 100%                                  | \$40,216                          | & over |          | \$46,246 | & over |          | \$52,276 | & over |          | \$58,306 | & over |          |           |  |  |  |
| 350%                                      | 80%                                   | \$34,471                          | to     | \$40,215 | \$40,501 | to     | \$46,245 | \$46,531 | to     | \$52,275 | \$52,561 | to     | \$58,305 |           |  |  |  |
| 300%                                      | 60%                                   | \$28,726                          | to     | \$34,470 | \$34,756 | to     | \$40,500 | \$40,786 | to     | \$46,530 | \$46,816 | to     | \$52,560 |           |  |  |  |
| 250%                                      | 40%                                   | \$22,981                          | to     | \$28,725 | \$29,011 | to     | \$34,755 | \$35,041 | to     | \$40,785 | \$41,071 | to     | \$46,815 |           |  |  |  |
| 200%                                      | 20%                                   | \$17,236                          | to     | \$22,980 | \$23,266 | to     | \$29,010 | \$29,296 | to     | \$35,040 | \$35,326 | to     | \$41,070 |           |  |  |  |
| 150%                                      | 0%                                    | \$0                               | to     | \$17,235 | \$0      | to     | \$23,265 | \$0      | to     | \$29,295 | \$0      | to     | \$35,325 |           |  |  |  |

**EXPLANATION:**

- Individuals with incomes at or below the 150% of Federal Poverty Guidelines will not be financially liable for services rendered. The CSB covers the full fee.
- The charges for services above 150% of Federal Poverty Guidelines are assessed on a cost-sharing basis between the individual and the CSB. The individual is responsible for a percentage of the applicable service fee based on income and family size, and the CSB covers the rest.

## Summary of CSB Fee Related Changes



### Reimbursement for Services Policy 2120

- **Adds** language on use of Extended Payment Plans and Deferred Repayment Contracts
- **Clarifies** County policy regarding the placement of delinquent accounts with the Fairfax County Department of Tax Administration (DTA) for collection.

### Ability to Pay Scale

- **Eliminates** the minimum fee.
- **Increases** the 0% liability income threshold to 150% of Federal Poverty Guideline (\$17,235 for an individual)
- **Reduces** the number of increments between 0% and 100% liable from 12 down to 6
- **Removes** subsidies for mid and upper incomes
- **Asks** individuals with incomes over 200% of FPL to pay a little more than in the past
- **Demonstrates** fiscal responsibility without threatening the safety net

### CSB Fee Regulation – Fee and Subsidy Related Procedures 2120.1

- **Removes** redundancies, simplifies many sections and updates terms
- **Adds** category of Unanticipated Revisions to be authorized following the instruction from these: County Code, State Code, Virginia Medicaid, Federal regulation or law, and American Medical Association.
- **Updates** the list of Services Provided at No Cost to the Individual by:
  - Removes reference to Pre-Release Center and Substance Abuse Suspension Program
  - Adds reference to Diversion to Detoxification Center services
  - Adds reference to services not requested or refused by individuals

### CSB Fee Schedule

- **Updates** fees related to costs, new contracted rates, or comparative data.
- **Adds** clinical procedure codes and fees for three levels of complexity in Evaluation & Management services performed by medical staff
- **Reestablishes** per diem fees subject to the Ability to Pay Scale for two Residential Treatment programs for better alignment
- **Sets** fees for several Nursing services and Physician-directed Addiction Medicine and Physical Exams to initiate discussions with new Medicaid managed care companies and Qualified Health Plans.
- **Adds** Telehealth Facility Fee as allowed under Medicare.
- **Clarifies** the difference in Release of Information copying charges between individuals and third parties.
- **Removes** service fees for inactive/obsolete services.

Board Agenda Item  
November 19, 2013

11:20 a.m.

Matters Presented by Board Members

**THIS PAGE INTENTIONALLY LEFT BLANK**

12:10 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. *Minh-Sang Nguyen v. Fairfax County Department of Family Services*, Record No. 131594 (Va. Sup. Ct.); *Tyrus H. Thompson and Ja'Ree C. Thompson v. Fairfax County Department of Family Services*, Record No. 131577 (Va. Sup. Ct.); *B.N., a Minor Child v. Fairfax County Department of Family Services*, Record No. 131578 (Va. Sup. Ct.)
  - 2. *Sitta Luseni v. Fairfax County Department of Family Services*, Rec. No. 1003-13-4 (Va. Ct. App.); *Edebiri Aihevba v. Fairfax County Department of Family Services*, Rec. No. 1004-13-4 (Va. Ct. App.)
  - 3. *Jeffrey T. Gattozzi v. Sean Regan*, Case No. 1:12-cv-1215 (E.D. Va.); *Jolene Sloan v. Sean Regan*, Case No. 1:12-cv-1216 (E.D. Va.)
  - 4. *Virginia Ann Brown v. County of Fairfax, Brian Joseph Byerson, Delvine John Egan, and John Doe*, Case No. CL13008303-00 (Pr. Wm. Co. Cir. Ct.)
  - 5. *Steve T. Tran, Sheila M. Tran, Tricia L. Cooper, and Trustees of the Falls Church Church of Christ v. Fairfax County Board of Supervisors and CG Peace Valley, LLC*, Case No. CL-2013-0010098 (Fx. Co. Cir. Ct.) (Mason District)
  - 6. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Tania Soto-Yapura*, Case No. CL-2013-0008359 (Fx. Co. Cir. Ct.) (Mason District)
  - 7. *Jeffrey L. Blackford, Property Maintenance Code Official for Fairfax County, Virginia v. Michael Joseph Powers*, Case No. CL-2012-0003924 (Fx. Co. Cir. Ct.) (Lee District)
  - 8. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Robert L. Gelles and Anita A. Gelles*, Case No. CL-2013-0004820 (Fx. Co. Cir. Ct.) (Springfield District)

9. *Eileen M. McLane, Fairfax County Zoning Administrator v. Gustavo A. Veliz and Veronica Darcy Cortez-Veliz, Case No. CL-2009-0014879 (Fx. Co. Cir. Ct.) (Mason District)*
10. *Leslie B. Johnson, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Freddie L. Gaskins and Sandra M. Gaskins, Case No. CL-2013-0002780 (Fx. Co. Cir. Ct.) (Providence District)*
11. *Eileen M. McLane, Fairfax County Zoning Administrator v. Reynaldo C. Medrano and Carla Munoz-Lopez, Case Nos. CL-2006-0010659 and CL-2011-0002181 (Fx. Co. Cir. Ct.) (Mason District)*
12. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Gary C. Smith and Carolyn W. Smith, Trustees of the Smith Living Trust, Case No. CL-2009-0004848 (Fx. Co. Cir. Ct.) (Dranesville District)*
13. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Song Bok Lee, Jae Hwa Lee, and Aeree Lee, Case No. CL-2013-0007058 (Fx. Co. Cir. Ct.) (Mason District)*
14. *Leslie B. Johnson, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Mohammad S. Khan and Sunawar Khan, Case No. CL-2013-0011848 (Fx. Co. Cir. Ct.) (Providence District)*
15. *Leslie B. Johnson, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. The Key Building Partnership and NAFS Food Services, Inc., Case No. CL-2013 -0011950 (Fx. Co. Cir. Ct.) (Lee District)*
16. *Leslie B. Johnson, Fairfax County Zoning Administrator and Jeffrey L. Blackford, Property Maintenance Code Official for Fairfax County, Virginia v. John T. Wasdi, Case No. CL-2013-0015808 (Fx. Co. Cir. Ct.) (Hunter Mill District)*
17. *Jeffrey L. Blackford, Property Maintenance Code Official for Fairfax County, Virginia v. Robert N. Jacobi, Case No. CL-2013-0016587 (Fx. Co. Cir. Ct.) (Dranesville District)*
18. *Leslie B. Johnson, Fairfax County Zoning Administrator, and Jeffrey L. Blackford, Property Maintenance Code Official for Fairfax County, Virginia v. James C. Benton, Case No. CL-2013-00016586 (Fx. Co. Cir. Ct.) (Lee District)*

19. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Jose Yanez and Luisa D. Palma*, Case No. GV13-021188 (Fx. Co. Gen. Dist. Ct.) (Lee District)
20. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Eriberto L. Jose and Angelita C. Jose*, Case No. GV13-021058 (Fx. Co. Gen. Dist. Ct.) (Lee District)
21. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Mary Ann Torregrossa*; Case No. GV13-020137 (Fx. Co. Gen. Dist. Ct.) (Dranesville District)
22. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Jack Burton Miller*, Case No. GV13-011597 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
23. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Jack Burton Miller*, Case No. GV13-011598 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
24. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Marcus Robinson and William Robinson*, Case No. GV13-018969 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
25. *Jeffrey L. Blackford, Property Maintenance Code Official for Fairfax County, Virginia v. Marcus Robinson and William Robinson*, Case No. GV13-018970 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
26. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Edwin H. Funk, Jr.*, Case Nos. GV13-003199 and GV13-003355 (Fx. Co. Gen. Dist. Ct.) (Lee District)
27. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Mohmmmed S. Alam and Lutfunnessa P. Alam*, Case No. GV13-003793 (Fx. Co. Gen. Dist. Ct.) (Lee District)
28. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Salvador Garcia*, Case No. GV13-016925 (Fx. Co. Gen. Dist. Ct.) (Lee District)
29. *Noel Arguelles v. Amanda Wallace*, Case No. GV13-012458 (Fx. Co. Gen. Dist. Ct.); *Amanda Wallace v. Dora Alicia Navarro*, Case No. GV13-023570 (Fx. Co. Gen. Dist. Ct.)
30. *Jeffrey L. Blackford, Property Maintenance Code Official for Fairfax County, Virginia v. Mark J. A. Nolen*, Case No. GV13-023475 (Fx. Co. Gen. Dist. Ct.) (Hunter Mill District)
31. *Leslie B. Johnson, Fairfax County Zoning Administrator v. William O. Robinson, Jr.*, Case Nos. GV13-023476 and GV13-023477 (Fx. Co. Gen. Dist. Ct.) (Sully District)

32. *Jeffrey L. Blackford , Property Maintenance Code Official for Fairfax County, Virginia v. Doris Harwitz Trust, Doris Harwitz and Stuart Harwitz, Trustees, Case Nos. GV13-023473 and GV13-023474 (Fx. Co. Gen. Dist. Ct.) (Dranesville District)*
33. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Jose Salome Portillo and Francisca E. Portillo, Case Nos. GV13-023469 and GV13-023470 (Fx. Co. Gen. Dist. Ct.) (Providence District)*
34. *Jeffrey L. Blackford , Property Maintenance Code Official for Fairfax County, Virginia v. Jose Salome Portillo and Francisca E. Portillo, Case Nos. GV13-023471 and GV13-023472 (Fx. Co. Gen. Dist. Ct.) (Providence District)*
35. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Jose L. Zambrano, Case No. GV13-023859 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)*
36. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Luis Escalona and Lidia Escalona, Case No. GV13-023860 (Fx. Co. Gen. Dist. Ct.) (Lee District)*
37. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Karl A. Eickmeyer, Case No. GV13-023914 (Fx. Co. Gen. Dist. Ct.) (Braddock District)*
38. *Jeffrey L. Blackford, Property Maintenance Code Official for Fairfax County, Virginia v. Karl A. Eickmeyer, Case No. GV13-023913 (Fx. Co. Gen. Dist. Ct.) (Braddock District)*
39. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Keun Hoon Lee and Yong Ja Lee, Case No. GV13-024383 (Fx. Co. Gen. Dist. Ct.) (Lee District)*

3:30 P.M.

Public Hearing to Adopt an Ordinance to Adjust the Boundary Line of Fairfax County with the City of Falls Church to Annex and Incorporate Thirteen Parcels and Other Land Into the City of Falls Church and to Adopt a Voluntary Boundary Adjustment Agreement with the City of Falls Church

ISSUE:

A public hearing for the purpose of adopting an ordinance to adjust the boundary line of Fairfax County (County) with the City of Falls Church (City) to annex and incorporate thirteen parcels and other land into the City and to adopt a voluntary settlement agreement ("Agreement") with the City of Falls Church. A draft of the proposed ordinance is shown in Attachment 1.

RECOMMENDATION:

The County Executive recommends that the Board adopt the proposed ordinance which is shown in Attachment I.

TIMING:

On October 29, 2013, the Board authorized this public hearing. If the Board chooses to adopt the ordinance and the Agreement, it needs to do so prior to the hearing before the special court required by Va. Code Ann. § 15.2-3400 (2012) governing voluntary boundary adjustments between localities. That hearing has not yet been scheduled, but it is hoped that the Supreme Court will schedule it sometime in December 2013.

BACKGROUND:

The proposed ordinance and the Agreement are part of a larger settlement of a lawsuit that will resolve numerous longstanding disputes between the City and either the County or the Fairfax County Water Authority (Fairfax Water) concerning various aspects of the City's water utility, which serves not only the City, but also approximately 130,000 County residents and businesses in eastern Fairfax County. As the Board is well aware, those disputes have spawned several rounds of litigation.

After the Board passed an ordinance on December 6, 2011, establishing an exclusive service area and maximum allowable rates, fees, and charges for water service in Fairfax County, the City brought suit challenging that ordinance. With the assistance of Federal Magistrate Judge Theresa C. Buchanan, a settlement agreement was reached between the County, Fairfax Water, and the City which provides for, among other things, the sale of the City's water system to Fairfax Water and the adjustment of the

boundary between the County and the City whereby approximately .02% of the land in the County, most of which is owned by the City or its school board, will become part of the City. Ninety percent of the land that will be incorporated into the City is currently used for the City's high school and middle school and for athletic fields and 70 percent of that land must be used for school purposes for 50 years after those parcels become a part of the City. The remaining parcels owned by the City are used for City buildings and a maintenance yard.

Pursuant to Va. Code Ann. § 15.2-3400 (2012), the City and the County jointly petitioned the Virginia Commission on Local Governments (Commission) to recommend approval of the Agreement to a special court appointed by the Virginia Supreme Court to affirm and validate the Agreement. In September 2013, the Commission issued its report and recommended their approval. The Commission found that the Agreement "promotes the viability of both local governments and is consistent with the best interests of the Commonwealth."

The next step in the boundary adjustment process pursuant to Va. Code Ann. § 15.2-3400 is for the City and the County to petition the Fairfax County Circuit Court, which was filed on October 29, 2013, to ask the Virginia Supreme Court to appoint a special court to affirm and validate the Agreement. Prior to doing so, Va. Code Ann. § 15.2-3400 provides that both localities adopt parallel ordinances to effectuate the boundary adjustment if approved by the special court.

FISCAL IMPACT:

The settlement of the litigation with the City, the sale of its water system to Fairfax Water, and the boundary adjustment, all of which are contingent upon each other, will ensure that County customers will no longer have water rates and charges imposed by a locality in which they have no representation. Fairfax Water's rates will apply to the City's former customers within two years.

ENCLOSED DOCUMENTS:

Attachment I – The Proposed Ordinance

STAFF:

Cynthia L. Tianti, Deputy County Attorney

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

AN ORDINANCE TO ADJUST THE BOUNDARY LINE OF FAIRFAX COUNTY WITH THE CITY OF FALLS CHURCH TO ANNEX AND INCORPORATE THIRTEEN PARCELS AND OTHER LAND INTO THE CITY OF FALLS CHURCH AND TO ADOPT A VOLUNTARY SETTLEMENT AGREEMENT WITH THE CITY OF FALLS CHURCH.

THE BOARD OF SUPERVISORS OF FAIRFAX COUNTY, VIRGINIA HEREBY RESOLVES that, upon the effective date of this Ordinance, the existing boundary line between the County and the City of Falls Church (“the City”) will be adjusted by incorporating into the City 13 parcels and other land (“the Parcels”) that are currently in the unincorporated portions of Fairfax County, Virginia (“the County”). The Parcels are shown on Fairfax County Tax Map 40-3 (Revised to 05-21-2013) attached hereto as Exhibit 1, and metes and bounds descriptions of the Parcels are attached hereto as Exhibit 2. The Parcels are further identified as follows:

The “School-Related Parcels” are as follows:

- (1) Parcel 91 (Tax Map Number 040-3-01-0091), totaling approximately 8.36815 acres and owned by the City.
- (2) Parcel 93 (Tax Map Number 040-3-01-0093), totaling approximately 1.59753 acres and owned by the City.
- (3) Parcel 94 (Tax Map Number 40-3-01-0094)—less and except the small island of land to the south of the larger part of parcel 94 completely surrounded by the right-of-way of the Washington Metropolitan Area Transit Authority and as shown on Exhibit 3 as “the island”—totaling approximately 24.65471 acres and owned by the School Board of the City of Falls Church.

The “Additional Parcels” are as follows:

- (1) Parcel 14 (Tax Map Number 040-3-12-0014) and Parcel 15 (Tax Map Number 40-3-12-0015), which comprise approximately 0.38762 acre and are owned by the City.
- (2) Parcel 23A (Tax Map Number 040-3-12-0023A), totaling approximately 0.14839 acre and owned by the City.
- (3) Parcel 24 (Tax Map Number 040-3-12-0024), totaling approximately 0.09554 acre and owned by the City.
- (4) Parcel 25 (Tax Map Number 040-3-12-0025), totaling approximately 0.28168 acre and owned by the City.
- (5) Parcel 26 (Tax Map Number 040-3-12-0026), totaling approximately 0.30463 acre and owned by the City.
- (6) Parcel 26A (Tax Map Number 040-3-12-0026A), totaling approximately 0.17932 acre and owned by the City.
- (7) Parcel 109A (Tax Map Number 040-3-01-0109A), totaling approximately 0.61619 acre and owned by Henry J. Fox, Wales H. Jack, and John R. Steelman, Trustees for Federal Realty Investment Trust, an unrecorded Business Trust organized on May 25, 1962.

- (8) Parcel 109B (Tax Map Number 040-3-01-0109B, totaling approximately 0.00124 acre and owned by Federal Realty Investment Trust, an Unincorporated Business Trust.
- (9) An unnumbered portion of City of Falls Church Parcel Number 51-219-104 that is currently located within Fairfax County (identified at DB 5574 PG 1581 as parcel 3B among the land records of Arlington County, Virginia), which comprises approximately 0.00066 acre.
- (10) Parcel 115A (Tax Map Number 040-3-01-0115A), totaling approximately 1.00048 acres and owned by the City.
- (11) The entire width of the Haycock Road right-of-way that runs parallel to Parcel 94 of the School-Related Parcels, which comprises approximately 0.77418 acre.

This Ordinance also adopts a Voluntary Boundary Adjustment Agreement By and Between the City of Falls Church, Virginia, and Fairfax County, Virginia (“the Agreement”), attached hereto as Exhibit 4. Under the Agreement, this Ordinance and the incorporation of the Parcels into the City’s boundaries will be effective only upon the occurrence of the last of all of the following events: (1) the sale of the City’s water system to the Fairfax County Water Authority (“Fairfax Water”); (2) the County and the City both adopting ordinances to incorporate the Parcels into the City; and (3) a special court affirming and validating the Agreement giving it full force and effect. The Agreement provides, among other things, that at least 70% of the total acreage of the School-Related Parcels will be used for school purposes for a period of 50 years after the County and the City have each adopted ordinances confirming the incorporation of the Parcels into the City.

To effectuate this Ordinance and the Agreement, pursuant to Va. Code § 15.2-3400(5), the City and the County must petition for appointment of a special court pursuant to Va. Code §§ 15.2-3000 *et seq.* and -3400 *et seq.*; the Supreme Court of Virginia must appoint a special court; and the special court must enter a final order affirming and validating the Agreement.

Upon the incorporation of the Parcels into the City, the City will extend its then-existing governmental services to the Parcels on the same basis and at the same level as such services are then, or may thereafter be, provided to areas within the City’s current corporate limits where like conditions exist.



**Metes and Bounds Description of the  
Voluntary Jurisdictional Boundary Adjustment between the  
City of Falls Church, Virginia and Fairfax County, Virginia**

*(The intent of the following description is to adjust the jurisdictional boundary between the City of Falls Church, Virginia and Fairfax County, Virginia to run with the boundaries of the described properties.)*

Beginning on the existing jurisdictional boundary between the City of Falls Church, Virginia and Fairfax County, Virginia, as described in Part 1, Charter, Chapter 1, Section 1.02 of the City of Falls Church, Virginia Ordinance, being N21°45'18"E, 2,476.68' from a point in the center of West Street, Route #705, said point of beginning (POB) lying on the common boundary of the northerly right-of-way of Gordons Road, 50' wide, and the southerly line of Lot 24, Gordons Addition to West Falls Church, Liber P-13, PG. 461, and being a corner to the herein described jurisdictional boundary adjustment as agreed between the City of Falls Church, Virginia and Fairfax County, Virginia;

Thence departing said existing jurisdictional boundary between the City of Falls Church, Virginia and Fairfax County, Virginia, along the common boundary line of said Gordons Road, and Lots 24, 25, and 26, of the said Gordons Addition to West Falls Church, N76°35'01"W, 235.07', to an iron pipe found (IPF), being a corner common to Lot 26 and Lot 15, Gordons Addition to West Falls Church;

Thence departing Lot 26, along the common boundary of said Lot 15 and Gordons Road, N51°27'27"W, 150.25', to the easterly right-of-way of Shreve Road, variable width, Route #703;

Thence departing Gordons Road, along the common boundary of the easterly right-of-way of said Shreve Road and Lots 15, and 14, said Gordons Addition to West Falls Church, properties recorded in the name(s) of The City of Falls Church, D.B. 5709, PG. 1363, and City of Falls Church, Virginia, D.B. 4415, PG. 599, N35°12'33"E 345.78', to a corner common to Lot 13, said Gordons Addition to West Falls Church, in the right of way line of Shreve Road;

Thence departing Shreve Road, along the common boundary of Lot 13 and property recorded in the name of City of Falls Church, Virginia, S54°44'43"E 247.81', to an iron pipe found (IPF) lying on the westerly line of Lot 8-A, Resubdivision of Lot 8, Gordon's Addition to West Falls Church, D.B. 1560, PG. 257;

Thence departing Lot 13, along the common boundary of property recorded in the name of City of Falls Church, Virginia, and said Lot 8-A and Lot 8-B, Resubdivision of Lot 8,

County of Fairfax, Virginia  
Department of Public Works and Environmental Services  
Capital Facilities, Utilities Design and Construction Division, Land Survey Branch

12000 Government Center Parkway, Suite 147  
Fairfax, VA 22035-0088

Ph. 703-324-5151, TTY 1-800-828-1120, Fax 703-324-5575

www.fairfaxcounty.gov

Gordon's Addition to West Falls Church, S33°16'55"W, 123.50', to property recorded in the name of The City of Falls Church, Virginia, D.B. 2538, PG. 741;

Thence departing said City of Falls Church, Virginia, along said Lot 8-B and said The City of Falls Church, Virginia, S75°58'45"E, 80.42', to the aforementioned existing jurisdictional boundary between the City of Falls Church, Virginia and Fairfax County, Virginia;

Thence along the existing jurisdictional boundary through said Lots 8-B and 8-A, Lot 9, Gordons Addition to West Falls Church, Liber P-13, PG. 461, Lot 10-B and 10-A, Resubdivision of Lot 10 Gordons Addition to West Falls Church, D.B. 1199, PG. 32, property recorded in the name of Broad Street Corporation, D.B. 6906, PG. 1895, property recorded in the name of Longoria, LLC, D.B. 12580, PG. 13, Lot 1, Lawrence H Butt, D.B. 1459, PG. 519, and the variable width right-of-way of Leesburg Pike, Route #7, N21°45'18"E, 648.48', to the point of intersection of the northeasterly right-of-way line of Leesburg Pike, Route #7, variable width, and the westerly line of Lot 1, Danor Falls Plaza Corp., D.B. 1898, PG. 33;

Thence departing the existing jurisdictional boundary, along the common boundary of the northeasterly right-of-way of Leesburg Pike and said Lot 1, N51°20'54"W, 101.99', to a drill hole with chiseled X found (DHF) at the point of intersection with the southerly right-of-way line of Haycock Road, variable width, Route #703;

Thence departing Lot 1, along the easterly right-of-way of Leesburg Pike, through said Haycock Road N54°59'45"W, 110.08', to the northerly right-of-way of said Haycock Road, being a corner to property recorded in the name of School Board of the City of Falls Church, Virginia, D.B. 733, PG. 330;

Thence departing Haycock Road, along the common boundary of said Leesburg Pike and said School Board of the City of Falls Church, Virginia, N51°20'58"W, 1,192.12', being a corner common to property recorded in the name of Washington Metropolitan Area Transit Authority, D.B. 5420, PG. 1226;

Thence departing said Leesburg Pike, along the common boundary of said School Board of the City of Falls Church, Virginia and said Washington Metropolitan Area Transit Authority the following four (4) courses:

N38°39'02"E, 37.16';

102.47' along the arc of a curve to the left, having a radius of 61.47', a central angle of 95°30'57" and a chord of N09°06'26"W, 91.01';

N56°51'55"W, 274.13'; and

County of Fairfax, Virginia  
Department of Public Works and Environmental Services  
Capital Facilities, Utilities Design and Construction Division, Land Survey Branch

12000 Government Center Parkway, Suite 147

Fairfax, VA 22035-0088

Ph. 703-324-5151, TTY 1-800-828-1120, Fax 703-324-5511 (347)

www.fairfaxcounty.gov

55.99' along the arc of a curve to the right, having a radius of 347.65', a central angle of  $09^{\circ}13'38''$  and a chord of  $N52^{\circ}15'06''W$ , 55.93', to the southerly right-of-way line of Custis Memorial Parkway, variable width, Interstate #66;

Thence departing said Washington Metropolitan Area Transit Authority, along the common boundary of said School Board of the City of Falls Church, Virginia and Custis Memorial Parkway,  $N39^{\circ}12'40''W$ , 36.74';

Thence along the common boundary of Custis Memorial Parkway and said School Board of the City of Falls Church, Virginia and property recorded in the name of The City of Falls Church, Virginia, D.B. 2635, PG. 342,  $N19^{\circ}48'16''W$ , 182.56';

Thence along said common boundary of Custis Memorial Parkway and said The City of Falls Church, Virginia the following three (3) courses:

124.97' along the arc of a curve to the right, having a radius of 522.96', a central angle of  $13^{\circ}41'31''$  and a chord of  $N04^{\circ}30'15''W$ , 124.67';

55.37' along the arc of a curve to the right, having a radius of 359.26', a central angle of  $08^{\circ}49'53''$  and a chord of  $N06^{\circ}45'27''E$ , 55.32'; and

$N38^{\circ}47'47''E$ , 221.81', to a corner common to property recorded in the name of Washington Metropolitan Area Transit Authority, D.B. 5420, PG. 1210;

Thence departing Custis Memorial Parkway along the common boundary of said Washington Metropolitan Area Transit Authority and said The City of Falls Church, Virginia, 48.98' along the arc of a curve to the right, having a radius of 347.65', a central angle of  $08^{\circ}04'21''$  and a chord of  $N62^{\circ}03'10''E$ , 48.94';

Thence along the boundary first common with said Washington Metropolitan Area Transit Authority and said The City of Falls Church, Virginia and then common with other properties recorded in the names of Washington Metropolitan Area Transit Authority, D.B. 5420, PG. 1210, and City of Falls Church, Virginia, D.B. 5326, PG. 612 the following five (5) courses:

354.51' along the arc of a curve to the right, having a radius of 5670.71', a central angle of  $03^{\circ}34'55''$  and a chord of  $N67^{\circ}52'48''E$ , 354.46';

$N74^{\circ}41'48''E$ , 156.93';

N82°12'06"E, 156.47';

N76°56'22"E, 111.68'; and

S49°26'04"E, 94.95' to an iron pipe found (IPF), said pipe being a corner  
common to other property recorded in the name of Washington  
Metropolitan Area Transit Authority, D.B. 4258, PG. 539;

Thence departing said Washington Metropolitan Area Transit Authority, along the  
common boundary of said City of Falls Church, Virginia and said other property of  
Washington Metropolitan Area Transit Authority, S32°19'03"E, 391.04', to an iron pipe  
found (IPF), being a corner common to other property recorded in the name of City of  
Falls Church, D.B. 4171, PG. 38;

Thence departing said Washington Metropolitan Area Transit Authority, along the  
common boundary of said properties recorded in the name of City of Falls Church,  
S34°53'47"W, 410.26', to an iron pipe found (IPF) in the line of the aforementioned  
School Board of City of Falls Church, Virginia;

Thence departing City of Falls Church, Virginia, (D.B. 5326, PG. 612) along the  
common boundary of said other property of City of Falls Church, and said School Board  
of the City of Falls Church, Virginia the following two (2) courses:

S50°18'27"E, 352.10', to an iron pipe found (IPF);

S51°37'03"E, 578.52', and extending through the aforementioned  
Haycock Road to the point of intersection with aforementioned existing  
jurisdictional boundary between the City of Falls Church, Virginia and  
Fairfax County, Virginia,

said point of intersection lying S21°45'18W, 50.96', thence N77°42'42"W, 4,843.00'  
(passing through a line stone at 3,808.70') from the West Cornerstone of the District of  
Columbia.

ALL BEARINGS ARE BASED ON THE  
VIRGINIA VCS 1983 NORTH ZONE.

GIVEN UNDER MY HAND THIS  
14th <sup>DAY</sup> OF JUNE, 2013,



County of Fairfax, Virginia  
Department of Public Works and Environmental Services  
Capital Facilities, Utilities Design and Construction Division, Land Survey Branch

12000 Government Center Parkway, Suite 147  
Fairfax, VA 22035-0088

Ph. 703-324-5151, TTY 1-800-828-1120, Fax 703-324-55(149)

www.fairfaxcounty.gov



**[---DRAFT---]**

**Voluntary Boundary Adjustment Agreement  
By and Between  
the City of Falls Church, Virginia,  
and  
Fairfax County, Virginia**

**Dated as of \_\_\_\_\_, 2013**

## **VOLUNTARY BOUNDARY ADJUSTMENT AGREEMENT**

This Voluntary Boundary Adjustment Agreement (“Agreement”) is made and entered into this \_\_\_\_ day of \_\_\_\_\_, 2013, by and between the CITY OF FALLS CHURCH, VIRGINIA, a political subdivision and an independent city of the Commonwealth of Virginia with powers vested in its City Council (“Falls Church” or “City”), and FAIRFAX COUNTY, VIRGINIA, a political subdivision of the Commonwealth of Virginia with powers vested in its Board of Supervisors (“Fairfax County” or “County”).

WHEREAS, Falls Church is a political subdivision and an independent city of the Commonwealth of Virginia, and is engaged, *inter alia*, in the business of acquiring, treating, storing, supplying, distributing and selling water to the public (the “Water System”);

WHEREAS, Falls Church owns, operates and maintains the Water System to serve its customers within the city limits of Falls Church and in portions of surrounding areas located within Fairfax County;

WHEREAS, the Fairfax County Water Authority (“Fairfax Water”) is a political subdivision created by the Board of Supervisors of Fairfax County pursuant to the Virginia Water and Waste Authorities Act and is engaged, *inter alia*, in the business of collecting, treating, storing, supplying, distributing and selling water to the public through an integrated system sometimes located adjacent to the Water System;

WHEREAS, subject to the terms and conditions set forth in a separate Agreement of Sale by and between Falls Church and Fairfax Water dated July 11, 2013, (“the Water Agreement”), Falls Church intends to sell, and Fairfax Water intends to purchase, substantially all of the assets and rights of Falls Church in connection with the Water System;

WHEREAS, the City and Fairfax County, in recognition of the benefits that the acquisition of the Water System by Fairfax Water would confer upon the residents of both the City and the County, desire to facilitate and effectuate this acquisition, through mutual agreement, by making certain changes to the boundary lines between Falls Church and the County;

WHEREAS, Fairfax County, acting under the authority of its Board of Supervisors, has approved this Agreement and authorized the undersigned official representatives to execute the Agreement on behalf of Fairfax County; and,

WHEREAS, Falls Church, acting under the authority of its City Council, has approved this Agreement and authorized the undersigned official representatives to execute the Agreement on behalf of Falls Church;

NOW THEREFORE, in consideration of \$10.00 and the mutual covenants, representations, warranties and agreements set forth herein, and intending to be legally bound, Falls Church and Fairfax County (each a “Party” and collectively referred to as the “Parties”) agree as follows:

**Section 1.     Covenants of the Parties.**

Subject to the terms and conditions of this Agreement, the Parties mutually covenant and agree that:

1.1     Boundary Adjustments.

- (a)     The Parties shall take all necessary, legally permissible action to cause the entirety of each of the following parcels identified in Fairfax County Tax Map 40-3 (Revised to 05-21-2013, attached hereto as Appendix 1), and herein collectively referenced as the “School-Related Parcels,” to be legally removed from within the boundaries and under the jurisdiction of Fairfax County and included within the boundaries and under the jurisdiction of Falls Church:
  - (i)     Parcel 91 (Tax Map Number 40-3-01-0091), totaling approximately 8.36815 acres and owned by the City;
  - (ii)    Parcel 93 (Tax Map Number 40-3-01-0093), totaling approximately 1.59753 acres and owned by the City; and
  - (iii)   Parcel 94 (Tax Map Number 40-3-01-0094), totaling approximately 24.65471 acres and owned by the School Board of the City of Falls Church (“the School Board”), less and except the small island of land to the south of the larger part of parcel 94 completely surrounded by the right-of-way of the Washington Metropolitan Area Transit Authority and as shown on Appendix 1 as “the island.”
  
- (b)     The Parties shall take all necessary, legally permissible action to cause the entirety of each of the following parcels and land identified in Fairfax County Tax Map 40-3 (Revised to 05-21-2013, attached hereto as Appendix 1), and herein collectively referenced as the “Additional Parcels,” to be legally removed from within the boundaries and under the jurisdiction of Fairfax County and included within the boundaries and under the jurisdiction of Falls Church:
  - (i)     Parcel 14 (Tax Map Number 40-3-12-0014) and Parcel 15 (Tax Map Number 40-3-12-0015), which comprise approximately 0.38762 acre and are owned by the City;
  - (ii)    Parcel 23A (Tax Map Number 40-3-12-0023A), totaling approximately 0.14839 acre and is owned by the City;
  - (iii)   Parcel 24 (Tax Map Number 40-3-12-0024), totaling approximately 0.09554 acre and is owned by the City;

- (iv) Parcel 25 (Tax Map Number 40-3-12-0025), totaling approximately 0.28168 acre and is owned by the City;
  - (v) Parcel 26 (Tax Map Number 40-3-12-0026), totaling approximately 0.30463 acre and is owned by the City;
  - (vi) Parcel 26A (Tax Map Number 40-3-12-0026A), totaling approximately 0.17932 acre and is owned by the City;
  - (vii) Parcel 109A (Tax Map Number 40-3-01-0109A), totaling approximately 0.61619 acre and is owned by Henry J. Fox, Wales H. Jack, and John R. Steelman, Trustees for Federal Realty Investment Trust an unrecorded Business Trust organized on May 25, 1962;
  - (viii) Parcel 109B (Tax Map No. 40-3-01-0109B), totaling approximately 0.00124 acre and is owned by Federal Realty Investment Trust, an Unincorporated Business Trust;
  - (ix) An unnumbered portion of City of Falls Church Parcel Number 51-219-104 that is currently located within Fairfax County (identified at DB 5574 PG 1581 as parcel 3B among the land records of Arlington County, Virginia, hereinafter “the unnumbered parcel”), which comprises approximately 0.00066 acre;
  - (x) Parcel 115A (Tax Map Number 40-3-01-0115A), totaling approximately 1.00048 acres and is owned by the City; and
  - (xi) The entire width of the Haycock Road right-of-way that runs parallel to Parcel 94 of the School-Related Parcels, which comprises approximately 0.77418 acre.
- (c) *Limitation on Post-Adjustment Use of School-Related Parcels.* The Parties agree that the following limitations shall apply to the use of the School-Related Parcels following the completion of the boundary adjustments set forth in Section 1.1(a) hereof:
- (i) At least 70% of the acreage of the School-Related Parcels, the composition of which acreage will be determined from time to time solely by Falls Church, shall be used for school purposes for a period of fifty (50) years after the later of the dates on which the County and the City have each adopted final versions of the draft ordinances set forth in Appendices 2 and 3 (“Draft Ordinances”), respectively, and the United States Department of Justice has given preclearance approval to the Draft Ordinances pursuant to § 5 of the Voting Rights Act of 1965, as amended, and 42 C.F.R. § 51.13(e) (2012), if such preclearance approval is required. During such 50-year period, Falls Church will not use and will not

allow any person or entity to use the School-Related parcels in a manner that is inconsistent with this provision. Falls Church will take such reasonable and lawful actions as may be necessary to effectuate this provision, and in the event that Falls Church fails to do so, Fairfax County may similarly take reasonable and lawful actions to effectuate this provision.

- (ii) Up to 30% of the acreage of the School-Related Parcels, the composition of which acreage will be determined from time to time solely by Falls Church, may be used for any lawful purposes for a period of fifty (50) years after the later of the dates on which the County and the City have each adopted final versions of the Draft Ordinances and the United States Department of Justice has given preclearance approval pursuant to § 5 of the Voting Rights Act of 1965, as amended, and 42 C.F.R. § 51.13(e) (2012), if such preclearance approval is required.
- (iii) Following the 50-year period after the later of the dates on which the County and the City have each adopted final versions of the Draft Ordinances and the United States Department of Justice has given preclearance approval to the Draft Ordinances pursuant to § 5 of the Voting Rights Act of 1965, as amended, and 42 C.F.R. § 51.13(e) (2012), if such preclearance approval is required, the School-Related Parcels may be used in whole or in part for any lawful purpose.

(d) *General Procedure to Effectuate Boundary Adjustments.*

- (i) The Parties covenant that they will take all necessary and reasonable action to implement the terms of this Agreement in accordance with the requirements for voluntary settlements among local governments set forth in Va. Code Ann. § 15.2-3400 (2012).
- (ii) This Agreement shall constitute a “voluntary agreement” and/or a “voluntary settlement” for purposes of Va. Code Ann. § 15.2-3400 (2012).
- (iii) Any judicial proceeding(s) required to effectuate the terms and conditions of this Agreement shall be instituted by the Parties in conformance with Paragraphs 5 and 6 of Va. Code Ann. § 15.2-3400 (2012).
- (iv) Falls Church and Fairfax County shall each pass ordinances substantially in the form of the Draft Ordinances attached hereto as Appendix 2 and Appendix 3, respectively. The Draft Ordinances are deemed by the Parties to satisfy the ordinance requirements under Va. Code Ann. § 15.2-3400 (2012).

- (v) In any application, filing, submission or request to any court, commission, agency or other body required to fulfill the terms and conditions of this Agreement, the Parties shall exercise their reasonable best efforts to have the boundary adjustments set forth in this Section 1.1 take effect as of the later of any of the dates on which the final version of the County and the City's Draft Ordinances set forth in Appendix 2 and 3 respectively, are adopted and the United States Department of Justice has given preclearance approval to the Draft Ordinances pursuant to § 5 of the Voting Rights Act of 1965, as amended, and 42 C.F.R. § 51.13(e) (2012), if such preclearance approval is required.
- (e) *Submission to the Justice Department for Preclearance Approval.*
  - (i) The Parties agree to submit the boundary adjustments set forth in this Agreement to the United States Department of Justice for preclearance approval pursuant to § 5 of the Voting Rights Act of 1965, as amended, and 42 C.F.R. § 51.13(e) (2012), if such preclearance approval is required.
  - (ii) If preclearance approval is required and the Department of Justice has not given preclearance approval to all of the boundary adjustments set forth in this Agreement within 120 days after the Parties have submitted said boundary adjustments for preclearance approval pursuant to § 5 of the Voting Rights Act of 1965, as amended, and 42 C.F.R. § 51.13(e) (2012), and such preclearance approval is required, then this Agreement shall be deemed to have terminated, unless the parties otherwise agree in writing.
- (f) *Fairfax County will not Support or Encourage Others to Sue City.* Neither Fairfax County, the Board of Supervisors of Fairfax County, nor any board members, officials, officers, employees, or agents of Fairfax County acting in their official capacity shall sue or support or encourage others to sue the City, its City Council, council members, officials, officers, employees, or agents of Falls Church relative to this agreement, including the recovery of any of the proceeds of the sale of the City's water system to Fairfax Water.
- (g) *Falls Church will not Support or Encourage Others to Sue County.* Neither the City, the Falls Church City Council, nor any council members, officials, officers, employees, or agents of the City acting in their official capacity shall sue or support or encourage others to sue the County, its Board of Supervisors, board members, officials, officers, employees, or agents of Fairfax County relative to this Agreement or the sale of the City's water system to Fairfax Water.

1.2 Requirements for Boundary Adjustments to Take Effect.

- (a) The provisions of this Agreement effecting boundary adjustments between the Parties shall not take effect until the following have occurred:
  - (i) This Agreement has been presented to and reviewed by the Commission on Local Government (“the Commission”) in accordance with the provisions of Va. Code § 15.2-3400(3).
  - (ii) The Commission has conducted a hearing pursuant to Va. Code § 15.2-2907(A) and reported, in writing, its findings and recommendations as to whether this Agreement is in the best interests of the Commonwealth of Virginia. The Commission report shall not be binding upon any court but shall be advisory in nature only.
  - (iii) Upon receipt of the Commission report, the Parties have passed by a recorded affirmative vote of a majority of the members of each governing body, either this Agreement or a modified agreement acceptable to the Parties, as provided by Va. Code § 15.2-3400(4).
  - (iv) The Parties, by and through their respective governing bodies, have petitioned a circuit court having jurisdiction for an order affirming this Agreement or a modified Agreement, the terms of which have been agreed to by both Parties.
  - (v) A special court (“the Special Court”) has been appointed by the Supreme Court of Virginia to hear the case brought by the Parties for an order affirming this Agreement or a modified Agreement, the terms of which have been agreed to by both Parties.
  - (vi) The Special Court has entered an order deciding to affirm this Agreement or a modified Agreement, the terms of which have been agreed to by both Parties, thereby validating this Agreement or a modified Agreement and giving it full force and effect.
  - (vii) The United States Department of Justice has given preclearance approval to the Draft Ordinances pursuant to § 5 of the Voting Rights Act of 1965, as amended, and 42 C.F.R. §51.13(e) (2012), if such preclearance approval is required.
- (b) The Parties agree that if this Agreement, or a modified Agreement, the terms of which have been agreed to by both Parties, is not affirmed, validated, and given full force and effect by the Special Court, this Agreement shall terminate without further action by either of the Parties.

1.3 Effective Date of Boundary Adjustments.

- (a) The boundary line adjustments set forth in this Agreement shall become effective upon the closing on the Water Agreement.
- (b) At the time the boundary adjustments set forth in this Agreement become effective as set forth in Paragraph 1.3(a) above, the boundaries of the City and the County shall be as shown on the plats attached hereto as Appendix 4 and as illustrated in Appendices 5 and 6.
- (c) *Cooperation to Facilitate Boundary Adjustments and Performance of the Agreement.* The Parties shall cooperate in good faith and cause their respective officers, board and/or council members, employees, agents and representatives to cooperate to facilitate the boundary adjustments contemplated by this Agreement, and to facilitate the performance of the other obligations of the Parties under this Agreement.

Each Party shall furnish to the other any necessary information or reasonable assistance as the other Party may request in connection with the consent, approval or authorization of, or registration with or filing or submission to any third party (including any court, commission, or governmental or regulatory agency or entity).

1.4 Cooperation with VDOT.

Falls Church and Fairfax County will work cooperatively with the Virginia Department of Transportation to address transportation and access issues in the general area of the boundary adjustments set forth in this Agreement.

1.5 Enforcement of Contested Ordinance.

- (a) Fairfax County agrees that neither it nor its board members, officers, agents, and employees will take any action on behalf of the County to civilly or criminally enforce § 65-6-13 of the Fairfax County Code, which is the subject of *City of Falls Church, et al. v. Board of Supervisors of Fairfax County, et al.*, No. 1:12cv487 (the “Ordinance”), against Falls Church and/or any of its council members, officers, officials, agents, and employees for any alleged violation of said ordinance occurring at any time prior to, upon, or after the execution of this Agreement, provided that Falls Church and Fairfax Water consummate the sale of the Water System to Fairfax Water pursuant to the terms of the Water Agreement (as may be modified, amended or superseded in accordance with the terms thereunder).
- (b) In the event Falls Church and Fairfax Water do not consummate the sale of the Water System to Fairfax Water pursuant to the terms of the Water Agreement (as may be modified, amended or superseded in accordance with the terms thereunder), Fairfax County agrees that neither it nor its

board members, officers, agents, and employees will take any action on behalf of the County to civilly or criminally enforce the Ordinance against Falls Church and/or any of its council members, officers, officials, agents, and employees for any alleged violation of said ordinance occurring at any time prior to the termination of the Agreement of Sale.

1.6 Expenses.

- (a) The Parties agree to share equally the filing fees and other mandatory costs incurred by them in connection with any public hearings required to be held pursuant to Va. Code §§ 15.2-2907(A) and -3400(3) and the filing of the petition requesting validation of this Agreement by the Special Court.
- (b) The Parties shall each bear their own respective administrative, accounting, legal and other expenses incurred in connection with the terms of this Agreement.

1.7 Litigation Cooperation.

Notwithstanding anything to the contrary contained in this Agreement, if any action or proceeding by any third party is instituted (or threatened to be instituted) challenging any transaction or action contemplated by this Agreement, the Parties shall mutually use their reasonable best efforts to (i) contest, resist or resolve any such proceeding or action and (ii) have vacated, lifted, reversed or overturned any injunction adverse to the Parties resulting from such proceeding or action.

1.8 Easements.

If, in the reasonable opinion of the City, the School Board, and/or any future owner of the School-Related Parcels and/or the Additional Parcels, any easement or facility in an easement encumbering any of said parcels in favor of Fairfax County or the Board as a grantee, unreasonably interferes with the use and/or development of said parcels, then, upon written request, Fairfax County and/or the Board agrees to the reasonable relocation of the easement and/or facility. Under such circumstances, Fairfax County and/or the Board must receive from the owner of the encumbered parcel a written request to allow such owner to relocate any such easement and/or facility at least 60 days before the owner desires to complete the relocation. The written request to allow the owner to relocate any such easement and/or facility must contain the reason for the request and a specification of a proposed new location for the easement and/or facility, to which Fairfax County and/or the Board shall agree, if the new location for the easement and/or facility is a reasonable replacement. The owner requesting any such relocation shall be responsible for preparing, filing and recording all paperwork necessary to effectuate the relocation and shall further be responsible for paying any and all costs associated with the filing and/or recordation of the papers and any other work necessary to complete the relocation. Fairfax County and/or the Board agree to approve and promptly have signed any document(s) that may be necessary to effectuate any such reasonable relocation.

**Section 2.    **Representations and Warranties.****

2.1    Representations and Warranties of Falls Church.

Falls Church represents and warrants to Fairfax County as follows:

- (a)    *Organization in Good Standing.* Falls Church is a political subdivision and an independent city duly organized, validly existing and in good standing under the laws of the Commonwealth of Virginia.
  
- (b)    *Authorization and Enforceability.* Falls Church has the full power and lawful authority, through its City Council, to execute this Agreement and to perform its obligations contemplated hereby and has duly and validly authorized the execution of this Agreement (including such other necessary agreements, instruments and documents in connection herewith) and all necessary proceedings.

This Agreement constitutes the legal, valid and binding obligation of Falls Church, enforceable against Falls Church in accordance with its terms, except as such enforceability may be limited by applicable laws relating to bankruptcy, insolvency, fraudulent conveyance, reorganization or affecting creditor's rights generally.

- (c)    *Noncontravention.* Falls Church's performance of its obligations contemplated hereby shall not (i) require any further approvals or consents from any third party other than those approvals or consents mandated by law, ordinance or regulation in effect as of the date of this Agreement; (ii) violate any law, ordinance or regulation; or, (iii) conflict with or result in a breach of, or constitute a default under, any contract, lease, permit or other agreement or commitment to which Falls Church is a party; except where the approvals, consents, violations or conflicts would have no effect on the ability of the Parties to fully consummate all terms of this Agreement.

2.2    Representations and Warranties of Fairfax County.

Fairfax County represents and warrants to Falls Church as follows:

- (a)    *Organization in Good Standing.* Fairfax County is a political subdivision of the Commonwealth of Virginia duly organized and validly existing and in good standing under the laws of the Commonwealth of Virginia.
  
- (b)    *Authorization and Enforceability.* Fairfax County has the full power and lawful authority, through its Board of Supervisors, to execute this Agreement and to perform its obligations contemplated hereby and has duly and validly authorized the execution of this Agreement (including such other necessary agreements, instruments and documents in connection herewith) and all necessary proceedings.

This Agreement constitutes the legal, valid and binding obligation of Fairfax County, enforceable against Fairfax County in accordance with its terms, except as such enforceability may be limited by applicable laws relating to bankruptcy, insolvency, fraudulent conveyance, reorganization or affecting creditor's rights generally.

- (c) *Noncontravention.* Fairfax County's performance of its obligations contemplated hereby shall not (i) require any further approvals or consents from any third party other than those approvals or consents mandated by law, ordinance or regulation in effect as of the date of this Agreement; (ii) violate any law, ordinance or regulation; or, (iii) conflict with or result in a breach of, or constitute a default under, any contract, lease, permit or other agreement or commitment to which Fairfax County is a party; except where the approvals, consents, violations or conflicts would have no effect on the ability of the Parties to fully consummate all terms of this Agreement.

**Section 3. Conditions Precedent to the Parties' Obligations.**

**3.1 Conditions Precedent to Falls Church's Obligations.**

The obligation of Falls Church to fully and finally effectuate the boundary adjustments set forth herein is subject to the satisfaction, on or prior to the Closing Date set forth in the Water Agreement (as such Closing Date may be modified pursuant to the terms of the Water Agreement), of each of the following conditions (any one or more of which may be waived in writing, in whole or in part, by Falls Church, in its sole discretion):

- (a) *Representations and Warranties.* Fairfax County's representations and warranties contained in this Agreement or in any appendix, schedule, list, certificate or document delivered pursuant to the provisions of this Agreement shall be true in all material respects at the Closing Date of the Water Agreement, as such Closing Date may be modified pursuant to the terms of the Water Agreement, except for changes in the ordinary course of business that are in conformity with the covenants, warranties, representations and agreements contained in this Agreement.
- (b) *Performance of Agreement.* Fairfax County shall have performed and complied, in all material respects, with all covenants, agreements and conditions required by this Agreement to be performed or complied with by Fairfax County.
- (c) *Consents.* Fairfax County shall have obtained all lawfully required written, final and unappealable approvals, authorizations, orders and consents to effectuate the boundary adjustments agreed to herein, subject only to the sale of Falls Church's Water System to Fairfax Water pursuant to the terms of the Water Agreement.

- (d) *Referendum.* A majority of all votes cast by the qualified voters of Falls Church at a general election referendum shall have approved the sale of the Water System from Falls Church to Fairfax Water.

### 3.2 Conditions Precedent to Fairfax County's Obligations.

The obligation of Fairfax County to fully and finally effectuate the boundary adjustments set forth herein is subject to the satisfaction, on or prior to the Closing Date set forth in the Water Agreement (as such Closing Date may be modified pursuant to the terms of the Water Agreement), of each of the following conditions (any one or more of which may be waived in writing, in whole or in part, by Fairfax County, in its sole discretion):

- (a) *Representations and Warranties.* Fall Church's representations and warranties contained in this Agreement or in any appendix, schedule, list, certificate or document delivered pursuant to the provisions of this Agreement shall be true in all material respects at the Closing Date of the Water Agreement, as such Closing Date may be modified pursuant to the terms of the Water Agreement, except for changes in the ordinary course of business that are in conformity with the covenants, warranties, representations and agreements contained in this Agreement.
- (b) *Performance of Agreement.* Falls Church shall have performed and complied, in all material respects, with all covenants, agreements and conditions required by this Agreement to be performed or complied with by Falls Church.
- (c) *Consents.* Falls Church shall have obtained all lawfully required written, final and unappealable approvals, authorizations, orders and consents to effectuate the boundary adjustments agreed to herein, subject only to the consummation of the sale of the Falls Church Water System to Fairfax Water pursuant to the terms of the Water Agreement.
- (d) *Referendum.* A majority of all votes cast by the qualified voters of Falls Church at a general election referendum shall have approved the sale of the Water System from Falls Church to Fairfax Water.

### **Section 4. Effective Date and Time of this Agreement.**

The terms and obligations of the Parties under this Agreement shall not take effect until this Agreement, or a modified Agreement, the terms of which have been agreed to by both Parties, has been validated and affirmed by the Special Court as provided by Paragraph 1.2(a)(vi) above.

**Section 5. Termination.**

5.1 Termination.

This Agreement may be terminated prior to the Closing Date (as such Closing Date may be modified pursuant to the terms of the Water Agreement) only as follows and in each case only by written notice:

- (a) by the mutual written consent of both Parties;
- (b) by either Party, if the Water Agreement has been terminated in accordance with the terms and conditions therein;
- (c) by either Party, upon a material breach by the other Party of any covenant, warranty, representation, agreement or provision of this Agreement that has not been (i) cured within thirty (30) days after the non-breaching Party gives written notice of said breach to the breaching Party; or (ii) waived by the non-breaching Party; or
- (d) by either Party, if any of the precedent conditions in this Agreement have become impossible to fulfill (other than through the failure of any Party to comply with its obligations under this Agreement); and the Parties have not mutually waived such condition within 30 days of being notified of the impossibility (which notification shall be promptly provided in writing by the Party discovering the impossibility to the other Party).

5.2 Effect of Termination.

- (a) Each Party's right of termination under Section 5.1 of this Agreement is in addition to any other rights it may have under this Agreement or otherwise, and the exercise of a right of termination will not be an election of remedies.
- (b) If this Agreement is terminated pursuant to Section 5.1(a), (b) or (d) of this Agreement, all further obligations of the Parties under this Agreement will terminate, except that the provisions in Sections 1.5 (Enforcement of Contested Ordinance) and 1.6 (Expenses) of this Agreement shall survive.

**Section 6. Remedies.**

6.1 Specific Performance.

- (a) The Parties agree that irreparable damage would occur in the event that any of the provisions of this Agreement are not performed in accordance with its specific terms or are otherwise breached.
- (b) The Parties agree that, in the event there is a disagreement between them regarding compliance with the terms and conditions of this Agreement,

prior to filing any suit the disagreement shall be submitted by either or both of the Parties to a neutral mediator for at least 60 days for assistance in reaching a resolution of the disagreement satisfactory to both Parties.

- (c) Each Party agrees that, in the event of any breach or threatened breach by the other Party of any covenant or obligation contained in this Agreement, the non-breaching Party shall be entitled (in addition to any other remedy that may be available to it whether in law or equity) to seek and obtain (i) a decree or order of specific performance to enforce the observance and performance of such covenant or obligation, and (ii) an injunction restraining such breach or threatened breach.
- (d) In circumstances where the Water Agreement has been terminated in accordance with the terms and conditions therein, each Party acknowledges that the other Party shall not be entitled to enforce specifically the duties and obligations set forth in this Agreement.

**Section 7. Survival.**

7.1 Representations and Warranties.

All representations and warranties made by the Parties in this Agreement or in any appendix, schedule, document, statement or certificate furnished in connection with this Agreement shall, except if the Water Agreement has been terminated, survive the Closing Date set forth in the Water Agreement, as such Closing Date may be modified in accordance with the terms and conditions therein, for a period of one (1) year.

7.2 Covenants.

This Section 7 shall not limit any covenant or agreement made by the Parties in this Agreement or in any schedule, document, statement or certificate furnished in connection with the transaction contemplated by this Agreement, that by its terms contemplates performance after the Closing Date set forth in the Water Agreement, as such Closing Date may be modified in accordance with the terms and conditions therein, except if the Water Agreement has been terminated. Each such covenant or agreement shall survive such Closing Date, and shall continue in full force and effect until each such covenant or agreement is fully performed.

**Section 8.    Miscellaneous.**

8.1    Entire Agreement.

This Agreement constitutes the entire agreement between the Parties concerning the voluntary boundary adjustments described in Section 1.1 and supersedes all prior oral or written agreements, understandings, representations and warranties, and courses of conduct and dealing between the Parties with respect to any of the parcels described in Section 1.1.

8.2    Amendment.

This Agreement may be amended or modified only by a writing executed by both of the Parties.

8.3    Extension or Waiver of Performance.

Each Party may extend the time for or waive the performance of any of the obligations of the other, waive any inaccuracies in the warranties or representations made by the other, or waive compliance by the other with any of the covenants, conditions or agreements contained in this Agreement, provided that any such extension or waiver shall be in writing and signed by the waiving Party in the case of a waiver, or each of the Parties in the case of an extension.

8.4    Assignment or Delegation.

No Party shall assign, delegate or otherwise transfer any of its duties, rights or obligations under this Agreement without the prior written consent of the other Party.

8.5    Successors and Assigns; Binding Effect.

This Agreement shall be binding upon, and inure to the benefit of the Parties and their respective successors and permitted assigns.

8.6    Governing Law.

This Agreement shall be governed by and construed under the laws of the Commonwealth of Virginia.

8.7    Notices.

All notices provided for in this Agreement shall be in writing, addressed to Falls Church or Fairfax County, as the case may be, at the addresses set forth in this Paragraph and may be (a) delivered in person; (b) sent by United States registered or certified mail, return receipt requested; or (c) sent by Federal Express or any other nationally recognized overnight courier or delivery service from which a receipt may be obtained.

To Falls Church: Wyatt Shields, City Manager  
City of Falls Church, Virginia  
300 Park Avenue, Suite 303 East  
Falls Church, VA 22046  
Tel: 703-248-5004  
Fax: 703-248-5146  
WShields@fallschurchva.gov

With a copy to: John E. Foster, City Attorney  
City of Falls Church, Virginia  
300 Park Avenue, Suite 302 East  
Falls Church, VA 22046  
Tel: 703-248-5010  
Fax: 703-248-5146  
JFoster@fallchurchva.gov

To Fairfax County: Edward L. Long Jr., County Executive  
12000 Government Center Parkway, Suite 552  
Fairfax, VA 22035

With a copy to: David P. Bobzien  
County Attorney  
12000 Government Center Parkway, Suite 549  
Fairfax, VA 22035

Fairfax County and Falls Church shall each deliver a copy of each notice delivered under this Agreement to:

Fairfax Water: Charles Murray, General Manager  
8570 Executive Park Avenue  
Fairfax, VA 22031

With a copy to: Stuart A. Raphael, Esquire  
Hunton & Williams LLP  
1751 Pinnacle Drive, Suite 1700  
McLean, VA 22102

Each Party shall have the right to designate for itself a new recipient and/or address for the receipt of notices by written notice to the other Party.

#### 8.8 Captions.

The headings and captions used with the subsections, sections and articles of this Agreement are for convenience or reference only and shall not be deemed to modify or limit the provisions of this Agreement.

8.9 Construction.

In the event any ambiguity or question of intent or interpretation arises, this Agreement shall be construed as if drafted jointly by the Parties, and no presumption or burden of proof shall arise favoring or disfavoring any Party by virtue of the authorship of any of the provisions of this Agreement.

Any reference to any federal, state, local or foreign statute shall be deemed to refer to all statutes, rules and regulations referenced therein or promulgated thereunder, unless the context requires otherwise.

Words used herein, regardless of the number and gender specifically used, shall be deemed and construed to include any other number, singular or plural, and any other gender, masculine, feminine or neuter, as the context may require. The word "including" means included, without limitation.

8.10 Cumulative Remedies.

The remedies afforded in this Agreement are cumulative to each other and to all other remedies provided by law.

8.11 No Waiver.

Except as otherwise provided herein, no delay of or omission in the exercise of any right, power or remedy accruing to any Party as a result of any breach or default by any other Party under this Agreement shall impair any such right, power or remedy; nor shall it be construed as a waiver of or acquiescence in any such breach or default, or any similar breach or default occurring later; nor shall any waiver of a single breach or default be deemed a waiver of any other breach or default occurring before or after that waiver.

8.12 Time of the Essence.

Time is of the essence in the execution and performance of this Agreement.

8.13 Jurisdiction and Venue.

Each Party irrevocably submits to the exclusive jurisdiction of (a) the Fairfax County Circuit Court (19th Judicial District), the Arlington County Circuit Court (17th Judicial District) and the appropriate appellate courts therefrom, and (b) the United States District Court for the Eastern District of Virginia and the appropriate appellate courts therefrom, for the purposes of any suit, action or other proceeding arising out or related to this Agreement.

When the above-mentioned courts may properly exercise jurisdiction over an action, suit or proceeding relating to this Agreement, the Parties agree not to commence or maintain any such action, suit or proceeding in a court or forum other than the above-mentioned courts.

8.14 Third Party Beneficiaries.

Nothing herein expressed or implied is intended or should be construed to confer upon or give to any person (other than the Parties) any rights or remedies under or by reason of this Agreement.

8.15 Counterparts.

This Agreement may be executed in one or more counterparts, each of which shall be deemed to be an original copy of this Agreement and all of which, when taken together, shall be deemed to constitute one and the same agreement.

**[Signatures Appear on Next Page]**

WHEREFORE, in consideration of the foregoing and intending to be legally bound by the terms herein, the Parties have caused this Agreement to be executed as set forth below.

Attest:

CITY OF FALLS CHURCH, VIRGINIA

\_\_\_\_\_  
Clerk to City Council

\_\_\_\_\_  
City Manager

Approved as to form:

\_\_\_\_\_  
John E. Foster, City Attorney

Attest:

FAIRFAX COUNTY, VIRGINIA

\_\_\_\_\_  
Clerk to the Board

\_\_\_\_\_  
County Executive

Approved as to form:

\_\_\_\_\_  
David P. Bobzien, County Attorney

**Appendix 1: Parcel Map**

**Appendix 2: Draft of County Ordinance**

**Appendix 3: Draft of Falls Church Ordinance**

**Appendix 4: Plats Showing New Boundaries**

**Appendix 5: Aerial Photograph of School-Related and Adjacent Parcels**

**Appendix 6: Aerial Photograph of Gordon Road / Shreve Road Parcels**



AN ORDINANCE TO ADJUST THE BOUNDARY LINE OF FAIRFAX COUNTY WITH THE CITY OF FALLS CHURCH TO ANNEX AND INCORPORATE THIRTEEN PARCELS AND OTHER LAND INTO THE CITY OF FALLS CHURCH AND TO ADOPT A VOLUNTARY SETTLEMENT AGREEMENT WITH THE CITY OF FALLS CHURCH.

THE BOARD OF SUPERVISORS OF FAIRFAX COUNTY, VIRGINIA HEREBY RESOLVES that, upon the effective date of this Ordinance, the existing boundary line between the County and the City of Falls Church (“the City”) will be adjusted by incorporating into the City 13 parcels and other land (“the Parcels”) that are currently in the unincorporated portions of Fairfax County, Virginia (“the County”). The Parcels are shown on Fairfax County Tax Map 40-3 (Revised to 05-21-2013) attached hereto as Exhibit 1, and metes and bounds descriptions of the Parcels are attached hereto as Exhibit 2. The Parcels are further identified as follows:

The “School-Related Parcels” are as follows:

- (1) Parcel 91 (Tax Map Number 040-3-01-0091), totaling approximately 8.36815 acres and owned by the City.
- (2) Parcel 93 (Tax Map Number 040-3-01-0093), totaling approximately 1.59753 acres and owned by the City.
- (3) Parcel 94 (Tax Map Number 40-3-01-0094)—less and except the small island of land to the south of the larger part of parcel 94 completely surrounded by the right-of-way of the Washington Metropolitan Area Transit Authority and as shown on Exhibit 3 as “the island”—totaling approximately 24.65471 acres and owned by the School Board of the City of Falls Church.

The “Additional Parcels” are as follows:

- (1) Parcel 14 (Tax Map Number 040-3-12-0014) and Parcel 15 (Tax Map Number 40-3-12-0015), which comprise approximately 0.38762 acre and are owned by the City.
- (2) Parcel 23A (Tax Map Number 040-3-12-0023A), totaling approximately 0.14839 acre and owned by the City.
- (3) Parcel 24 (Tax Map Number 040-3-12-0024), totaling approximately 0.09554 acre and owned by the City.
- (4) Parcel 25 (Tax Map Number 040-3-12-0025), totaling approximately 0.28168 acre and owned by the City.
- (5) Parcel 26 (Tax Map Number 040-3-12-0026), totaling approximately 0.30463 acre and owned by the City.
- (6) Parcel 26A (Tax Map Number 040-3-12-0026A), totaling approximately 0.17932 acre and owned by the City.
- (7) Parcel 109A (Tax Map Number 040-3-01-0109A), totaling approximately 0.61619 acre and owned by Henry J. Fox, Wales H. Jack, and John R. Steelman, Trustees for Federal Realty Investment Trust, an unrecorded Business Trust organized on May 25, 1962.

- (8) Parcel 109B (Tax Map Number 040-3-01-0109B, totaling approximately 0.00124 acre and owned by Federal Realty Investment Trust, an Unincorporated Business Trust.
- (9) An unnumbered portion of City of Falls Church Parcel Number 51-219-104 that is currently located within Fairfax County (identified at DB 5574 PG 1581 as parcel 3B among the land records of Arlington County, Virginia), which comprises approximately 0.00066 acre.
- (10) Parcel 115A (Tax Map Number 040-3-01-0115A), totaling approximately 1.00048 acres and owned by the City.
- (11) The entire width of the Haycock Road right-of-way that runs parallel to Parcel 94 of the School-Related Parcels, which comprises approximately 0.77418 acre.

This Ordinance also adopts a Voluntary Boundary Adjustment Agreement By and Between the City of Falls Church, Virginia, and Fairfax County, Virginia (“the Agreement”), attached hereto as Exhibit 4. Under the Agreement, this Ordinance and the incorporation of the Parcels into the City’s boundaries will be effective only upon the occurrence of the last of all of the following events: (1) the sale of the City’s water system to the Fairfax County Water Authority (“Fairfax Water”); (2) the County and the City both adopting ordinances to incorporate the Parcels into the City; and (3) a special court affirming and validating the Agreement giving it full force and effect. The Agreement provides, among other things, that at least 70% of the total acreage of the School-Related Parcels will be used for school purposes for a period of 50 years after the County and the City have each adopted ordinances confirming the incorporation of the Parcels into the City.

To effectuate this Ordinance and the Agreement, pursuant to Va. Code § 15.2-3400(5), the City and the County must petition for appointment of a special court pursuant to Va. Code §§ 15.2-3000 *et seq.* and -3400 *et seq.*; the Supreme Court of Virginia must appoint a special court; and the special court must enter a final order affirming and validating the Agreement.

Upon the incorporation of the Parcels into the City, the City will extend its then-existing governmental services to the Parcels on the same basis and at the same level as such services are then, or may thereafter be, provided to areas within the City’s current corporate limits where like conditions exist.

*City of Falls Church*

1  
2

|  |   |  |
|--|---|--|
| Meeting Date:  | <b>Title:</b> ORDINANCE TO ADJUST THE BOUNDARY LINE OF THE CITY OF FALLS CHURCH WITH FAIRFAX COUNTY TO ANNEX AND INCORPORATE THIRTEEN PARCELS AND OTHER LAND INTO THE CITY AND TO ADOPT A VOLUNTARY SETTLEMENT AGREEMENT WITH FAIRFAX COUNTY. (_____) | Agenda No.:                              |
| Proposed Motion: <b>MOVE to approve</b> (_____) <b>on first reading, schedule second reading and public hearing for</b> _____, <b>and advertise the same according to law.</b> |   |  |
| Originating Dept. Head:<br>John E. Foster, City Attorney   |   | Disposition by Council:                  |
| City Manager:<br>Wyatt Shields<br>703.248.5004   | City Attorney:<br>John Foster<br>703.248.5010   | CFO:<br>Richard LaCondre<br>703.248.5092 |

3  
4  
5  
6  
7  
8  
9

REQUEST:

RECOMMENDATION:

BACKGROUND:

FISCAL IMPACT:

TIMING:

10 (\_\_\_\_\_)

11 ORDINANCE TO ADJUST THE BOUNDARY LINE OF THE CITY OF  
12 FALLS CHURCH WITH FAIRFAX COUNTY TO ANNEX AND  
13 INCORPORATE THIRTEEN PARCELS AND OTHER LAND INTO THE  
14 CITY AND TO ADOPT A VOLUNTARY SETTLEMENT AGREEMENT  
15 WITH FAIRFAX COUNTY.

16 THE CITY OF FALLS CHURCH, VIRGINIA, HEREBY ORDAINS that, upon  
17 the effective date of this Ordinance, the existing boundary line of the City will be  
18 adjusted by incorporating into the City 13 parcels and other land (“the Parcels”) that are  
19 currently in the unincorporated portions of Fairfax County, Virginia (“the County”).

20 The Parcels are shown on Fairfax County Tax Map 40-3 (Revised to 05-21-2013)  
21 attached hereto as Exhibit 1, and metes and bounds descriptions of the Parcels are  
22 attached hereto as Exhibit 2. The Parcels are further identified as follows:

23 The “School-Related Parcels” are as follows:

- 24 (1) Parcel 91 (Tax Map Number 040-3-01-0091), totaling  
25 approximately 8.36815 acres and owned by the City.
- 26 (2) Parcel 93 (Tax Map Number 040-3-01-0093), totaling  
27 approximately 1.59753 acres and owned by the City.
- 28 (3) Parcel 94 (Tax Map Number 040-3-01-0094)—less and except  
29 the small island of land to the south of the larger part of parcel 94  
30 completely surrounded by the right-of-way of the Washington  
31 Metropolitan Area Transit Authority and as shown on Exhibit 3  
32 as “the island”—totaling approximately 24.65471 acres and  
33 owned by the School Board of the City of Falls Church.

34 The “Additional Parcels” are as follows:

- 35 (1) Parcel 14 (Tax Map Number 040-3-12-0014) and Parcel 15 (Tax  
36 Map Number 040-3-12-0015), which comprise approximately  
37 0.38762 acre and are owned by the City.
- 38 (2) Parcel 23A (Tax Map Number 040-3-12-0023A), totaling  
39 approximately 0.14839 acre and owned by the City.
- 40 (3) Parcel 24 (Tax Map Number 040-3-12-0024), totaling  
41 approximately 0.09554 acre and owned by the City.
- 42 (4) Parcel 25 (Tax Map Number 040-3-12-0025), totaling  
43 approximately 0.28168 acre and owned by the City.
- 44 (5) Parcel 26 (Tax Map Number 040-3-12-0026), totaling  
45 approximately 0.30463 acre and owned by the City.
- 46 (6) Parcel 26A (Tax Map Number 040-3-12-0026A), totaling  
47 approximately 0.17932 acre and owned by the City.
- 48 (7) Parcel 109A (Tax Map Number 040-3-01-0109A), totaling  
49 approximately 0.61619 acre and owned by Henry J. Fox, Wales  
50 H. Jack, and John R. Steelman, Trustees for Federal Realty  
51 Investment Trust an unrecorded Business Trust organized on  
52 May 25, 1962.
- 53 (8) Parcel 109B (Tax Map No. 040-3-01-0109B), totaling  
54 approximately 0.00124 acre and owned by Federal Realty  
55 Investment Trust, an Unincorporated Business Trust.

- 56 (9) An unnumbered portion of City of Falls Church Parcel Number  
57 51-219-104 that is currently located within Fairfax County  
58 (identified at DB 5574 PG 1581 as parcel 3B among the land  
59 records of Arlington County, Virginia), which comprises  
60 approximately 0.00066 acre.
- 61 (10) Parcel 115A (Tax Map Number 040-3-01-0115A), totaling  
62 approximately 1.00048 acres and owned by the City.
- 63 (11) The entire width of the Haycock Road right-of-way that runs  
64 parallel to Parcel 94 of the School-Related Parcels, which  
65 comprises approximately 0.77418 acre.

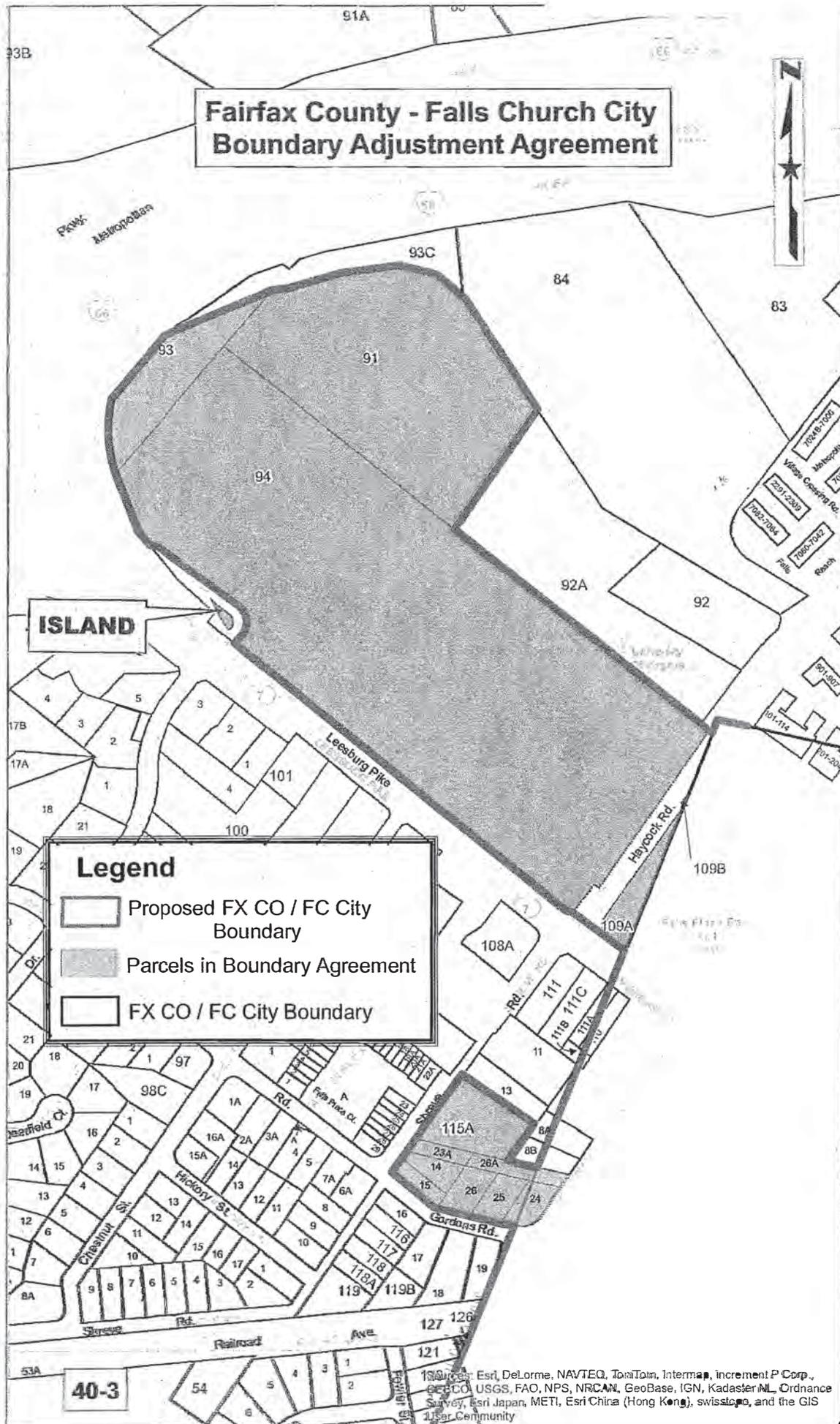
66 This Ordinance also adopts a Voluntary Boundary Adjustment Agreement By  
67 and Between the City of Falls Church, Virginia, and Fairfax County, Virginia (“the  
68 Agreement”), attached hereto as Exhibit 4. Under the Agreement, this Ordinance and  
69 the incorporation of the Parcels into the City’s boundaries will be effective only upon  
70 the occurrence of the last of all of the following events: (1) the sale of the City’s water  
71 system to the Fairfax County Water Authority; (2) the County and the City both  
72 adopting ordinances to incorporate the Parcels into the City; and (3) a special court  
73 affirming and validating the Agreement giving it full force and effect. The Agreement  
74 provides, among other things, that at least 70% of the total acreage of the School-  
75 Related Parcels will be used for school purposes for a period of 50 years after the  
76 County and the City have each adopted ordinances confirming the incorporation of the  
77 Parcels into the City.

78 To effectuate this Ordinance and the Agreement, pursuant to Va. Code  
79 § 15.2-3400(5), the City and the County must petition for appointment of a special court  
80 pursuant to Va. Code §§ 15.2-3000 *et seq.* and -3400 *et seq.*; the Supreme Court of  
81 Virginia must appoint a special court; and the special court must enter a final order  
82 affirming and validating the Agreement.

83 Upon the incorporation of the Parcels into the City, the City will extend its then-  
84 existing governmental services to the Parcels on the same basis and at the same level as  
85 such services are then, or may thereafter be, provided to areas within the City’s current  
86 corporate limits where like conditions exist.

87  
88 1st Reading: \_\_\_\_\_  
89 2d Reading: \_\_\_\_\_

# Fairfax County - Falls Church City Boundary Adjustment Agreement



**ISLAND**

**Legend**

-  Proposed FX CO / FC City Boundary
-  Parcels in Boundary Agreement
-  FX CO / FC City Boundary

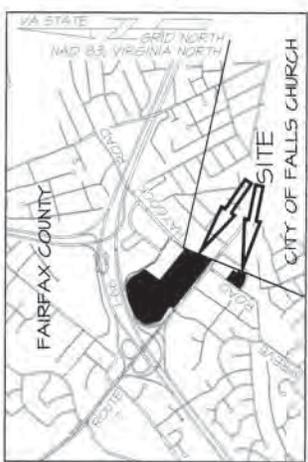
40-3

Source: Esri, DeLorme, NAVTEQ, TomTom, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), swisstopo, and the GIS User Community

WEST CORNERSTONE  
OF THE DISTRICT OF COLUMBIA

LINE STONE

STAKE 48420' TOTAL



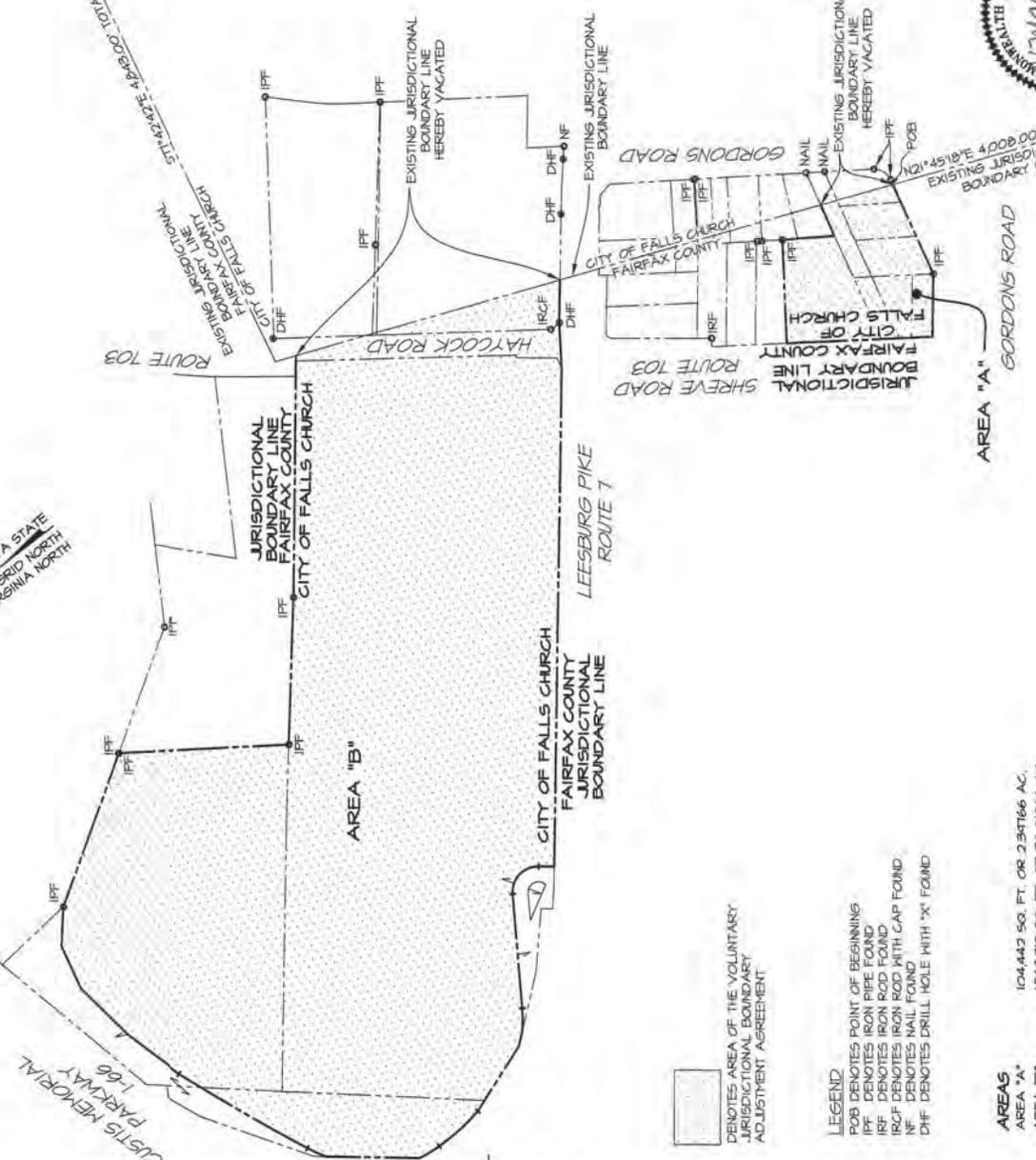
**FAIRFAX COUNTY, VIRGINIA**  
DEPT. OF PUBLIC WORKS & ENVIRONMENTAL SERVICES  
CAPITAL FACILITIES, LAND SURVEY BRANCH  
12000 GOVERNMENT CENTER PKWY, FAIRFAX, VIRGINIA

**THE VOLUNTARY JURISDICTIONAL BOUNDARY ADJUSTMENT AGREEMENT BETWEEN THE CITY OF FALLS CHURCH, VIRGINIA AND FAIRFAX COUNTY, VIRGINIA**

EXHIBIT SHOWING

THE CITY OF FALLS CHURCH, VIRGINIA  
DRANESVILLE DISTRICT, FAIRFAX COUNTY  
PROVIDENCE DISTRICT, FAIRFAX COUNTY

SCALE: 1"=200' DATE: 06/19/13 DRAWN BY: BLN SHEET 1 OF 3



IPF DENOTES AREA OF THE VOLUNTARY JURISDICTIONAL BOUNDARY ADJUSTMENT AGREEMENT

**LEGEND**

POB DENOTES POINT OF BEGINNING

IPF DENOTES IRON PIPE FOUND

IRF DENOTES IRON ROD FOUND

IRCF DENOTES IRON ROD WITH CAP FOUND

NF DENOTES NAIL FOUND

DNF DENOTES DRILL HOLE WITH 'X' FOUND

**AREAS**

AREA "A" 104,442 SQ. FT. OR 2.397166 AC.

AREA "B" 1568,712 SQ. FT. OR 36.01266 AC.

TOTAL AREA 1,673,154 SQ. FT. OR 38.41082 AC.





MATCHLINE SHEET 3 OF 3

MATCHLINE SHEET 3 OF 3

LOT 1  
DANOR FALLS PLAZA CORP.  
D.B. 1878, PG. 33  
HENRY J. FOX, WALE H. JACK AND  
JOHN R. STEELMAN, TRUSTEES FOR  
FEDERAL REALTY INVESTMENT TRUST  
D.B. 2444, PG. 73B  
40-3 (11) 109A  
RFC 51-214-011

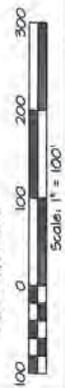
SCHOOL BOARD OF  
THE CITY OF FALLS CHURCH, VIRGINIA  
D.B. 733, PG. 330  
40-3 (11) 94

CITY OF FALLS CHURCH  
FAIRFAX COUNTY  
JURISDICTIONAL  
BOUNDARY LINE

PROPERTY DATA

- (1) LOTS 15 & 14 (RESPECTIVELY)  
GORDONS ADDITION TO N. FALLS CHURCH  
LIBER P-13, PG. 461  
40-3 (12) 14 & 15  
CITY OF FALLS CHURCH, VIRGINIA  
D.B. 5495, PG. 735
- (2) 40-3 (12) 25A, RFC 52-101-001  
THE CITY OF FALLS CHURCH  
D.B. 5109, PG. 863
- (3) 40-3 (11) 15A  
CITY OF FALLS CHURCH, VIRGINIA  
D.B. 4415, PG. 599
- (4) LOT 26  
GORDONS ADDITION TO N. FALLS CHURCH  
LIBER P-13, PG. 461  
40-3 (12) 26  
THE CITY OF FALLS CHURCH, VIRGINIA  
D.B. 1910, PG. 460
- (5) LOTS 25 & 24 (RESPECTIVELY)  
GORDONS ADDITION TO N. FALLS CHURCH  
LIBER P-13, PG. 461  
40-3 (12) 25 & 24  
CITY OF FALLS CHURCH  
D.B. 1200, PG. 345
- (6) 40-3 (12) 26A, RFC 52-101-001  
THE CITY OF FALLS CHURCH, VIRGINIA  
D.B. 2538, PG. 741
- (7) RESUBDIVISION OF LOT 8, GORDONS  
ADDITION TO WEST FALLS CHURCH  
D.B. 1560, PG. 257  
40-3 (12) 8B, RFC 52-101-011  
DONALD S. BETER, SR. AND NANCY M. BETER  
D.B. 4982, PG. 342
- (8) LOT 8A  
RESUBDIVISION OF LOT 8, GORDONS  
ADDITION TO WEST FALLS CHURCH  
D.B. 1560, PG. 257  
40-3 (12) 8A, RFC 52-101-010  
DONALD S. BETER, SR. AND NANCY M. BETER  
D.B. 4982, PG. 342
- (9) LOT 4  
GORDONS ADDITION TO N. FALLS CHURCH  
LIBER P-13, PG. 15  
RFC 52-101-000  
PARAMOUNT TERMITHE CONTROL CO., INC.  
D.B. 5091, PG. 337
- (10) LOT 10A  
RESUBDIVISION OF LOT 10  
GORDONS ADDITION TO  
WEST FALLS CHURCH  
D.B. 1194, PG. 32  
RFC 52-101-007  
PARAMOUNT TERMITHE CONTROL CO., INC.  
D.B. 5091, PG. 337
- (11) LOT 10B  
RESUBDIVISION OF LOT 10  
GORDONS ADDITION TO  
WEST FALLS CHURCH  
D.B. 1194, PG. 32  
RFC 52-101-008  
PARAMOUNT TERMITHE CONTROL CO., INC.  
D.B. 5091, PG. 337
- (12) LOT 10A  
RESUBDIVISION OF LOT 10  
GORDONS ADDITION TO  
WEST FALLS CHURCH  
D.B. 1194, PG. 32  
RFC 52-101-007  
PARAMOUNT TERMITHE CONTROL CO., INC.  
D.B. 5091, PG. 337
- (13) 40-3 (11) 11B  
BROAD STREET CORPORATION  
D.B. 6406, PG. 1845
- (14) 40-3 (11) 11C  
LANSINGIA, LLC  
D.B. 12560, PG. 13
- (15) LOT 11B  
LAWRENCE H BUTT  
D.B. 4594, PG. 514  
40-3 (11) 11B  
BROAD STREET CORPORATION  
D.B. 6406, PG. 1845
- (16) LOT 13  
GORDONS ADDITION TO N. FALLS CHURCH  
LIBER P-13, PG. 461  
40-3 (12) 13  
BETER LIMITED PARTNERSHIP  
D.B. 4952, PG. 190

LEGEND  
POB DENOTES POINT OF BEGINNING  
IFF DENOTES IRON PIPE FOUND  
NF DENOTES NON ROD FOUND  
WF DENOTES WOOD FOUND  
DHF DENOTES DRILL HOLE WITH "X" FOUND  
IRFC DENOTES IRON ROD WITH CAP FOUND



**FAIRFAX COUNTY, VIRGINIA**  
DEPT. OF PUBLIC WORKS & ENVIRONMENTAL SERVICES  
CAPITAL FACILITIES, LAND SURVEY BRANCH  
12000 GOVERNMENT CENTER PKAY, FAIRFAX, VIRGINIA

**THE VOLUNTARY JURISDICTIONAL BOUNDARY ADJUSTMENT AGREEMENT BETWEEN THE CITY OF FALLS CHURCH, VIRGINIA AND FAIRFAX COUNTY, VIRGINIA**

EXHIBIT SHOWING

**THE VOLUNTARY JURISDICTIONAL BOUNDARY ADJUSTMENT AGREEMENT BETWEEN THE CITY OF FALLS CHURCH, VIRGINIA AND FAIRFAX COUNTY, VIRGINIA**

THE CITY OF FALLS CHURCH, VIRGINIA  
DRANESVILLE DISTRICT, FAIRFAX COUNTY  
PROVIDENCE DISTRICT, FAIRFAX COUNTY

SCALE: 1"=100'      DATE: 06/18/13      DRAWN BY: BLN      SHEET 2 OF 3



| CURVE TABLE |         |           |         |         |         |               |
|-------------|---------|-----------|---------|---------|---------|---------------|
| CURVE       | RADIUS  | DELTA     | LENGTH  | TANGENT | CHORD   | CHORD BEARING |
| C1          | 61.47'  | 45°30'51" | 102.47' | 67.64'  | 91.01'  | N01°06'26"W   |
| C2          | 347.65' | 04°13'38" | 55.94'  | 29.05'  | 55.93'  | N52°15'06"W   |
| C3          | 522.96' | 13°41'31" | 124.91' | 62.78'  | 124.61' | N04°50'15"W   |
| C4          | 354.26' | 08°44'53" | 55.37'  | 27.14'  | 55.32'  | N06°45'27"E   |
| C5          | 347.65' | 08°04'21" | 45.48'  | 24.53'  | 45.94'  | N62°02'10"E   |
| C6          | 567.07' | 03°34'55" | 354.51' | 177.31' | 354.46' | N67°52'40"E   |

LEGEND  
 IFF DENOTES IRON PIPE FOUND  
 DHF DENOTES DRILL HOLE WITH "X" FOUND



DENOTES AREA OF THE VOLUNTARY JURISDICTIONAL BOUNDARY ADJUSTMENT AGREEMENT

40-3 (11) 42

40-3 (11) 42A

FAIRFAX COUNTY  
 CITY OF FALLS CHURCH  
 JURISDICTIONAL  
 BOUNDARY LINE

PROPERTY DATA

- (18) LOT 3B  
RESUBDIVISION OF LOT 3  
DANOR FALLS PLAZA CORP.  
D.B. 5574, PG. 1581
- (19) 40-3 (11) 109B  
FEDERAL REALTY INVESTMENT TRUST  
D.B. 5734, PG. 1362
- (14) 40-3 (11) 45C  
WASHINGTON METROPOLITAN  
AREA TRANSIT AUTHORITY  
D.B. 5420, PG. 1226
- (20) 40-3 (11) 43C  
WASHINGTON METROPOLITAN  
AREA TRANSIT AUTHORITY  
D.B. 5420, PG. 1210
- (21) 40-3 (11) 84  
WASHINGTON METROPOLITAN  
AREA TRANSIT AUTHORITY  
D.B. 4258, PG. 591

SCHOOL BOARD OF  
 THE CITY OF FALLS CHURCH, VIRGINIA  
 D.B. 733, PG. 330  
 40-3 (11) 44

CITY OF FALLS CHURCH, VIRGINIA  
 D.B. 1506, PG. 350  
 D.B. 5326, PG. 612  
 40-3 (11) 91



LEESEBURG PIKE ROUTE 7



FAIRFAX COUNTY, VIRGINIA  
 DEPT. OF PUBLIC WORKS & ENVIRONMENTAL SERVICES  
 CAPITAL FACILITIES, LAND SURVEY BRANCH  
 12000 GOVERNMENT CENTER PKWY, FAIRFAX, VIRGINIA

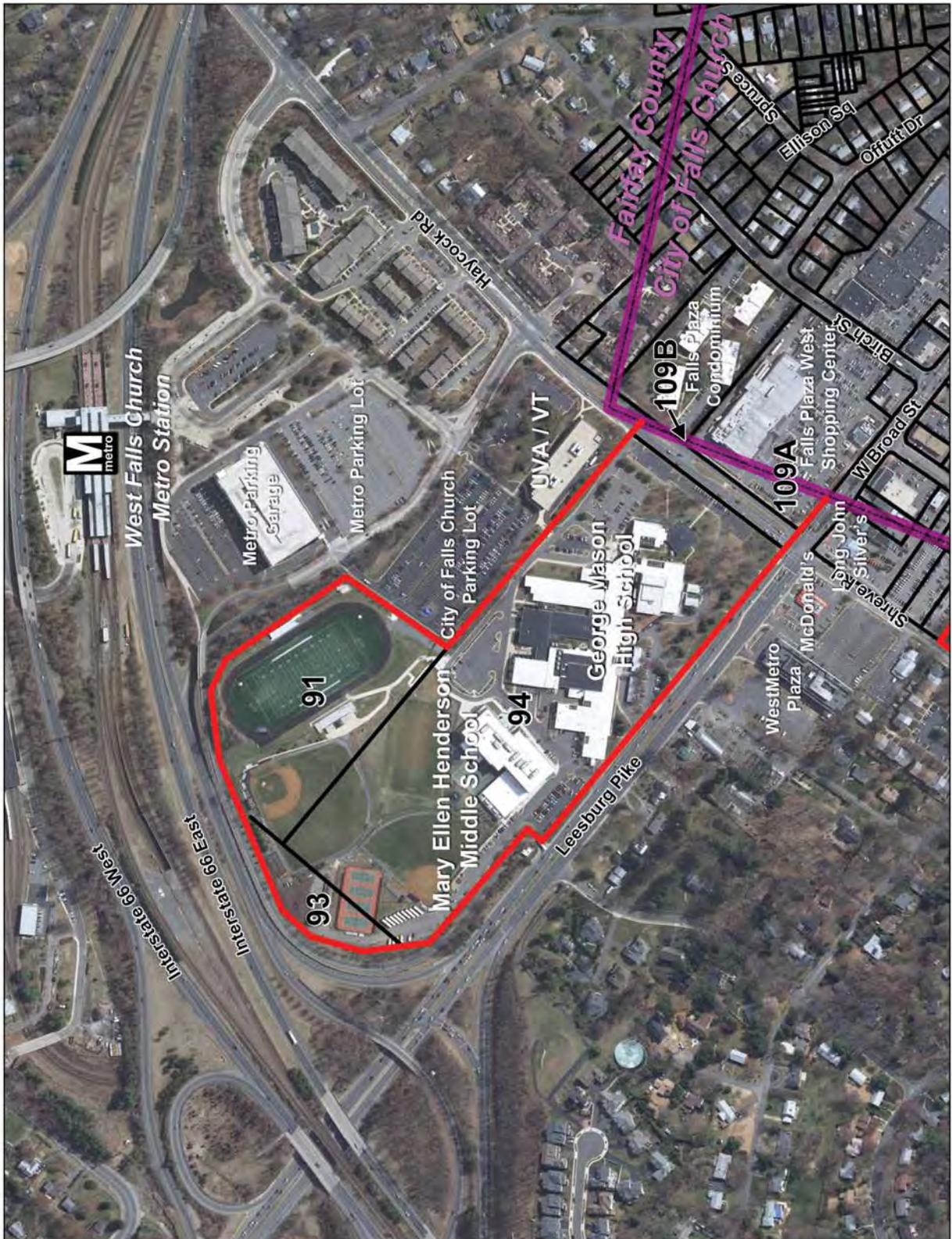
EXHIBIT SHOWING

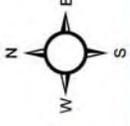
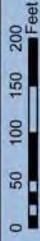
THE VOLUNTARY JURISDICTIONAL  
 BOUNDARY ADJUSTMENT AGREEMENT  
 BETWEEN  
 THE CITY OF FALLS CHURCH, VIRGINIA AND  
 FAIRFAX COUNTY, VIRGINIA

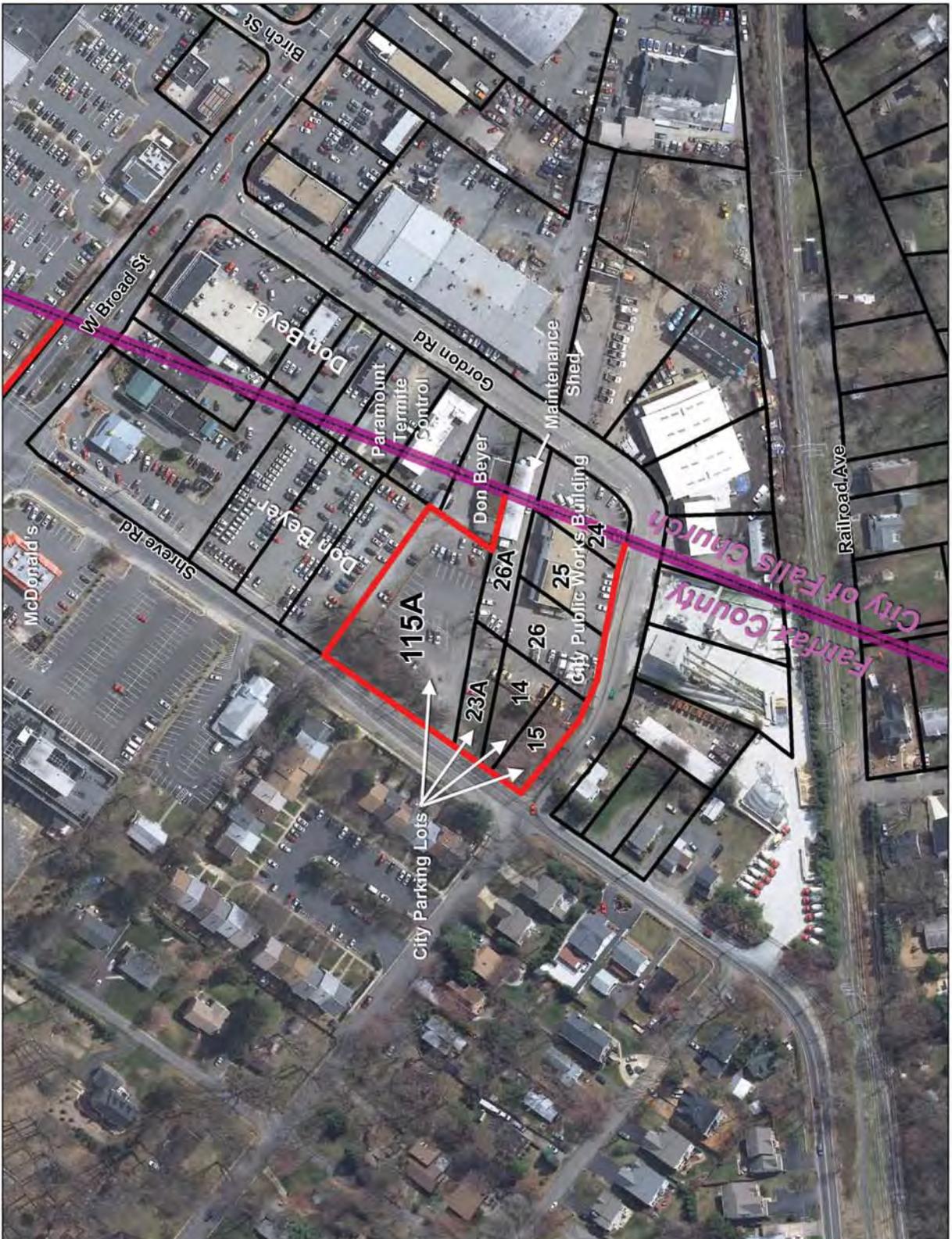
THE CITY OF FALLS CHURCH, VIRGINIA  
 DRAVESVILLE DISTRICT, FAIRFAX COUNTY  
 PROVIDENCE DISTRICT, FAIRFAX COUNTY

SCALE: 1"=100' DATE: 06/18/13 SHEET 3 OF 3  
 DRAWN BY: BLN

|   |
|---|
| <b>Exhibit 2</b>                                    |
| <b>Schools</b>                                      |
| <b>Proposed Boundary Changes</b>                    |
|   |
| <b>City of Falls Church</b>                         |
| <b>Legend</b>                                       |
| Existing Boundary<br>Proposed Boundary<br>Lot Lines |
| <b>91</b> Lot Number                                |
| 5/21/2013   |
|   |
|   |



|   |
|---|
| <b>Exhibit 1</b>  |
| <b>Gordon Rd/<br/>Shreve Rd</b>   |
| <b>Proposed<br/>Boundary<br/>Changes</b>  |
|    |
| <b>City of<br/>Falls Church</b>   |
| <b>Legend</b>   |
|  Existing Boundary<br> Proposed Boundary<br> Lot Lines |
| <b>91</b> Lot Number  |
| 5/22/2013   |
|    |
|    |



Board Agenda Item  
November 19, 2013

3:30 p.m.

Public Hearing on AF 2013-SU-002 (Charles Kulbok) to Permit the Creation of an Agricultural and Forestal District to Preserve Significant Agricultural and Forest Lands in the County, Located on Approximately 47.04 Acres of Land Zoned R-C and WS (Sully District)

This property is located at 7100 Bull Run Post Office Road, Centreville, 20120. Tax Map 64-1 ((1)) 33

PLANNING COMMISSION RECOMMENDATION:

On Wednesday, November 6, 2013, the Planning Commission voted unanimously (Commissioners Hall and Sargeant absent from the meeting) to recommend to the Board of Supervisors that AF 2013-SU-002 be approved and Appendix F of the Fairfax County Code be amended to establish the Kulbok Local Agricultural and Forestal District, subject to Ordinance Provisions dated October 10, 2013.

ENCLOSED DOCUMENTS:

Attachment 1 – Planning Commission Verbatim  
Staff Report previously furnished and available online at:  
<http://ldsnet.fairfaxcounty.gov/ldsnet/ldsdfw/4431854.PDF>

STAFF:

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

**THIS PAGE INTENTIONALLY LEFT BLANK**

Planning Commission Meeting  
November 6, 2013  
Verbatim Excerpt

AF 2013-SU-002 – CHARLES KULBOK

After Close of the Public Hearing

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

Commissioner Litzenberger: Thank you, Mr. Chairman. Before I go to the one motion, I want to thank Mr. Krasner for yet again outstanding work. As you can tell, there's no speakers here. Generally, he did a good job.

Chairman Murphy: Put him on every case we have.

Commissioner Litzenberger: I would. I would if I could. Therefore, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT AF 2013-SU-002 BE APPROVED AND APPENDIX F OF THE FAIRFAX COUNTY CODE BE AMENDED TO ESTABLISH THE KULBOK LOCAL AGRICULTURAL AND FORESTAL DISTRICT, SUBJECT TO ORDINANCE PROVISIONS DATED OCTOBER 10<sup>TH</sup>, 2013.

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 AF 2013-SU-002, say aye.

Commissioners: Aye.

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

//

(The motion carried by a vote of 10-0. Commissioners Hall and Sargeant were absent from the meeting.)

JLC

**THIS PAGE INTENTIONALLY LEFT BLANK**

Board Agenda Item  
November 19, 2013

3:30 p.m.

Public Hearing on AR 2005-SU-002 (J. David Sanders, Trustee & Kimberly Ann Sanders, Trustee) to Permit Renewal of a Previously Approved Agricultural and Forestal District, Located on Approximately 131.04 Acres of Land Zoned R C, HD and WS (Sully District)

This property is located at 16009 Lee Highway, Centreville, 20121. Tax Map 63-2 ((1)) 9Z; 64-1 ((1)) 32Z and 64-3 ((1)) 1A.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission public hearing will be held on Wednesday, November 13, 2013. The Commission's recommendation will be forwarded to the Board of Supervisors subsequent to that date.

ENCLOSED DOCUMENTS:

Staff Report previously furnished and available online at:  
<http://ldsnet.fairfaxcounty.gov/ldsnet/ldsdfw/4432301.PDF>

STAFF:

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

**THIS PAGE INTENTIONALLY LEFT BLANK**

Planning Commission Meeting  
November 13, 2013  
Verbatim Excerpt

AR 2005-SU-002 – J. DAVID SANDERS, TRUSTEE AND KIMBERLY ANN SANDERS,  
TRUSTEE

After Close of the Public Hearing

Chairman Murphy: The public hearing is closed; Mr. Litzenberger. Sorry.

Commissioner Litzenberger: Thank you, Mr. Chairman. I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT AR 2005-SU-002 BE APPROVED AND APPENDIX F OF THE FAIRFAX COUNTY CODE BE AMENDED TO RENEW THE SANDERS LOCAL AGRICULTURAL AND FORESTAL DISTRICT, SUBJECT TO THE ORDINANCE PROVISIONS DATED OCTOBER 30<sup>TH</sup>, 2013.

Commissioner Hedetniemi: Second.

Chairman Murphy: Seconded by Mr. Hedetniemi. Is there a discussion of the motion? All those in favor of the motion to recommend to the Board of Supervisors that it approve AR 2005-SU-002, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

//

(The motion carried by a vote of 8-0. Commissioner de la Fe was not present for the vote. Commissioners Donahue, Hall, and Lawrence were absent from the meeting.)

JN

**THIS PAGE INTENTIONALLY LEFT BLANK**

Board Agenda Item  
November 19, 2013

3:30 p.m.

Public Hearing on AR 87-V-001-03 (Gary D. Knipling & Charlotte J. Knipling) to Permit Renewal of a Previously Approved Agricultural and Forestal District, Located on Approximately 36.75 Acres of Land Zoned R-E (Mount Vernon District)

This property is located at 11807 Harley Road, Lorton, 22079. Tax Map 118-1 ((3)) Z; 118-2 ((1)) 6Z; 118-2 ((2)) 10Z; 118-2 ((5)) Z, 1Z, 2Z and 7Z.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission public hearing will be held on Wednesday, November 13, 2013. The Commission's recommendation will be forwarded to the Board of Supervisors subsequent to that date.

ENCLOSED DOCUMENTS:

Staff Report previously furnished and available online at:  
<http://ldsnet.fairfaxcounty.gov/ldsnet/ldsdfw/4432336.PDF>

STAFF:

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

**THIS PAGE INTENTIONALLY LEFT BLANK**

Planning Commission Meeting  
November 13, 2013  
Verbatim Excerpt

AR 87-V-001-03 – GARY D. KNIPLING AND CHARLOTTE J. KNIPLING

After Close of the Public Hearing

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

Commissioner Flanagan: Mr. Chairman I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT AR 87-V-001-03 BE APPROVED AND APPENDIX F OF THE FAIRFAX COUNTY CODE BE AMENDED TO RENEW THE KNIPLING LOCAL AGRICULTURAL AND FOREST [*sic*] DISTRICT, SUBJECT TO THE ORDINANCE PROVISIONS CONSISTENT WITH THOSE DATED OCTOBER 30, 2013.

Commissioner Litzenberger: Second.

Chairman Murphy: Seconded by Mr. Litzenberger. Is there a discussion of that motion? All those in favor of the motion to recommend to the Board of Supervisors that it approve AR 87-V-001-03, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

//

(The motion carried by a vote of 9-0. Commissioners Donahue, Hall, and Lawrence were absent from the meeting.)

JN

**THIS PAGE INTENTIONALLY LEFT BLANK**

Board Agenda Item  
November 19, 2013

3:30 p.m.

Public Hearing on RZ 2013-PR-007 (EYA Development, LLC) to Rezone from I-5 to PDH-30 to Permit Residential Development with an Overall Density of 22.11 du/ac, Approval of the Conceptual Development Plans, Waiver of Open Space Requirements, Waiver of Minimum District Size and Waiver #561-WPFM-005-1 to Permit the Location of Underground Storm Water Management Facilities in a Residential Area, Located on Approximately 1.07 Acres of Land (Providence District)

The Planning Commission public hearing was deferred to December 4, 2013; the Board public hearing is to be deferred to January 14, 2014 at 3:30 p.m.

**THIS PAGE INTENTIONALLY LEFT BLANK**

Board Agenda Item  
November 19, 2013

4:00 p.m.

Public Hearing on SE 2013-LE-003 (DDR Southeast Spring Mall, L.L.C.) to Permit a Fast Food Restaurant, Located on Approximately 5.04 Acres of Land Zoned C-8 and SC (Lee District)

This property is located at 6717 Spring Mall Road, Springfield, 22150. Tax Map 90-2 ((1)) 51.

PLANNING COMMISSION RECOMMENDATION:

On Wednesday, October 9, 2013, the Planning Commission voted 9-0-2 (Commissioners Sargeant and de la Fe abstaining) to recommend that the Board of Supervisors approve SE 2013-LE-003, subject to the development conditions dated October 9, 2013, with the addition of Development Condition Number 15 which states, "Donation drop boxes used for the collection of clothing and/or other donated materials shall not be permitted on the subject property."

ENCLOSED DOCUMENTS:

Attachment 1: Planning Commission Verbatim

Staff Report previously furnished and available online at:

<http://ldsnet.fairfaxcounty.gov/ldsnet/ldsdfw/4427161.PDF>

STAFF:

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

William Mayland, Planner, DPZ

**THIS PAGE INTENTIONALLY LEFT BLANK**

Planning Commission Meeting  
October 9, 2013  
Verbatim Excerpt

SE 2013-LE-003 – DDR SOUTHEAST SPRING MALL, LLC

Decision Only During Commission Matters  
(Public Hearing held on September 19, 2013)

Chairman Murphy: Mr. Migliaccio.

Commissioner Migliaccio: I have one other item for tonight – well one item tonight. It's a decision only from a public hearing that we held on September 19<sup>th</sup>. On September 19<sup>th</sup> we held a public hearing on behalf of DDR Southeast Spring Mall, LLC to clear up a zoning violation to allow a free-standing fast food restaurant with no drive through to operate on the site. All outstanding issues with this SE application have been resolved as of today. I am happy to move the application tonight, with one addition to the development conditions relating to a prohibition of donation drop boxes, as discussed during the public hearing. Therefore, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF SE 2013-LE-003, SUBJECT TO THE PROPOSED DEVELOPMENT CONDITIONS, WITH THE ADDITION OF DEVELOPMENT CONDITION NUMBER 15 WHICH STATES, "DONATION DROP BOXES USED FOR THE COLLECTION OF CLOTHING AND/OR OTHER DONATED MATERIALS SHALL NOT BE PERMITTED ON THE SUBJECT PROPERTY," WITH THE DEVELOPMENT CONDITIONS TO NOW BE DATED OCTOBER 9<sup>TH</sup>, 2013.

Commissioner Litzenberger: Second.

Chairman Murphy: Seconded by Mr. Litzenberger. Is there a discussion of that motion? All those in favor of the motion to recommend to the Board of Supervisors that it approve SE 2013-LE-003, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed?

Commissioner de la Fe: Abstain; not present for the public hearing.

Chairman Murphy: Motion carries.

Commissioner Sargeant: Also abstain; not present for the hearing.

Chairman Murphy: Mr. Sargeant and Mr. de la Fe abstain; not present for the public hearing; and the motion carries.

//

(The motion carried by a vote of 10-0-2. Commissioners Sargeant and de la Fe abstained.)

JN

**THIS PAGE INTENTIONALLY LEFT BLANK**

Board Agenda Item  
November 19, 2013

4:00 p.m.

Public Hearing on SEA 99-M-026 Thomas Lapham (Autostop Service Center) to Amend SE 99-M-026, Previously Approved for a Vehicle Light Service Establishment, to Permit Expansion of Vehicle Light Service Operations and the Addition of Vehicle Sales; Waivers and Modifications in a CRD; Waiver of Open Space Requirements and Modifications of Development Conditions, Located on Approximately 15,409 Square Feet of Land Zoned C-8, CRD, HC and SC (Mason District)

This property is located at 5635 Leesburg Pike, 22041-2902. Tax Map 61-2 ((1)) 96.

PLANNING COMMISSION RECOMMENDATION:

On Wednesday, November 6, 2013, the Planning Commission voted unanimously (Commissioners Hall and Sargeant absent from the meeting) to recommend that the Board of Supervisors approve SEA 99-M-026, subject to development conditions dated October 23, 2013 with the following modifications:

- Modification of the parking requirement in a Commercial Revitalization District to allow 27 parking spaces where 31 spaces are required; and
- Modification of the open space requirement to allow 12 percent where 15 percent is required.

ENCLOSED DOCUMENTS:

Attachment 1 – Planning Commission Verbatim  
Staff Report previously furnished and available online at:  
<http://ldsnet.fairfaxcounty.gov/ldsnet/ldsdfw/4431853.PDF>

STAFF:

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

**THIS PAGE INTENTIONALLY LEFT BLANK**

Planning Commission Meeting  
November 6, 2013  
Verbatim Excerpt

SEA 99-M-026 - THOMAS LAPHAM (AUTOSTOP SERVICE CENTER)

After Close of the Public Hearing

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

Commissioner Hart: Thank you, Mr. Chairman. I'm pinch hitting for Commissioner Hall on this case. I want to first thank Brent Krasner for his fine work on this case, as well as the Mason District Land Use Committee, which I had the pleasure of attending, for their hospitality and professionalism. This is a very straight-forward application involving minor changes to a previously-approved service station. The application has staff's favorable recommendation, as well as the support of the Mason District Land Use Committee. Therefore, Mr. Chairman, I FIRST MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT IT APPROVE SEA 99-M-026, SUBJECT TO DEVELOPMENT CONDITIONS CONSISTENT WITH THOSE DATED OCTOBER 23, 2013.

Commissioner Migliaccio: Second.

Chairman Murphy: Seconded by Mr. Migliaccio. 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 99-M-026, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries; Mr. Hart.

Commissioner Hart: Secondly, I MOVE THAT THE PLANNING COMMISSION RECOMMENDED TO THE BOARD OF SUPERVISORS APPROVAL OF A MODIFICATION OF THE PARKING REQUIREMENT IN A COMMERCIAL REVITALIZATION DISTRICT TO ALLOW 27 PARKING SPACES WHERE 31 SPACES ARE REQUIRED.

Commissioner Migliaccio: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries; Mr. Hart.

Commissioner Hart: Finally, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS A REAFFIRMATION OF A

MODIFICATION OF THE OPEN SPACE REQUIREMENT TO ALLOW 12 PERCENT  
WHERE 15 PERCENT IS REQUIRED.

Commissioner Migliaccio: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Hart: Thank you, Mr. Chairman.

Chairman Murphy: Thank you very much.

//

(Each motion carried by a vote of 10-0. Commissioners Hall and Sargeant were absent from the meeting.)

JLC

Board Agenda Item  
November 19, 2013

3:30 p.m.

Public Hearing on AA 01-H-001 (Hiu Newcomb Family, LLC, Mariette Hiu Newcomb, Sarah Newcomb, Hana Newcomb, Lani Newcomb, Anna Newcomb, Bradford and Charles Newcomb) to Permit Renewal of a Previously Approved Agricultural and Forestal District, Located on Approximately 27.19 Acres of Land Zoned PDH-1 and R-A, (Hunter Mill District)

This property is located at 9627 Leesburg Pike, Vienna, 22182. Tax Map 19-1 ((14)) Z, 20A, 20Z, 21A, 21Z, 22A, 22Z, 23A, 23Z; 19-3 ((1)) 42Z2.

PLANNING COMMISSION RECOMMENDATION:

On Wednesday, November 13, 2013, the Planning Commission voted unanimously (Commissioners Donahue, Hall, and Lawrence absent from the meeting) to recommend to the Board of Supervisors that AA 01-H-001 be approved and Appendix F of the Fairfax County Code be amended to renew previously approved Potomac Vegetable Farm II Local Agricultural and Forestal District subject to the Ordinance Provisions dated October 30, 2013.

ENCLOSED DOCUMENTS:

Attachment 1 – Planning Commission Verbatim  
Staff Report previously furnished and available online at:  
<http://ldsnet.fairfaxcounty.gov/ldsnet/ldsdfw/4432313.PDF>

STAFF:

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

**THIS PAGE INTENTIONALLY LEFT BLANK**

Planning Commission Meeting  
November 13, 2013  
Verbatim Excerpt

AA 01-H-001 – HIU NEWCOMB FAMILY, LLC, MARIETTE HIU NEWCOMB, SARAH NEWCOMB, HANA NEWCOMB, LANI NEWCOMB, ANNA NEWCOMB BRADFORD, AND CHARLES NEWCOMB

After Close of the Public Hearing

Chairman Murphy: Without objection, we'll close the public hearing and recognize Mr. de la Fe.

Commissioner de la Fe: Thank you very much, Mr. Chairman. This is a renewal of an agricultural district that originally was in the Hunter Mill District, then went to the Dranesville District, and it's now back, but welcome, to the Hunter Mill District. It is - - for those of us in the area, it is essentially known as Potomac Vegetable Farm. And I am pleased to recommend that the Board of Supervisors - - I move that the Board - - RECOMMEND TO THE BOARD OF SUPERVISORS THAT IT AMEND APPENDIX F OF THE FAIRFAX COUNTY CODE and - - TO AMEND AND RENEW THE POTOMAC VEGETABLE FARM II LOCAL AGRICULTURAL AND FORESTAL DISTRICT, SUBJECT TO THE PROPOSED ORDINANCE PROVISIONS OF APPENDIX 1.

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 AA 01-H-001, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

//

(The motion carried by a vote of 9-0. Commissioners Donahue, Hall, and Lawrence were absent from the meeting.)

JN

**THIS PAGE INTENTIONALLY LEFT BLANK**

Board Agenda Item  
November 19, 2013

4:00 p.m.

Public Hearing on SE 2013-MV-006 (Mohammad I. Mansoor) to Permit a Home Child Care Facility with an Enrollment of 10 Children at One Time, Located on Approximately 7,420 Square Feet of Land Zoned PDH-4 (Mount Vernon District)

This property is located at 8476 Wasdale Head Drive, Lorton, 22079. Tax Map 107-3 ((6)) 9.

PLANNING COMMISSION RECOMMENDATION:

On Thursday, September 13, 2013, the Planning Commission voted unanimously (Commissioners de la Fe, Donahue, and Sargeant were absent from the meeting) to recommend that the Board of Supervisors approve SE 2013-MV-006, subject to the development conditions dated September 19, 2013.

ENCLOSED DOCUMENTS:

Attachment 1: Planning Commission Verbatim  
Staff Report previously furnished and available online at:  
<http://ldsnet.fairfaxcounty.gov/ldsnet/ldsdfw/4427745.PDF>

STAFF:

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

**THIS PAGE INTENTIONALLY LEFT BLANK**

Planning Commission Meeting  
September 19, 2013  
Verbatim Excerpt

SE 2013-MV-006 – MOHAMMAD MANSOOR

After Close of the Public Hearing

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

Commissioner Flanagan: Yes, you may be seated Mr. Mansoor. Thank you, Mr. Chairman. I have visited the Monsoor's daycare site. I've talked to the President of his Lorton Valley Homeowners Association several times, reviewed the homeowner association's letter approving the use of the homeowner associations tot lot by the applicant, and distributed tonight the South County Land Use Committee's resolution supporting the Mansoor application, as adopted unanimously by the South County Federation. In short, the neighbors consider it an asset – the existing facility an asset. Email comments from Commissioner Hart about an illegal second kitchen on the site have also been addressed by staff, I believe, to his satisfaction as incorporated in a revised Condition 10 and a new Condition 11 transmitted by staff earlier and copied to you tonight. I, therefore, **MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF SE 2013-MV-006, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED SEPTEMBER 19, 2013.**

Commissioner Litzenberger: Second.

Chairman Murphy: Seconded by Mr. Litzenberger. Is there a discussion of the motion? All those in favor of the motion to recommend to the Board of Supervisors that it approve SE 2013-LE-003 [sic], say aye.

Commissioners: Aye.

Chairman Murphy: I'm sorry, SE 2013-MV-006, say aye.

Commissioner Flanagan: Right.

Commissioners: Aye.

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

//

(The motion carried by a vote of 9-0. Commissioners de la Fe, Donahue, and Sargeant were absent from the meeting.)

JLC

**THIS PAGE INTENTIONALLY LEFT BLANK**

Board Agenda Item  
November 19, 2013

4:00 P.M.

Public Hearing on the Acquisition of Certain Land Rights Necessary for the Construction of the Dead Run Drive Sidewalk from Carper Street to Congress Lane (Dranesville District)

ISSUE:

Public hearing on the acquisition of certain land rights necessary for the construction of Project ST-000003-049 (PPTF01-04900) – Dead Run Drive Sidewalk from Carper Street to Congress Lane, Fund 400-C40011, County and Regional Transportation Projects.

RECOMMENDATION:

The County Executive recommends that the Board adopt the attached resolution authorizing the acquisition of the necessary land rights.

TIMING:

On October 29, 2013, the Board authorized advertisement of a public hearing on November 19, 2013, commencing at 4:00 p.m.

BACKGROUND:

The County is planning to complete pedestrian improvements along the south side of Dead Run Drive, from Carper Street to Congress Lane. These improvements consist of the construction of approximately 1,160 linear feet of five-foot wide concrete sidewalk, curb ramps, and several driveway entrances with related grading.

These improvements require land rights on 11 parcels, 10 of which have been acquired by the Land Acquisition Division (LAD). The remaining parcel requires a grading agreement and temporary construction easement to accommodate the appropriate work area to construct the sidewalk.

Although LAD has been attempting to contact the owners of the remaining parcel since February 20, 2013, the property owners have been unresponsive. This property is located in the middle of the proposed sidewalk and the easement is necessary to satisfy Americans with Disabilities Act (ADA) compliance. Numerous attempts have been made to reach the property owners through letters, phone calls, and site visits from LAD staff and the Dranesville Supervisor's office staff.

Board Agenda Item  
November 19, 2013

Due to their unresponsiveness, condemnation is necessary to acquire the remaining easement. Pursuant to Va. Code Ann. § 15.2-1903 (as amended), a public hearing is required before property interests can be acquired by eminent domain.

FISCAL IMPACT:

Funding is available in Project ST-000003 Dead Run Drive Sidewalk from Carper Street to Congress Lane, Fund 400-C40011, County and Regional Transportation Projects. Approximately \$3,557,630 is currently available to fund land acquisition and construction. No additional funding is being requested from the Board of Supervisors for land acquisition.

ENCLOSED DOCUMENTS:

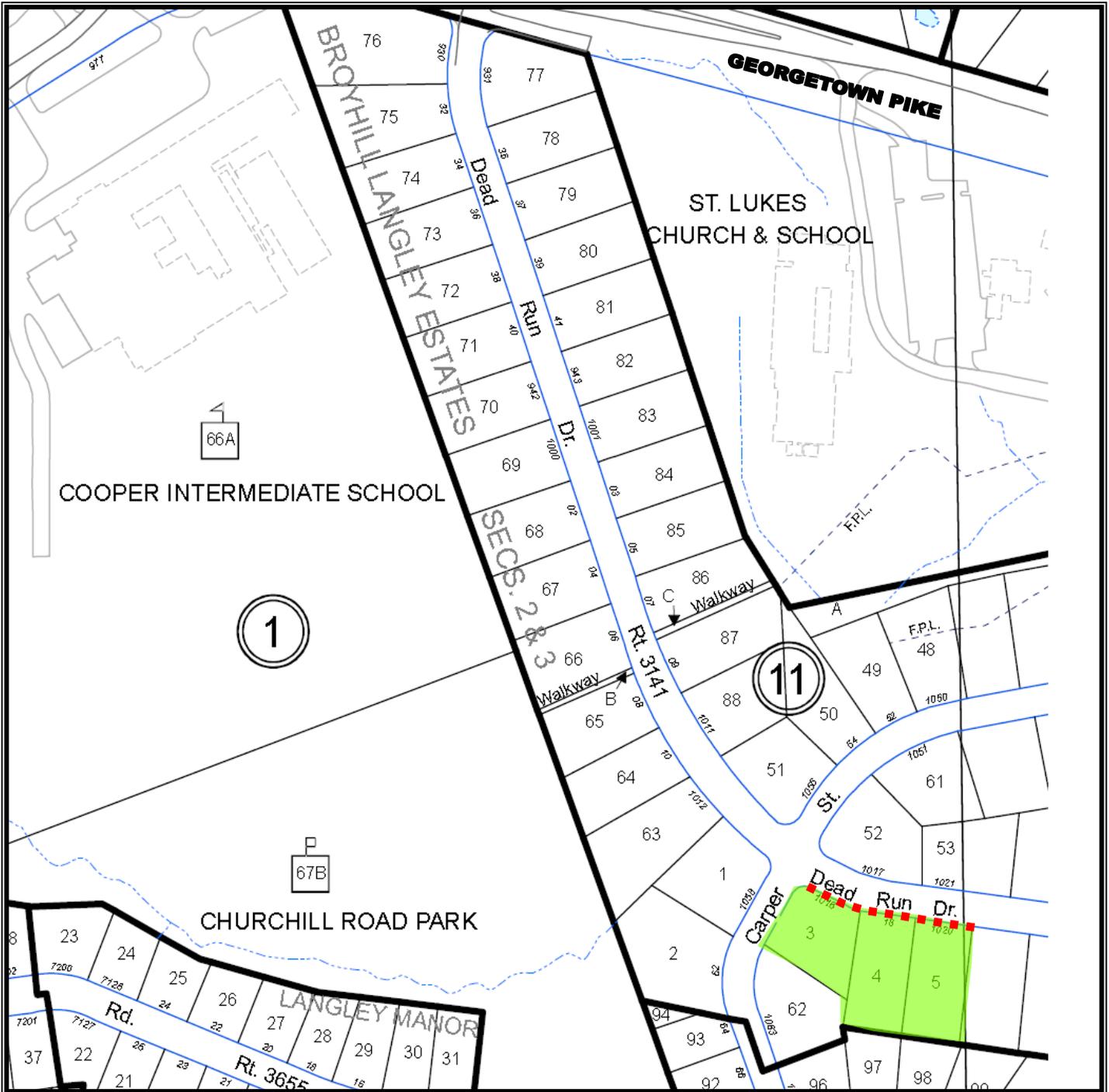
Attachment A - Project Location Map

Attachment B – Resolution with Fact Sheet on each affected parcel with plat showing interests to be acquired (Attachments 1 through 1A).

STAFF:

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

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



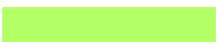
## DEAD RUN DRIVE SIDEWALK – CARPER STREET TO CONGRESS LANE

Tax Map: 021-3

Project ST-00003-049  
(also known as Project PPTF01 (04900)  
Dranesville District

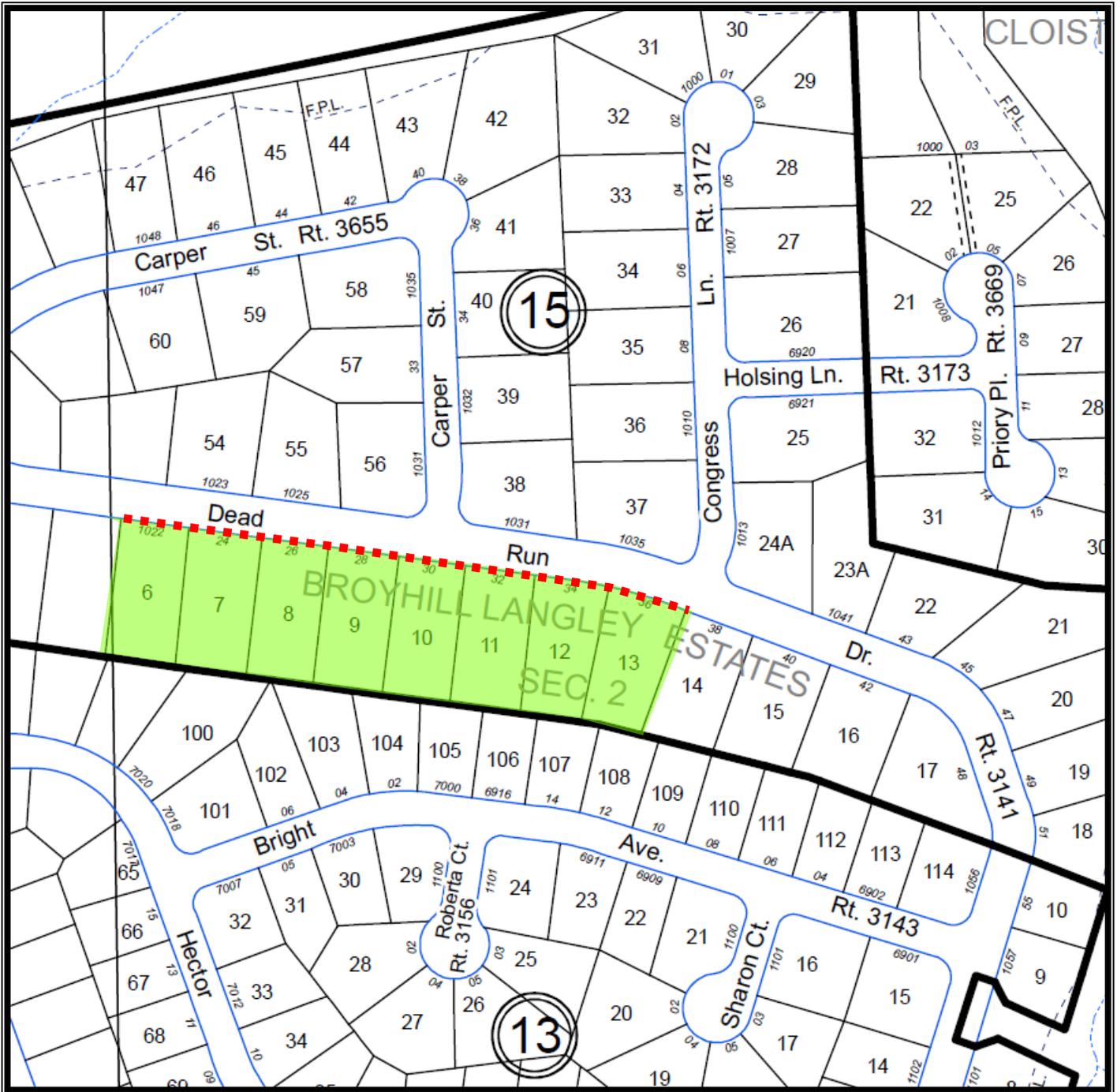
Scale: Not to Scale

Affected Properties:



Proposed Walkway:





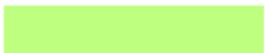
**DEAD RUN DRIVE SIDEWALK –  
CARPER STREET TO CONGRESS LANE**

Tax Map: 021-4

Project ST-000003-049  
(also known as Project PPTF01 (04900)  
Dranesville District

Scale: Not to Scale

Affected Properties:



Proposed Walkway:



RESOLUTION

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 Tuesday, November 19, 2013, at which meeting a quorum was present and voting, the following resolution was adopted:

**WHEREAS**, there exists a need for the construction of the Dead Run Drive Sidewalk Project; and

**WHEREAS**, the property interests that are necessary have been identified; and

**WHEREAS**, the Board of Supervisors finds that it would be in the best interest of the citizens of Fairfax County to acquire portions of the parcels of land located along the south side of Dead Run Drive from Carper Street to Congress Lane, McLean, Virginia; and

**WHEREAS**, it is necessary to expedite the acquisition of this land; and

**NOW THEREFORE BE IT RESOLVED**, that the County Attorney is hereby authorized and directed to institute the necessary legal proceedings to acquire the following land by the process of eminent domain:

| <u>PROPRETY OWNER(S)</u>        | <u>TAX MAP NUMBER(S)</u> | <u>INTEREST(S) REQUIRED</u>   | <u>ESTIMATED VALUE</u> |
|---------------------------------|--------------------------|---|------------------------|
| Kuo-Liang Tang<br>Alice W. Tang | 021-4-15-0006            | Grading Agreement and Temporary Construction Easement – 1,700 Square Feet | \$5,400.00             |

A Copy – Teste:

\_\_\_\_\_  
Catherine A. Chianese  
Clerk to the Board of Supervisors

1. AFFECTED PROPERTY

Tax Map Number: 021-4-15-0006  
Street Address: 1022 Dead Run Drive

2. OWNER(S): Kuo-Liang Tang  
Alice W. Tang

3. INTEREST(S) REQUIRED (As shown on attached plat/plan)

Grading Agreement and Temporary Construction Easement – 1,700 sq. ft.

4. VALUE

Estimated value of interests and damages:

FIVE THOUSAND FOUR HUNDRED DOLLARS (\$5,400.00)



**THIS PAGE INTENTIONALLY LEFT BLANK**

Board Agenda Item  
November 19, 2013

4:00 p.m.

Public Hearing to Establish the Old Mill Station Community Parking District (Sully District)

ISSUE:

Proposed amendment to Appendix M, of *The Code of the County of Fairfax, Virginia* (Fairfax County Code), to establish the Old Mill Station Community Parking District (CPD).

RECOMMENDATION:

The County Executive recommends that the Board adopt the amendment to the Fairfax County Code shown in Attachment I to establish the Old Mill Station CPD.

TIMING:

On October 29, 2013, the Board authorized a Public Hearing to consider the proposed amendment to Appendix M, of the *Fairfax County Code* to take place on November 19, 2013, at 4:00 p.m.

BACKGROUND:

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

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

Board Agenda Item  
November 19, 2013

Pursuant to Fairfax County Code Section 82-5B-3, the Board may establish a CPD if: (1) the Board receives a petition requesting such an establishment and such petition contains the names, addresses, and signatures of petitioners who represent at least 60 percent of the addresses within the proposed CPD, and represent more than 50 percent of the eligible addresses on each block of the proposed CPD, (2) the proposed CPD includes an area in which 75 percent of each block within the proposed CPD is zoned, planned or developed as a residential area, (3) the Board receives an application fee of \$10 for each petitioning property address in the proposed CPD, and (4) the proposed CPD must contain the lesser of (i) a minimum of five block faces or (ii) any number of blocks that front a minimum of 2,000 linear feet of street as measured by the centerline of each street within the CPD.

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

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

FISCAL IMPACT:

The cost of sign installation is estimated at \$800 to be paid out of Fairfax County Department of Transportation (FCDOT) funds.

ENCLOSED DOCUMENTS:

Attachment I: Amendment to *The Fairfax County Code*, Appendix M (CPD Restrictions)  
Attachment II: Area Map of Proposed Old Mill Station CPD

STAFF:

Tom Biesiadny, Director, Fairfax County Department of Transportation (FCDOT)  
Eric Teitelman, Division Chief, Capital Projects and Operations Division, FCDOT  
Maria Turner, Sr. Transportation Planner, FCDOT

PROPOSED CODE AMENDMENT

THE CODE OF THE COUNTY OF FAIRFAX, VIRGINIA  
APPENDIX M

M-80 Old Mill Station Community Parking District

(a) *District Designation.*

- (1) The restricted parking area is designated as the Old Mill Station Community Parking District.
- (2) Blocks included in the Old Mill Station Community Parking District are described below:

*Old Mill Road (Route 8024)*

From Mount Olive Road north to the cul-de-sac inclusive.

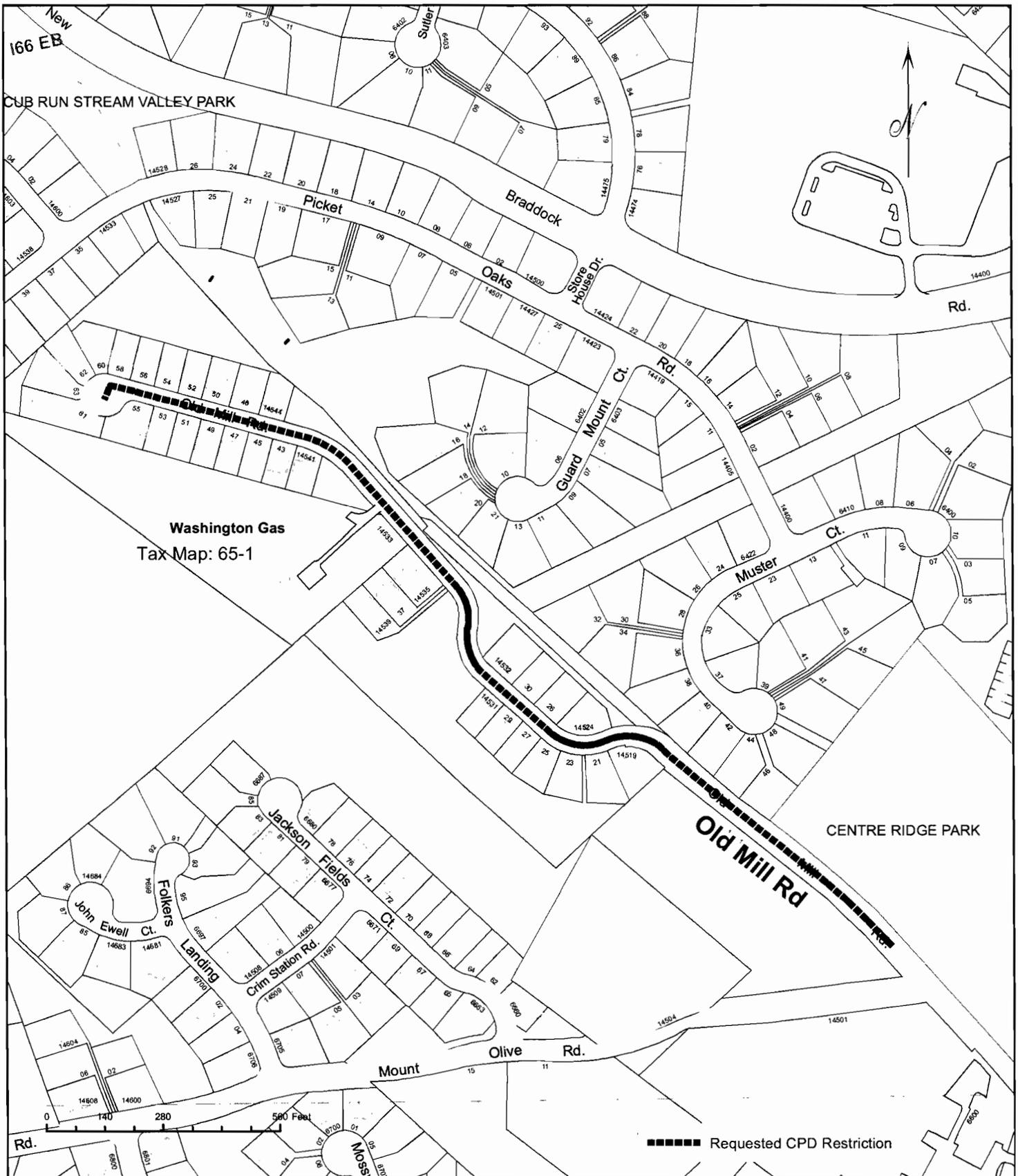
(b) *District Provisions.*

- (1) This District is established in accordance with and is subject to the provisions set forth in Article 5B of Chapter 82.
- (2) Parking of watercraft; boat trailers; motor homes; camping trailers; any other trailer or semi-trailer, regardless of whether such trailer or semi-trailer is attached to another vehicle; any vehicle with three or more axles; any vehicle that has a gross vehicle weight rating of 12,000 or more pounds except school buses used on a current and regular basis to transport students; any vehicle designed to transport 16 or more passengers including the driver, except school buses used on a current and regular basis to transport students; and any vehicle of any size that is being used in the transportation of hazardous materials as defined in Virginia Code § 46.2-341.4 is prohibited at all times on the above-described streets within the Old Mill Station Community Parking District.
- (3) No such Community Parking District shall apply to (i) any commercial vehicle when discharging passengers or when temporarily parked pursuant to the performance of work or service at a particular location or (ii) utility generators located on trailers and being used to power network facilities during a loss of commercial power or (iii) restricted vehicles temporarily parked on a public street within any such District for a maximum of 48 hours for the purpose of loading, unloading, or preparing for a trip or (iv) restricted vehicles that are temporarily parked on a public street within any such District for use by federal, state, or local public agencies to provide services.

- (c) *Signs.* Signs delineating the Old Mill Station Community Parking District shall indicate community specific identification and/or directional information in addition to the following:

NO PARKING  
Watercraft  
Trailers, Motor Homes  
Vehicles  $\geq$  3 Axles  
Vehicles GVWR  $\geq$  12,000 lbs.  
Vehicles  $\geq$  16 Passengers

FAIRFAX COUNTY CODE §82-5B



Fairfax County Department of Transportation  
 Traffic Operations Section  
**COMMUNITY PARKING DISTRICT (CPD)**  
 Proposed Old Mill Station CPD  
 Sully District



**THIS PAGE INTENTIONALLY LEFT BLANK**

Board Agenda Item  
November 19, 2013

4:00 p.m.

Public Hearing to Consider Adopting an Ordinance to Establish the Great Meadow Residential Permit Parking District, District 46 (Hunter Mill District)

ISSUE:

Public Hearing on proposed amendment to Appendix G, of *The Code of the County of Fairfax, Virginia*, to establish the Great Meadow Residential Permit Parking District (RPPD), District 43.

RECOMMENDATION:

The County Executive recommends that the Board adopt an amendment (Attachment I) to Appendix G, of *The Code of the County of Fairfax, Virginia*, to establish the Great Meadow Residential Permit Parking District (RPPD), District 46.

TIMING:

On October 29, 2013, the Board authorized a Public Hearing to consider the proposed amendment to Appendix G, of *The Code of the County of Fairfax, Virginia*, on November 19, 2013, at 4:00 p.m.

BACKGROUND:

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

Here, staff has verified that the requirements have been met to establish an RPPD based on 2,000 feet walking distance from a proposed metrorail station.

Board Agenda Item  
November 19, 2013

FISCAL IMPACT:

The cost of sign installation is estimated at \$1,500 to be paid out of Fairfax County Department of Transportation (FCDOT) funds.

ENCLOSED DOCUMENTS:

Attachment I: Proposed Amendment to *The Code of the County of Fairfax, Virginia*

Attachment II: Map Depicting Proposed Limits of RPPD Establishment

STAFF:

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

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

Maria Turner, Sr. Transportation Planner, FCDOT

## Appendix G

## G-46 Great Meadow Residential Permit Parking District.

(a) *Purpose and Intent.* The Great Meadow Residential Permit Parking District is established to protect this residential area from polluted air, excessive noise, and other adverse impacts of automobile commuting; to protect the residents of these areas from unreasonable burdens in gaining access to their property; and to preserve the residential character of the area and the property values therein.

(b) *District Designation.*

- (1) The Great Meadow Residential Permit Parking District is designated as Residential Permit Parking District 46, for the purposes of signing and vehicle decal identification.
- (2) Blocks included in the Great Meadow Residential Permit Parking District are shown on the Official Residential Permit Parking District map and are described below:

*Great Meadow Drive (Route 5754):*

From Sunrise Valley Drive to the southern boundary of 11425 Great Meadow Drive, west side only, and from 11425 Great Meadow Drive to Upper Lake Drive, both sides.

*Weybridge Lane (Route 5755):*

From Great Meadow Drive to cul-de-sac inclusive.

(c) *District Provisions.*

- (1) This District is established in accordance with and is subject to the provisions set forth in Article 5A of Chapter 82.
- (2) Within the Great Meadow Residential Permit Parking District, parking is prohibited from 9:00 a.m. to 3:00 p.m., Monday through Friday, except as permitted by the provisions of Article 5A of Chapter 82.
- (3) One (1) free transferable visitor pass per address shall be issued in the name of a bona fide resident of said address. However, visitor passes shall not be issued to multifamily or townhouse addresses, which have off-street parking lots provided.
- (4) Owners of property in the District who are not bona fide residents of said District may obtain a temporary visitor

- parking pass for a period not to exceed two (2) weeks.
- (5) All permits and visitor passes for the Great Meadow Residential Permit Parking District shall expire on November 30, 2014. Thereafter, all permits and visitor passes may be renewed in accordance with Article 5A of Chapter 82 and the renewal procedures established by Fairfax County Department of Transportation.
- (d) *Signs.* Signs delineating Great Meadow Residential Permit Parking District shall indicate the following:

NO PARKING  
9:00 a.m. - 3:00 p.m.  
Monday through Friday  
Except by Permit  
District 46



**THIS PAGE INTENTIONALLY LEFT BLANK**

Board Agenda Item  
November 19, 2013

4:00 pm

Public Hearing on Proposed Plan Amendment S13-II-M3 for the McLean Community Business Center at the Intersection of Old Dominion Drive and Chain Bridge Road, South of Dolley Madison Boulevard (Route 123) (Dranesville District)

ISSUE:

The proposed Plan amendment pertains to the McLean Community Business Center (CBC). The McLean CBC encompasses approximately 230 acres generally surrounding the intersection of Old Dominion Drive and Chain Bridge Road. The amendment proposes to clarify Plan language and includes editorial changes to update text.

PLANNING COMMISSION RECOMMENDATION:

On Wednesday, October 30, 2013, the Planning Commission voted unanimously to recommend that the Board of Supervisors adopt Plan Amendment S13-II-M3, as shown on pages 2 through 45 of the staff report dated October 3, 2013, modified such that the word “convenience” is replaced with the words “community and/or neighborhood serving” on pages 17, 22, and 29.”

RECOMMENDATION:

The County Executive recommends that the Board adopt the Planning Commission recommendation.

TIMING:

Planning Commission public hearing – October 30, 2013  
Board of Supervisors public hearing – November 19, 2013

BACKGROUND:

On April 30, 2013, the Fairfax County Board of Supervisors authorized Plan Amendment S13-II-M3 and directed Staff to prepare a Plan amendment based on recommendations by the McLean Planning Committee (MPC). The MPC consists of representatives from homeowner associations in and surrounding the McLean CBC, the McLean Citizens Association, the Greater McLean Chamber of Commerce, and the McLean Commercial Landowners Association. The MPC convened a subcommittee in August 2012 to review the Comprehensive Plan for the McLean CBC and made recommendations to update and clarify Plan guidance for the CBC. Staff worked with the MPC subcommittee to develop text that would satisfy the community’s desire for clearer Plan guidance while maintaining the Plan’s role as a general guide for future land use decisions. The MPC unanimously endorsed the subcommittee’s recommendations.

Board Agenda Item  
November 19, 2013

FISCAL IMPACT:

None

ENCLOSED DOCUMENTS:

Attachment I: Planning Commission verbatim  
Staff Report for Plan amendment S13-II-M3, dated October 3, 2013 and previously  
furnished is available at:  
<http://www.fairfaxcounty.gov/dpz/comprehensiveplan/planamendments.htm>

STAFF:

Fred R. Selden, Director, Department of Planning and Zoning (DPZ)  
Marianne Gardner, Director, Planning Division, DPZ  
Meghan Van Dam, Branch Chief, Policy & Plan Development Branch  
Aaron Klibaner, Planner II, PD, DPZ

Planning Commission Meeting  
October 30, 2013  
Verbatim Excerpt

S13-II-M3 – COMPREHENSIVE PLAN AMENDMENT (MCLEAN COMMUNITY BUSINESS CENTER)

After Close of the Public Hearing

Chairman Murphy: The public hearing is closed; recognize – it doesn't happen this fast. I'm assembling all of my words – Mr. Donahue.

Commissioner Donahue: Thank you, Mr. Chairman. Just a quick comment or two. This started about two or three years ago when we had – and I think it was a rezoning, maybe, which didn't get too far anyway, and it's probably coming back – but we did discover that in the Comprehensive Plan concerning the CBC in McLean we needed some wording change, and it started back then with the final work of staff, Ms. Van Dam, Mr. Klibaner. We've gotten here tonight and I think we're in good shape to go. The one comment I will make is – and I hope I'm not just setting up Commissioner Hart here – with respect to the roundabout that is being planned, I'm neither for nor against automatic roundabouts. I would say to you that roundabouts, I think, work if they are designed properly, if they are sized properly, if they are constructed properly. So I hope if we actually ever do go to a roundabout, we would be very careful about the way it's put together. And with that, Mr. Chairman, this item was deferred from October 17<sup>th</sup> in order to allow additional time for public review. The McLean Planning Committee unanimously voted to support the subcommittee recommendations that were developed as part of a joint effort with staff. And these recommendations contributed to the recommended staff alternative. There are three instances in the proposed Plan where it appears that the word "convenience" should be replaced with the words "community and/or neighborhood serving," with regard to retail uses. Therefore, I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS ADOPT THE STAFF ALTERNATIVE FOR PLAN AMENDMENT S13-II-M3, AS SHOWN ON PAGES 2 THROUGH 45 OF THE STAFF REPORT DATED OCTOBER 3<sup>RD</sup>, 2013, MODIFIED SUCH THAT THE WORD "CONVENIENCE" IS REPLACED WITH THE WORDS "COMMUNITY AND/OR NEIGHBORING [sic] SERVING" ON PAGES 17, 22, AND 29."

Commissioners Litzenberger and Hedetniemi: Second

Chairman Murphy: Seconded by Mr. Litzenberger and Hedetniemi. Is there a discussion of the motion? All those in favor of the motion to recommend to the Board of Supervisors that it adopt Comprehensive Plan S13-II-M3, the staff alternative regarding the McLean Community Business Center, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

//

(The motion carried by a vote of 12-0.)

JN

**THIS PAGE INTENTIONALLY LEFT BLANK**

Board Agenda Item  
November 19, 2013

4:30 p.m.

Public Hearing to Consider Adopting an Ordinance Expanding the Northern Virginia Community College Residential Permit Parking District, District 39 (Braddock District)

ISSUE:

Public Hearing on proposed amendment to Appendix G, of *The Code of the County of Fairfax, Virginia*, to expand the Northern Virginia Community College (NVCC) Residential Permit Parking District (RPPD), District 39.

RECOMMENDATION:

The County Executive recommends that the Board adopt an amendment to Appendix G, of *The Code of the County of Fairfax, Virginia*, to expand the NVCC RPPD, District 39.

TIMING:

On October 29, 2013, the Board authorized a Public Hearing to consider the proposed amendment to Appendix G, of *The Code of the County of Fairfax, Virginia*, on November 19, 2013, at 4:30 p.m.

BACKGROUND:

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

Board Agenda Item  
November 19, 2013

Here, staff has verified that Bonnie Drive and the requested portion of Ardfour Lane are within 2,000 feet walking distance to the NVCC pedestrian entrance, and all other requirements to expand the RPPD have been met.

FISCAL IMPACT:

The cost of sign installation is estimated at \$700 to be paid out of Fairfax County Department of Transportation (FCDOT) funds.

ENCLOSED DOCUMENTS:

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

STAFF:

Tom Biesiadny, Director, Fairfax County Department of Transportation (FCDOT)  
Eric Teitelman, Chief, Capital Projects and Operations Division, FCDOT  
Maria Turner, Sr. Transportation Planner, FCDOT

Proposed Amendment

Amend *The Code of the County of Fairfax, Virginia*, by adding the following streets to Appendix G-39, Section (b), (2), Northern Virginia Community College Residential Permit Parking District, in accordance with Article 5A of Chapter 82:

*Ardfour Lane (Route 3030):*

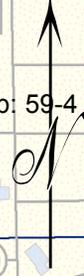
~~From Wakefield Chapel Road to Lorene Lane~~

From Wakefield Chapel Road to Bonnie Drive.

*Bonnie Drive (Route 3032):*

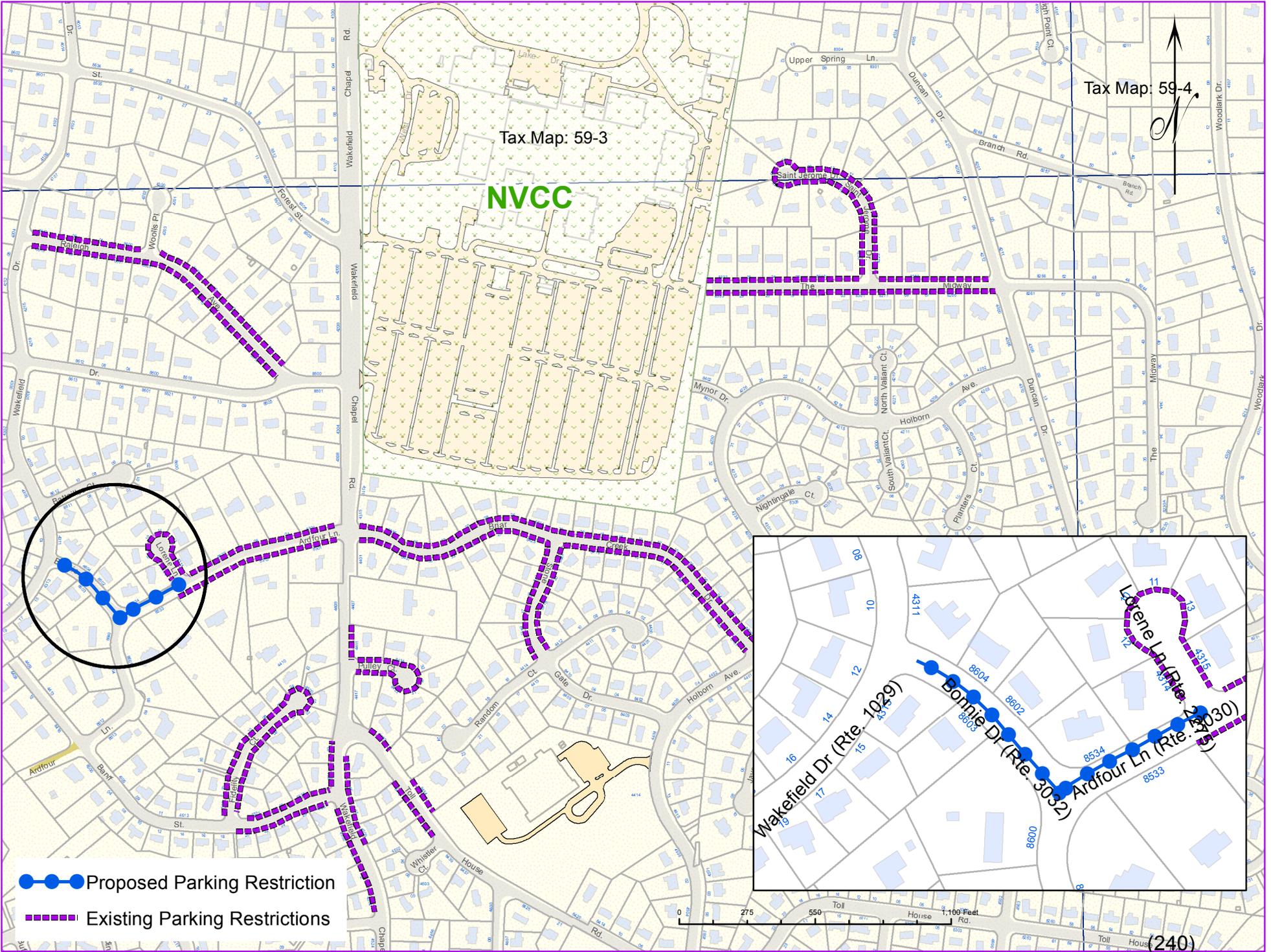
From Ardfour Lane to Wakefield Drive.

Tax Map: 59-4

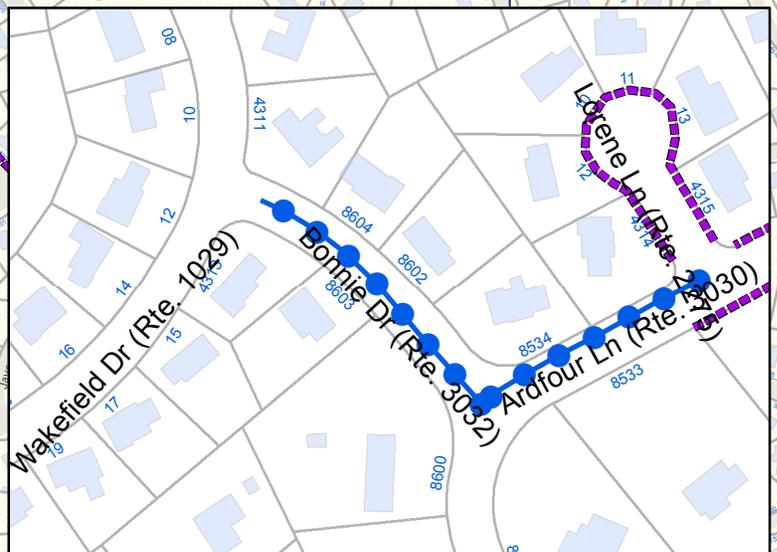


Tax Map: 59-3

NVCC



- Proposed Parking Restriction
- Existing Parking Restrictions



Board Agenda Item  
November 19, 2013

4:30 p.m.

Public Hearing on Amendments to the Code of the County of Fairfax, Virginia, Articles 2 and 3 of Chapter 3 Regarding the Uniformed and Employees' Retirement Systems – Change in Social Security Offset to Service-Connected Disability Benefits

ISSUE:

Board of Supervisors approval of amendments to Articles 2 and 3 of Chapter 3 of the Code of the County of Fairfax, Virginia, County Employees. These changes to the Uniformed and Employees' Retirement Systems revise service-connected disability retirement benefits by changing the reduction based on Social Security benefits from 25% to 15% of Social Security benefits.

RECOMMENDATION:

The County Executive recommends that the Board approve amendments to the Uniformed and Employees' Retirement Systems for the purpose of changing the level of service-connected disability benefits.

TIMING:

Board action is requested on November 19, 2013. Public Hearing was authorized on October 29, 2013.

BACKGROUND:

On September 10, 2013, as part of the FY 2013 Carryover actions, the Board directed that staff make the necessary code changes and schedule a public hearing to reduce the Social Security offset for service-connected disability related retirements for both the Uniformed and Employees' Retirement Systems from 25% to 15% effective January 1, 2014. The current service-connected disability benefit provisions for the Uniformed and Employees' Retirement Systems are summarized below.

For the Uniformed Retirement System: For those retired prior to December 9, 1996, the benefit level is two-thirds (66 2/3%) of salary. If retired after December 8, 1996, there are two possible levels of benefit. The standard service-connected disability benefit is 40% of salary and a severe service-connected disability benefit is 90% of salary.

All three levels of benefits are offset (i.e., reduced) to some extent by Social Security benefits also received by the retiree. There is a 25% offset of disability benefits provided by Social Security. This offset occurs regardless of age, unless the Social Security benefit is based on a disability other than that for which the employee was retired. If the retiree is not eligible for Social Security disability benefits and is eligible to receive a Social Security

Board Agenda Item  
November 19, 2013

benefit based on age, for those with a 66 2/3% or a 90% benefit, there is a 25% offset of the age-based Social Security benefit that occurs at age 62, the first date of eligibility for Social Security benefits.

For the Employees' Retirement System: The service-connected disability benefit is two-thirds (66 2/3%) of salary. This benefit is reduced by 25% of Social Security disability benefits received at any age, or, at age 62, by 25% of the age-based Social Security benefit.

Benefits in both Systems are also offset by any workers' compensation benefits that are being received.

FISCAL IMPACT:

Reduction of the offset provisions from 25% to 15% would increase the unfunded liability of the Uniformed and Employees' Retirement Systems by a total of \$2.9 million. Specifically, the unfunded liability of the Uniformed Retirement System would increase by \$1.7 million, and the unfunded liability of the Employees' Retirement System would increase by \$1.2 million. A large component of the cost is due to the unfunded liability created by applying new provisions to past years of service. Following established retirement funding policy, this increase in unfunded liability would be amortized over 15 years. The impact on the employer contribution rates is an increase of 0.11% for the Uniformed System and 0.03% for the Employees' System. In accordance with the County Code, these increases to the employer contribution rates will be effective beginning in FY 2015. Funding has been set aside as part of the *FY 2013 Carryover Review* to fund the FY 2014 partial year impact of these changes. Based on FY 2014 budgeted payroll levels, the FY 2015 General Fund impact of reducing the 25% offset to a 15% offset is estimated at \$163,000 for the Uniformed System and \$101,000 for the Employees' System. These amounts will be included in the FY 2015 Advertised Budget Plan.

ENCLOSED DOCUMENTS:

- Attachment 1: Amendment to Chapter 3, Section 3-2-36
- Attachment 2: Amendment to Chapter 3, Section 3-3-37
- Attachment 3: Amendment to Chapter 3, Section 3-3-37.3
- Attachment 4: Letter from Fiona Liston, Consulting Actuary, Cheiron, to Jeffrey Weiler dated October 8, 2013

STAFF:

Susan W. Datta, Chief Financial Officer  
Jeffrey Weiler, Executive Director, Fairfax County Retirement Systems

AN ORDINANCE TO AMEND AND REENACT SECTION 3-2-36 OF THE CODE OF THE COUNTY OF FAIRFAX

BE IT ORDAINED that:

1. Section 3-2-36 of the Code of the County of Fairfax is hereby amended and reenacted to read as follows:

**Section 3-2-36. Service-connected disability retirement allowance.**

(a) Upon retirement under the provisions of Section 3-2-35, a member shall receive an annual retirement allowance, payable monthly and during his lifetime and continued disability, consisting of an amount equal to sixty-six and two-thirds percent (66 2/3%) of his average final compensation. However, the allowance shall be reduced by ~~twenty-five~~ twenty-five percent (~~215%~~) of the amount of any primary Social Security benefit to which said member is entitled under any Federal Social Security Act, and the amount of any compensation paid to the member under the Virginia Workers' Compensation Act ("the Act") for temporary total or partial incapacity.

(b) When the amount of a member's primary Social Security benefit has once been determined for purpose of applying the ~~twenty-five~~ twenty-five percent (~~215%~~) reduction described above, the amount of the reduction shall not thereafter be increased on account of cost-of-living increases awarded under any Federal Social Security Act. However, the amount of the reduction shall be increased by award of a cost-of-living increase to a member's compensation for temporary total or partial incapacity under the Act. When the member is no longer entitled to receive payments for temporary total or partial incapacity under the Act because of the limits in the Act as to the total amount of such compensation or as to the period of time that the member is entitled to receive such compensation, the amount of such payments shall no longer be used to reduce the retirement allowance, and, accordingly, subsequent monthly payments of the allowance shall be determined as if the original allowance had been computed without the reduction for such payments.

(c) If a member receives his compensation for temporary total or partial incapacity under the Act in the form of a lump sum payment, he shall receive no monthly retirement allowance otherwise payable under this Section until such time as the amounts he would have received equal the amount of his lump sum benefit under the Act; provided, however, neither a lump sum payment or portion thereof representing compensation for permanent total or partial loss or disfigurement under the Act nor a lump sum payment or portion thereof representing compensation for periods of temporary total or partial incapacity which occurred prior to the effective date of the member's retirement under Section 3-2-35 shall be offset against the member's allowance under this Section; and, provided further that in the event that a member receives a lump sum settlement of benefits that he is or may be entitled to in the future under the Act, and said settlement does not specify how much of the sum represents settlement of his entitlement to temporary total or partial incapacity, as opposed to other benefits, the Board shall determine the portion of such sum which in its judgment represents compensation for such benefits.

2. The effective date of this Ordinance amending Section 3-2-36 is ~~August~~January 1, 2014. The reduction of the offset for any primary Social Security benefit from ~~30~~25% to ~~25~~15% is to be applied to the calculation of the retirement allowance due to members who are receiving an allowance for service-connected disability under Section 3-2-35 on or after the effective date of this Ordinance. This change is prospective in application and is not retroactive. The Board of Trustees of the System and the staff of the Retirement Administration Agency are hereby authorized and directed to make all necessary changes in the calculation of a member's allowance to implement this amendment.

AN ORDINANCE TO AMEND AND REENACT SECTION 3-3-37 OF THE CODE OF THE COUNTY OF FAIRFAX.

BE IT ORDAINED that:

1. Section 3-3-37 of the Code of the County of Fairfax is hereby amended and reenacted to read as follows:

**Section 3-3-37. Service-connected disability retirement allowance.**

(a) Any member who is receiving, or has been approved by the Board to receive, service-connected disability retirement, or who has applied for service-connected disability retirement, or whose employer has submitted as application for service-connected disability retirement for such employee as of December 9, 1996, under the provisions of Section 3-3-36, shall receive an annual retirement allowance, payable monthly during his lifetime and continued disability, consisting of an amount equal to 662/3 percent of the salary the member received at the time of retirement. This allowance shall be reduced by ~~twenty-five~~fifteen percent (~~125~~15%) of the amount of any primary Social Security benefit to which the member is entitled under any Federal Social Security Act and by the amount of any compensation awarded under the Virginia Workers' Compensation Act ("the Act") to the member for temporary total or partial incapacity; provided, however, that no reduction shall be made to a member's service-connected disability retirement allowance due to the member's entitlement to Social Security disability benefits in whole or in part as the result of a disability other than the disability that served as the basis for the award of service-connected disability retirement.

(b) Any member who submits an application for service-connected disability retirement, or for whom his employer submits such application under the provisions of Section 3-3-36 on or after December 9, 1996, shall receive an annual retirement allowance, payable monthly during his lifetime and continued disability, consisting of an amount equal to forty percent (40%) of the salary the member received at the time of retirement. However, this allowance shall be reduced by ~~twenty-five~~fifteen percent (~~215~~15%) of the amount of any primary Social Security disability benefit to which the member is entitled under any Federal Social Security Act and by the amount of any compensation awarded under the Virginia Workers' Compensation Act ("the Act") to the member for temporary total or partial incapacity.

(c) When the amount of a member's primary Social Security benefit has once been determined for purposes of applying the ~~twenty-five~~fifteen percent (~~215~~15%) reduction described in paragraphs (a) and (b) above, the amount of the reduction shall not thereafter be increased on account of cost-of-living increases awarded under any Federal Social Security Act. However, the amount of the reduction shall be increased by an award of a cost-of-living increase to the member's compensation for temporary total or partial incapacity under the Act. When the member is no longer entitled to receive payments for temporary total or partial incapacity under the Act because of the limits in the Act as to the total amount of such compensation or as to the period of time that the member is entitled to receive such compensation, the amount of such payments shall no longer be used to reduce the retirement allowance and, accordingly, subsequent

monthly payments of the allowance shall be determined as if the original allowance had been computed without the reduction for such payments.

(d) If a member receives his compensation for temporary total or partial incapacity under the Virginia Workers' Compensation Act in the form of a lump sum payment, he shall receive no monthly retirement allowance otherwise payable under this Section until such time as the amounts he would have received equal the amount of his lump sum benefit under the Act; provided, however, neither a lump sum payment or portion thereof representing compensation for permanent total or partial loss or disfigurement under the Act nor a lump sum payment or portion thereof representing compensation for periods of temporary total or partial incapacity which occurred prior to the effective date of the member's retirement under Section 3-3-36 shall be offset against the member's allowance under this Section; and, provided further that in the event the member receives a lump sum settlement of benefits that he is or may be entitled to in the future under the Act, and said settlement does not specify how much of the sum represents settlement of his entitlement to temporary total or partial incapacity, as opposed to other benefits, the Board shall determine the portion of such sum which in its judgment represents compensation for such benefits.

2. The effective date of this Ordinance amending Section 3-3-37 is ~~August~~January 1, 2014~~4~~. The reduction of the offset for any primary Social Security benefit from ~~30~~25% to 125% is to be applied to the calculation of the retirement allowance due to members who are receiving an allowance for service-connected disability under Section 3-3-36 on or after the effective date of this Ordinance. This change is prospective in application and is not retroactive. The Board of Trustees of the System and the staff of the Retirement Administration Agency are hereby authorized and directed to make all necessary changes in the calculation of a member's allowance to implement this amendment.

AN ORDINANCE TO AMEND AND REENACT SECTION 3-3-37.3 OF THE CODE OF THE COUNTY OF FAIRFAX.

BE IT ORDAINED that:

1. Section 3-3-37.3 of the Code of the County of Fairfax is hereby amended and reenacted to read as follows:

**Section 3-3-37.3. Severe service-connected disability retirement allowance.**

(a) Any member who retires pursuant to the provisions of Section 3-3-37.2 shall receive an annual retirement allowance, payable monthly during his lifetime, consisting of an amount equal to 90 percent of the salary the member was entitled to receive at the time of his retirement. This allowance shall be reduced by ~~twenty-five~~fifteen percent (~~25~~15%) of the amount of any primary Social Security benefit to which the member is entitled under any Federal Social Security Act and by the amount of any compensation awarded under the Virginia Workers' Compensation Act ("the Act") to the member for temporary total or partial incapacity.; provided, however, that no reduction shall be made to a member's service-connected disability retirement allowance due to the member's entitlement to Social Security disability benefits in whole or in part as the result of a disability other than the disability that served as the basis for the award of service-connected disability retirement.

(b) When the amount of a member's primary Social Security disability benefit has once been determined for purposes of applying the ~~twenty-five~~fifteen percent (~~25~~15%) reduction described in paragraph (a) above, the amount of the reduction shall not thereafter be increased on account of cost-of-living increases awarded under any Federal Social Security Act. However, the amount of the reduction shall be increased by an award of a cost-of-living increase to the member's compensation for temporary total or partial incapacity under the Act. When the member is no longer entitled to receive payments for temporary total or partial incapacity under the Act because of the limits in the Act as to the total amount of such compensation or as to the period of time that the member is entitled to receive such compensation, the amount of such payments shall no longer be used to reduce the retirement allowance and, accordingly, subsequent monthly payments of the allowance shall be determined as if the original allowance had been computed without the reduction for such payments.

(c) If a member receives his compensation for temporary total or partial incapacity under the Virginia Workers' Compensation Act in the form of a lump sum payment, he shall receive no monthly retirement allowance otherwise payable under this Section until such time as the amounts he would have received equal the amount of his lump sum benefit under the Act; provided, however, neither a lump sum payment or portion thereof representing compensation for permanent total or partial loss or disfigurement under the Act nor a lump sum payment or portion thereof representing compensation for periods of temporary total or partial incapacity which occurred prior to the effective date of the member's retirement under Section 3-3-37.2 shall be offset against the member's allowance under this Section; and, provided further that in the event the member receives a lump sum settlement of benefits that he is or may be entitled to in the future under the Act, and said settlement does not specify how much of the sum represents

settlement of his entitlement to temporary total or partial incapacity, as opposed to other benefits, the Board shall determine the portion of such sum which in its judgment represents compensation for such benefits.

2. The effective date of this Ordinance amending Section 3-3-37.3 is ~~August-January~~ 1, 2014~~4~~.— The reduction of the offset for any primary Social Security benefit from ~~3025~~% to ~~2515~~% is to be applied to the calculation of the retirement allowance due to members who are receiving an allowance for service-connected disability under Section 3-3-37.2 on or after the effective date of this Ordinance. This change is prospective in application and is not retroactive. The Board of Trustees of the System and the staff of the Retirement Administration Agency are hereby authorized and directed to make all necessary changes in the calculation of a member's allowance to implement this amendment.



Classic Values, Innovative Advice

October 8, 2013

Mr. Jeffrey Weiler  
 Executive Director  
 Fairfax County Retirement Systems  
 10680 Main Street, Suite 280  
 Fairfax, Virginia 22030-3812

**Re: Adjustments to Service-Connected Disability Benefits**

Dear Jeff:

As requested, we have estimated the cost of reducing the 25% offset of Social Security benefits for employees who retired or will retire from the Employees' or Uniformed Retirement System on service-connected disability to a 15% offset. The cost impact is shown below for each of the Systems.

**Employees' Retirement System**

|                                  | <b>Valuation<br/>(25% Offset)</b> | <b>Study<br/>(15% Offset)</b> | <b>Change</b> |
|----------------------------------|-----------------------------------|-------------------------------|---------------|
| Normal Cost                      | 6.91%                             | 6.92%                         | 0.01%         |
| UAL Amortization                 | 1.49%                             | 1.51%                         | 0.02%         |
| Corridor Adjustment              | 10.10%                            | 10.10%                        | 0.00%         |
| Expenses                         | <u>0.20%</u>                      | <u>0.20%</u>                  | <u>0.00%</u>  |
| Total Budgeted Rate              | 18.70%                            | 18.73%                        | 0.03%         |
| Unfunded Liability (in Millions) | \$1,210.8                         | \$1,212.0                     | \$1.2         |

**Uniformed Retirement System**

|                                  | <b>Valuation<br/>(25% Offset)</b> | <b>Study<br/>(15% Offset)</b> | <b>Change</b> |
|----------------------------------|-----------------------------------|-------------------------------|---------------|
| Normal Cost                      | 19.46%                            | 19.47%                        | 0.01%         |
| UAL Amortization                 | 7.05%                             | 7.15%                         | 0.10%         |
| Corridor Adjustment              | 8.69%                             | 8.69%                         | 0.00%         |
| Expenses                         | <u>0.25%</u>                      | <u>0.25%</u>                  | <u>0.00%</u>  |
| Total Budgeted Rate              | 35.45%                            | 35.58%                        | 0.11%         |
| Unfunded Liability (in Millions) | \$366.1                           | \$367.8                       | \$1.7         |



Mr. Jeffrey Weiler  
October 8, 2013  
Page 2

The valuation data does not provide the Social Security offset unless the benefit is currently being offset. For those whose offset was listed, we used the offset amount as if it were calculated as of the retirement date. This means, to restore the offset we adjusted the amount listed for COLA increases from the individuals retirement date through the valuation date. We had to make assumptions for those inactive members for whom no offset is listed. For inactive members under age 62 we estimated an offset (based on 25% of a projected PIA amount) to commence at age 62. For those older than 62 with no offset provided, we assumed no offset. Below is a breakdown of the data into the groups described above:

| <u>System</u> | <u>Currently Offset</u> | <u>Offset Estimated<br/>Under 62</u> | <u>No Offset<br/>Over 62</u> |
|---------------|-------------------------|--------------------------------------|------------------------------|
| ERS           | 117                     | 26                                   | 9                            |
| URS           | 90                      | 55                                   | 11                           |

These estimates were prepared as of July 1, 2012, using the same actuarial assumptions and methods as described in our July 1, 2012 actuarial valuation reports. The employee data used in this analysis was that provided for the 2012 valuation. The results are applicable only for the 2014 Fiscal Year.

We hereby certify that, to the best of our knowledge, this letter and its contents are complete and have been prepared in accordance with generally recognized and accepted actuarial principles and practices which are consistent with the Code of Professional Conduct and applicable Actuarial Standards of Practice set out by the Actuarial Standards Board. Furthermore, as credentialed actuaries, we meet the Qualification Standards of the American Academy of Actuaries to render the opinion contained in this report. This report does not address any contractual or legal issues. We are not attorneys and our firm does not provide any legal services or advice.

Please call if you have any questions or comments.

Sincerely,  
Cheiron



Fiona E. Liston, FSA  
Principal Consulting Actuary

cc: Christian E. Benjaminson, FSA



Board Agenda Item  
November 19, 2013

4:30 p.m.

Public Hearing on RZ 2013-MV-001 (A&R Huntington Metro LLC) to Rezone from C-5 to PRM to Permit Mixed Use Development with an Overall Floor Area Ratio of 2.96, Approval of the Conceptual Development Plans, Waiver of Minimum District Size and Waiver #25678-WPFM-001-1 to Permit the Location of Underground Storm Water Management Facilities in a Residential Area, Located on Approximately 1.04 Acres of Land (Mount Vernon District)

This property is located at 2338, 2340, 2342 and 2344 Glendale Terrace and 2317 Huntington Avenue, Alexandria, 22303. Tax Map 83-1 ((8)) 92A, 92B, 93A, 93B and 94A.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission public hearing was held on Thursday, October 24, 2013, and decision was deferred to November 14, 2013. The Planning Commission's recommendation will be forwarded to the Board of Supervisors subsequent to that date.

ENCLOSED DOCUMENTS:

Staff Report previously furnished and available online at:  
<http://ldsnet.fairfaxcounty.gov/ldsnet/ldsdfw/4431522.PDF>

STAFF:

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

**THIS PAGE INTENTIONALLY LEFT BLANK**

Planning Commission Meeting  
November 14, 2013  
Verbatim Excerpt

RZ/FDP 2013-MV-001 – A&R HUNTINGTON METRO, LLC

Decision Only During Commission Matters  
(Public Hearing held on October 24, 2013)

Commissioner Flanagan: Yes, thank you, Mr. Chairman. This evening, we have on the agenda a decision only on RZ/FDP 2013-MV-001, A&R Huntington Metro, LLC. Before – before I move on this, and I do intend to move on this this evening, I would like to just go back and clarify what has happened since the public hearing, which was held on October 24. And at that public hearing, there was – we had not received any comments from the community – the Huntington Community Association with regard to how they regard the project, which is in the heart of their neighborhood, or from the Redevelopment Housing Authority, which supervises the Huntington Conservation Area. And so I deferred – the Commission deferred that – the decision until November 4 [sic], which was two weeks, in order to give those two organizations an opportunity to submit their written comments. In the meantime, the Huntington Community Association did file their comments on November 4<sup>th</sup>, three days before the scheduled decision on November 7<sup>th</sup> and I'm distributing that letter tonight because on November 7, I deferred again until November 14<sup>th</sup>, tonight, in order to give the Redevelopment Housing Authority additional time to provide comments. Those have not been forthcoming and so I am prepared to move ahead on this application since I do not – the only reason these deferrals are necessary is because this application didn't get to the Housing Authority on January the 18<sup>th</sup> when it was supposed to – should have been transmitted to them. And after that time – that amount of time, I would fully have had expected that RHA's comments would have been completed by tonight. And so I'm going to be moving ahead with the motion on this because I don't think that the bureaucracy should be the cause of holding the applicant hostage until next year. The – if – it doesn't appear from a memo that you received from RHA that they will not be able to get comments to us until the – until the – after the 12<sup>th</sup> of December. We do not have any meetings scheduled after that and so it would be deferred into 2014 and at some peril to the viability of the project. So consequently, I don't think there's probably – from what I've heard in the comments that RHA was going to make or that they have – they've already done the review – I don't think it would add much to the difference to what we're hearing from the housing – the Huntington Community Association in the letter which you have tonight. With that in mind, I would like though to review also some of the features of this application and if I could have the applicant come to the lectern, I would like to review some things with him because since the public hearing on October 24, they have made changes to the proffers – taking into consideration many of the comments that you Commissioners raised at the public hearing. And those particularly related to – to parking and to the guest parking, to deliveries, and that sort of thing – and we have in the process – in the intervening time – stumbled across the fact that they will have additional time to make their findings known. And so I'm asking Mr. Looney – if he, tonight, will answer some questions about some of those items. First of all –

Chairman Murphy: Hold – we're on verbatim now, I believe. Are we?

Commissioner Flanagan: Are we? No, I don't think we are until I move.

Commissioner de la Fe: No.

Chairman Murphy: No, you started calling the case so we're on verbatim.

Commissioner Flanagan: We are on verbatim? Okay, well –

Commissioner de la Fe: Make it quick.

Commissioner Flanagan: Anyway, you are aware of the fact that they're in the – could you give us the basis, basically, of the housing community or the – community association comments that's in their letter.

Mark Looney, Esquire, Cooley LLP: As to their comments?

Commissioner Flanagan: Yes, I think that they have – they stated in here that they find that the application satisfies the amendments to the conservation plan for this site.

Mr. Looney: Obviously, Mr. Flanagan – for the record, Mark Looney with Cooley on behalf of the applicant – obviously, the Huntington Community Association letter speaks for itself in terms of their view that the project meets the intent of the Conservation Plan. I don't know that I really have much to add to that beyond what their – what their letter already provides, as long as it has been entered into the record.

Commissioner Flanagan: And basically, that is that the – it – there are five points, I believe, in the Conservation Plan and they are satisfied that it meets all of those requirements.

Mr. Looney: Yes sir, that's my understanding.

Commissioner Flanagan: Fine. Thank you so much.

Chairman Murphy: Go ahead.

Commissioner Flanagan: Okay, with that then, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF RZ 2013-MV-001 AND THE ASSOCIATED CONCEPTUAL DEVELOPMENT PLAN, SUBJECT TO THE EXECUTION OF PROFFERS CONSISTENT WITH THOSE DATED NOVEMBER 14, 2013.

Commissioner Sargeant: Second.

Chairman Murphy: Seconded by Mr. Sargeant. Is there a discussion of the motion? Mr. Migliaccio.

Commissioner Migliaccio: Thank you, Mr. Chairman. I'll be very brief since we are on verbatim. Simply put, I cannot support this application in its current form. Staff did a good – excuse me – staff did a good job of listing the outstanding issues of this application, many stemming from the lack of land consolidation. Out of a recognition of the difficulty and jump-starting projects near the Huntington Metro, I will abstain rather than vote no. Thank you.

Chairman Murphy: Is there further discussion?

Commissioner Hart: Mr. Chairman?

Chairman Murphy: Yes, Mr. Hart.

Commissioner Hart: Thank you. This is a difficult case and I think it involves some countywide principles. I would have been more comfortable with a deferral to wait to see what the Redevelopment Housing Authority had to say. And I think from reading the resolution from 1976, I feel like – even though there's some sort of rush to get this done before the end of the year now – that that was what the Board had intended in the 70s. There is some good things about the application and I think that we want to encourage redevelopment in Huntington. Staff is still recommending denial and I agree with Commissioner Migliaccio's observations about staff's reasons. We, I think, have an obligation to the Board to point things out when maybe we don't agree with them and I think on this one where we've got a mixed use with retail with zero parking, that may have countywide implications. There's a lot of waivers on this case. Commissioner de la Fe has pointed out in the past the problems with applications with so many waivers and I think part of that is stemming from the fact that there really wasn't consolidation. This is such a small site and these things don't fit. The retail with zero parking is not going to work. The waiver of the loading space is making that worse. And I think in a neighborhood with an existing residential parking district with restricted parking, all of those things coming together are going to make this very, very challenging for the residents and the tenants in the retail space. There are good things in the application. I think the applicant has tried since the public hearing with some of the changes in the proffers to address some of these concerns. But in the final analysis, I think staff is still right. So I won't be supporting the application. Thank you.

Chairman Murphy: Further discussion of the motion? All those in favor of the motion to recommend to the Board of Supervisors that it approve RZ 2013-MV-001, say aye.

Commissioners: Opposed?

Commissioners Hart and Migliaccio: Abstain.

Chairman Murphy: Okay, motion carries. Mr. Migliaccio, Mr. Hart, and the Chair abstains. The Chair was not present for the public hearing. The motion carries.

Commissioner Flanagan: I also have another motion – a follow-on motion here.

Chairman Murphy: Go ahead.

Commissioner Flanagan: I MOVE THAT THE PLANNING COMMISSION APPROVE FINAL DEVELOPMENT PLAN 2013-MV-001, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED OCTOBER 10, 2013, AND THE BOARD'S APPROVAL OF RZ 2013-MV-001 AND THE ASSOCIATED CONCEPTUAL DEVELOPMENT PLAN.

Commissioner Sargeant: Second.

Chairman Murphy: Seconded by Mr. Sargeant. Is there a discussion of that motion? All those in favor of the motion to approve FDP 2013-MV-001, subject to the Boards approval of the Rezoning and Conceptual Development Plan, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed?

Commissioners Hart and Migliaccio: Abstain.

Chairman Murphy: Motion carries, same abstentions.

Commissioner Flanagan: I have a third motion to move that the Planning Commission recommend to the Board of Supervisors approval of the following waivers and modifications – and those are listed in the staff report. And if you don't I will read all of those and include them in a single motion if that's without –

Chairman Murphy: Be my guest.

Commissioner Flanagan: -objection.

Commissioner Hart: Mr. Chairman?

Chairman Murphy: Could we pull out the loading space waiver and vote on that one separate?

Commissioner Flanagan: Which one?

Commissioner Hart: The loading space waiver.

Commissioner Flanagan: Loading space?

Commissioner de la Fe: It's the last bullet.

Cathy Lewis, Zoning Evaluation Division, Department of Planning and Zoning: Mr. Flanagan, it's the first one on the second page of your motions.

Commissioner Flanagan: The loading space?

Ms. Lewis: Right.

Commissioner Flanagan: My first waiver is underground facilities.

Chairman Murphy: The second page – it's the first one on the second page.

Ms. Lewis: The second page – the first one on the second page.

Commissioner Flanagan: Okay. All right, THE MOTION THEN WOULD BE TO ADOPT ALL OF THOSE THAT ARE IN THE STAFF REPORT, WITH THE EXCEPTION OF THAT ONE ON LOADING SPACE.

Chairman Murphy: Is there a second?

Commissioner Sargeant: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioners Hart and Migliaccio: Abstain.

Chairman Murphy: Same abstentions.

Commissioner Flanagan: Very good. And I WOULD ALSO LIKE TO MOVE TWO MORE WAIVERS THAT HAVE BEEN REQUESTED BY THE APPLICANT, WHICH ARE A WAIVER OF SECTION 6-1307-2E AND (*sic*) THE PFM FOR THE MINIMUM SETBACKS OF BIORETENTION FILTER BASINS FROM BUILDING FOUNDATIONS AND PROPERTY LINES AND A WAIVER OF SECTION 7-0802-2 OF THE PFM FOR PARKING GEOMETRIC STANDARDS TO ALLOW PROJECTIONS OF THE STRUCTURAL COLUMNS WITHIN THE PARKING STRUCTURES INTO THE REQUIRED PARKING STALL AREA.

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, same abstentions.

Commissioner de la Fe: We still have to vote on the loading.

Commissioner Flanagan: Yes. And finally, I would like to move – of the waivers, I WOULD LIKE TO MOVE THE MODIFICATION OF SECTION 11-203 OF THE ZONING ORDINANCE FOR REQUIRED LOADING SPACES TO PERMIT THE LOADING SPACES DEPICTED ON THE CDP/FDP.

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?

Commissioner Hart: Nay.

Commissioner Migliaccio: Abstain.

Chairman Murphy: Motion carries. Mr. Hart votes no. Mr. Migliaccio and Mr. Murphy abstain.

Commissioner Flanagan: Then my last and final motion is to MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS DIRECT THE DIRECTOR OF DPWES TO APPROVE A DEVIATION FROM THE TREE PRESERVATION TARGET, PURSUANT TO SECTION 12-0508 OF THE PUBLIC FACILITIES MANUAL.

Commissioner Sargeant: Second.

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

Commissioner Sargeant: Aye.

Chairman Murphy: You've got to do better than that.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries, same abstentions.

//

(The first four motions carried by a vote of 4-0-3. Commissioners Hart, Migliaccio, and Murphy abstained. Commissioners Donahue, Hall, Hedetniemi, Lawrence, and Litzenberger were absent from the meeting.)

(The fifth motion carried by a vote of 4-1-2. Commissioner Hart voted in opposition. Commissioners Migliaccio and Murphy abstained. Commissioners Donahue, Hall, Hedetniemi, Lawrence, and Litzenberger were absent from the meeting.)

(The sixth motion carried by a vote of 4-0-3. Commissioners Hart, Migliaccio, and Murphy abstained. Commissioners Donahue, Hall, Hedetniemi, Lawrence, and Litzenberger were absent from the meeting.)

JLC

**THIS PAGE INTENTIONALLY LEFT BLANK**

Board Agenda Item  
November 19, 2013

4:30 p.m.

Public Hearing on RZ 2011-PR-005 (NV Commercial Incorporated and Clydes's Real Estate Group, Inc.) to Rezone from C-8, HC and SC to PTC, HC and SC to Permit Mixed Use Development with an Overall Floor Area Ratio of 8.05, and a Waiver #1682-WSWD-001-1 to Permit the Location of Underground Storm Water Management Facilities in a Residential Area, Located on Approximately 5.79 Acres of Land (Providence District)

and

Public Hearing on SEA 2008-MD-036 (NV Commercial Incorporated) to Amend SE 2008-MD-036 Previously Approved for an Electrically-Powered Regional Rail Transit Facility and Associated Components to Permit Deletion of Land Area and Associated Modifications to Site Design and Development Conditions, Located on Approximately 110,461 Square Feet of Land Zoned C-7, C-8, HC and SC (Providence District)

RZ 2011-PR-005 is located in the North East quadrant of the intersection of Leesburg Pike and Chain Bridge Road. Tax Map 29-3 ((1)) 65, 71, 71A pt., 72, 73, 75, 76 and 78A.

SEA 2008-MD-036 is located at 8348 Leesburg Pike, Vienna, 22182. Tax Map 29-3 ((1)) 32 and 71A pt. and Route 7 public right-of-way to be vacated and/or abandoned.

PLANNING COMMISSION RECOMMENDATION:

On Wednesday, November 6, 2013, the Planning Commission voted unanimously (Commissioners Hall and Sargeant were absent from the meeting) to recommend the following actions to the Board of Supervisors:

- Approval of RZ 2011-PR-005 subject to the proffers dated October 29, 2013;
- Approval of SEA 2008-MD-036 subject to the development conditions dated October 2, 2013: and
- Modifications and waivers, as listed in the handout dated November 6, 2013.

ENCLOSED DOCUMENTS:

Attachment 1 – Planning Commission Verbatim  
Staff Report previously furnished and available online at:  
<http://ldsnet.fairfaxcounty.gov/ldsnet/ldsdfw/4430163.PDF>

STAFF:

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

**THIS PAGE INTENTIONALLY LEFT BLANK**

Planning Commission Meeting  
November 6, 2013  
Verbatim Excerpt

RZ/FDP 2011-PR-005 – NV COMMERCIAL, INC. & CLYDE’S REAL EST. GROUP, INC.  
SEA 2008-MD-036 – NV COMMERCIAL INC.

Decision Only During Commission Matters  
(Public Hearing held on October 16, 2013)

Commissioner Lawrence: The second item of business I have tonight is on RZ/FDP 2011-PR-005 – SEA 2008-MD-036. The applicants are NV Commercial and Clyde’s Real Estate Group. Mr. Chairman, since the public hearing, we have a period of deferral for the decision on this matter. And during that deferral period, we received a letter from Beacon Capital Partners dated October 23<sup>rd</sup>, which I would like to enter into the public record.

Chairman Murphy: Without objection.

Commissioner Lawrence: The letter provides a more accurate name for referring to the property owners at the addresses, among other things. Future work on the alignment and configuration of Center Street – Commissioners will recall from the public hearing that there is work still in progress on that connector with phases of development, as that work may relate to that property. I secured an opinion from the County Attorney and my understanding is the Planning Commission approval of the present applications will in no way neglect the property rights of adjacent property owners, nor does observation of those rights constitute any impediment in – in continued future negotiations concerning Center Street. But the long and short of that is I think we’re in the clear. Staff has produced an addendum to the staff report dated October 30<sup>th</sup> and tonight we received further information dated November 6<sup>th</sup>, in which those things that were added and changed during the deferral period are clearly summarized. I believe that all the issues on this application have now been addressed. Therefore, Mr. Chairman, I have four motions. I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF RZ 2011-PR-005, SUBJECT TO THE EXECUTION OF PROFFERS CONSISTENT WITH THOSE DATED OCTOBER 29<sup>TH</sup>, 2013.

Commissioner Hart: Second.

Chairman Murphy: Seconded by Mr. Hart, 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-PR-005, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries; Mr. Lawrence.

Commissioner Lawrence: I MOVE THAT THE PLANNING COMMISSION APPROVE FDP 2011-PR-005, SUBJECT TO DEVELOPMENT CONDITIONS DATED NOVEMBER 6<sup>TH</sup>, 2013, AND SUBJECT TO THE BOARD’S APPROVAL OF THE REZONING.

Commissioner Hart: Second.

Chairman Murphy: Seconded by Mr. Hart. Discussion? All those in favor of the motion to approve FDP 2011-00 – PR-005 (sic), subject to the Board's approval of the rezoning, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Lawrence: I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF SEA 2008-MD-036, SUBJECT TO THE DEVELOPMENT CONDITIONS CONSISTENT WITH THOSE DATED OCTOBER 2<sup>ND</sup>, 2013.

Commissioner Hart: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Lawrence: Finally, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF THE MODIFICATIONS AND WAIVERS, AS LISTED IN THE HANDOUT PROVIDED TO YOU TODAY DATED NOVEMBER 6<sup>TH</sup>, 2013, WHICH SHALL BE MADE A PART OF THE RECORD OF THIS CASE.

Commissioner Hart: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

//

(Each motion carried by a vote of 10-0. Commissioners Hall and Sargeant were absent from the meeting.)

JLC

Board Agenda Item  
November 19, 2013

4:30 p.m.

Public Hearing to Receive Comment from Citizens on the Proposed Legislative Program to be Presented to the 2014 Virginia General Assembly

ENCLOSED DOCUMENTS:

Attachment I - Draft Fairfax County Legislative Program for the 2014 Virginia General Assembly

Attachment II - Draft Human Services Issue Paper

(The proposed Legislative Program and Human Services Issue Paper are also available, by close of business November 14, 2013, at [www.fairfaxcounty.gov/government/board](http://www.fairfaxcounty.gov/government/board) or in the Office of the Clerk to the Board.)

STAFF:

Edward L. Long, Jr., County Executive

Claudia Arko, Legislative Director

**THIS PAGE INTENTIONALLY LEFT BLANK**

DRAFT of November 14, 2013

**Preliminary DRAFT 2014 Fairfax County Legislative Program****INDEX****PRIORITIES**

|    |                       |                 |   |
|----|-----------------------|-----------------|---|
| 1. | Funding Core Services | K-12            | 3 |
| 2. | Funding Core Services | Transportation  | 4 |
| 3. | Funding Core Services | State Budget    | 5 |
| 4. | Governance            | Local Authority | 6 |

**INITIATIVES/ACTION STATEMENTS**

|                       |   |          |
|-----------------------|---|----------|
| <b>Courts</b>         | Secure Remote Access to Juvenile and Domestic Relations Court Records | <b>7</b> |
| <b>Environment</b>    | Municipal Net Metering  | <b>7</b> |
| <b>Human Services</b> | Medicaid-Funded Transportation Services                               | <b>7</b> |

**POSITION STATEMENTS**

|                |   |                                    |
|----------------|---|------------------------------------|
| Environment    | Global Climate Change   | 8                                  |
|                | Land Conservation   | 8                                  |
|                | Reducing Environmental Contamination from Plastic and Paper Bags              | 8                                  |
| Funding        | Public Safety/Courts Funding  | 8                                  |
|                | Water Quality Funding   | 9                                  |
| General Laws   | Elections   | 10                                 |
|                | Procurement   | 10                                 |
|                | Sexual Orientation  | 10                                 |
|                | Videoconferencing of Advisory Boards  | 10                                 |
|                | Health  | Alternative On-Site Sewage Systems |
| Human Services | Lyme Disease  | 11                                 |
|                | Early Intervention Services for Infants and Toddlers with Disabilities/Part C | 11                                 |
|                | Funding – Northern Virginia Training Center                                   | 12                                 |
| Land Use       | Medicaid Eligibility and Access to Care                                       | 13                                 |
|                | Proffers  | 14                                 |
| Public Safety  | Accessibility   | 14                                 |
|                | Dangerous Weapons in Public Facilities  | 14                                 |
|                | Pneumatic Guns  | 15                                 |
| Transportation | Secondary Road Devolution   | 15                                 |

(Note: New language added since October 22 Legislative Committee meeting is **highlighted**.)

DRAFT of November 14, 2013

## **Preliminary DRAFT 2014 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. 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 four 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.

The 2013 General Assembly made significant strides towards beginning that process, primarily in two key areas. First, after several years of "local aid to the Commonwealth," instituted in FY 2009 and requiring localities to pay tens of millions of dollars to the state each year to help the state balance its budget, this practice was eliminated for FY 2014. Second, and of critical importance to Northern Virginia, the 2013 GA enacted new transportation revenues, providing a significant step forward in alleviating the growing traffic congestion that threatens Virginia's economic prosperity.

It is critically important that Virginia continue down that path, investing 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 continue to 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.

DRAFT of November 14, 2013

## Priorities

### Funding Core Services

#### **1.) K-12 Funding – 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).**

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 2014, investments in K-12 education had fallen to less than 30 percent of the General Fund. This reduction in state funding effort persists despite the fact that the Commonwealth has ended each of the last four fiscal years with a revenue surplus.

The Boards support realistic and fully-funded Standards of Quality which keep pace with ever-evolving accountability requirements within the Standards of Accreditation and the Standards of Learning. The Boards oppose state budget cuts that disproportionately target or affect Northern Virginia. 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.

To that end, the Boards strongly support restoration of full funding for Cost of Competing Adjustment (COCA), which is an additional factor used in the state K-12 funding formula, recognizing the higher salaries required in identified high cost of living and competitive wage market regions to attract and retain the highest quality instructional and support personnel. This critical funding was all but eliminated for support positions in the previous biennium, despite findings from Virginia's Joint Legislative Audit and Review Commission in December 2012 that COCA for both instructional and support personnel was not only appropriate, but significantly underfunded by the state. The cut resulted in a loss of \$10.2 million to Fairfax County over the biennium.

Additionally, the Boards support increased state resources for early childhood education programs, which help young children enter kindergarten prepared to succeed. While failure to adequately meet the needs of the youngest Virginians can create repercussions for individual families, the larger community and the Commonwealth, investments in early childhood education can provide a foundation for learning and achievement, often reducing or eliminating the need for more costly remediation later.

Unfortunately, recent budget decisions by the General Assembly, like the reduction in COCA funding, exacerbate the stresses on the state-local K-12 partnership, by making permanent, structural cuts in state funding that localities expressly sought to avoid. Though one-time, temporary actions at least partially offset the dollar impact of these cuts (e.g. reduced VRS rates, federal stimulus funds), the overall impact of these structural changes continues to be felt by artificially lowering the state baseline for funding K-12 going forward.

DRAFT of November 14, 2013

**2.) Transportation Funding****The Commonwealth should continue and build upon the successful enactment of significant, new transportation revenues by the 2013 General Assembly.**

The passage of HB 2313 was the result of bipartisan cooperation throughout the Commonwealth, as the Governor, General Assembly, localities and the business community worked vigilantly to enact a transportation funding package that provides substantial new resources in addressing statewide transportation needs that had long been underfunded. Of particular interest to Northern Virginia was the inclusion of a regional package generating \$300 million annually in increased Northern Virginia revenues. This funding is a significant step towards addressing the transportation needs of Northern Virginia, estimated in the TransAction 2040 Long-Range Transportation Plan at approximately \$950 million per year in additional funding. It is critical that Northern Virginia continue to receive its fair share of statewide revenues, as required by HB 2313, and that any potential changes to the HB 2313 revenues generate funds at least equal to the law as enacted.

The passage of HB 2313 moves the Commonwealth forward in the right direction, but transportation funding challenges remain:

- It is essential that the state work with the Federal Government to ensure that it, too, provides sufficient resources to address transportation needs. As anticipated revenues from enactment of the Marketplace Fairness Act are integral to the funding package, the Commonwealth should work with the Virginia Congressional delegation to ensure its passage.
- Due to legislative changes in 2012, the Commonwealth Transportation Board now has the authority to allocate up to \$500 million to priority projects before funds are provided to the construction fund. Due to this provision, the secondary and urban construction programs will receive no new funds until 2017, despite the additional transportation revenues. This is especially alarming as localities have not received funds for this program since FY 2010. Further, this change gives the CTB significant authority in allocating statewide resources, resulting in funds being allocated to a few large projects, rather than funds being provided equitably to localities throughout the state through the normal funding formula. It is imperative that Fairfax County receives its share of the statewide funds. It is recommended that this set aside be eliminated or modified to, at the very least, ensure equitable distribution of funds to each region. In addition, consideration should be given to updating the highway funding allocation formulas to better reflect the congestion relief and highway maintenance needs throughout the Commonwealth.
- 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. This will ensure the continued economic competitiveness of the area, as well as the Commonwealth. The County has approved a 40-year, \$3.1 billion funding plan for Tysons, which assumes significant funding from Fairfax County and developers. Nevertheless, it is important that the state and federal governments recognize the importance of Tysons, and provide the funding assistance that will be needed to complete funding for the plan.

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. Fairfax County, along with localities throughout the state, continues to provide millions in local funds for transportation each year, and we must continue to work together to ensure that our infrastructure needs are met. *(Revises and updates previous transportation funding position.)*

DRAFT of November 14, 2013

**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.**

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." Over the last five years, this translated into over \$20 million in state funding cuts to Fairfax County. This cut was finally eliminated by the 2013 GA, but unfortunately, state aid to localities has continued to decline.

While direct aid to localities was 52 percent of the General Fund (GF) in FY 2009, it only accounts for 44 percent of the General Fund in FY 2014. And K-12, the most critical core service shared by the state and localities, has dropped from 35 percent of the General Fund in FY 2009 to less than 30 percent in FY 2014. 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 2014 General Assembly on the following budget items:

- Full restoration of Cost of Competing Adjustment (COCA) funding for K-12 support positions in the 2014-2016 biennium budget. (see also page 3)
- Restoration of funding for HB 599 law enforcement funding, as statutorily required. (see also page 9)
- Provision of sufficient state funding for services to individuals leaving the Northern Virginia Training Center, ensuring the Commonwealth fulfills its responsibility to implement the federal settlement agreement. (see also page 12)
- 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. Additionally, current state "surpluses" have been generated in part by localities throughout Virginia. A national report indicates that, during the recession, only a handful of state governments cut more funds to local governments and school districts than did Virginia. Though the Commonwealth's budget shortfall was the 20<sup>th</sup> 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 2014 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.)*

DRAFT of November 14, 2013

## 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. Finally, local government representatives should be included on all commissions or other bodies established by the state for the purpose of changing or reviewing local revenue authority or governance.**

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, limiting the ability of local governments to respond to community standards and priorities. 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. Additionally, reinstatement of the requirement that all bills with a local fiscal impact be filed by the first day of the General Assembly session would be an important step in signaling the GA's willingness to recognize local fiscal concerns as new legislation is considered, by allowing localities the maximum time possible to highlight potential impacts. Furthermore, local governments must be included as full participants on any state commissions and study committees examining local issues, allowing for a more complete assessment of such issues and reflecting the governing partnership that must exist between the state and localities to ensure the effective administration of government. *(Updates and reaffirms previous position.)*

November 14, 2013

## Initiatives/Action Statements

### **Courts – Secure Remote Access to Juvenile and Domestic Relations Court Records**

Initiate legislation that would allow probation officers and Court Services Unit staff to view juvenile and domestic relations (JDR) records via secure remote electronic access. JDR staff are included in Virginia Code §16.1-305, which specifies who may have access to juvenile records in paper form. However, Virginia Code §17.1-293, which specifies what court-related information may be provided online, does not include JDR records. As a result of this technical issue, such records are not currently permitted to be posted by the Clerk in a method that would allow for remote access by JDR staff, even through a secure website that is not accessible to the public. Modifying the current statute to allow individuals who may already view JDR records in paper form to have the same access via secure online channels would provide for more efficiencies in communications among JDR personnel, as well as significantly reducing the costs associated with paper recordkeeping.

### **Environment – Municipal Net Metering**

Initiate legislation to permit net metering of up to 4.5 megawatts (MW) of energy by local governments, and to allow excess energy generated at one Fairfax County-owned site to offset consumption at non-contiguous County properties. Currently, Virginia Code allows net metering of only 0.5 MW of energy by eligible customer-generators, and in most cases the excess energy generated may only offset energy consumption on the same property (or contiguous property with the same owner, in the case of agricultural net metering). Through the County's Green Energy Triangle initiative, County staff have been working with representatives of the private and nonprofit sectors on several renewable energy and other environmentally beneficial projects in the Lorton area, including exploring the possibility of installing solar panels on the I-95 sanitary landfill and using the energy that would be generated to offset the energy costs of other County facilities. Allowing the net metering of energy above the current 0.5 MW cap and the transfer of credits to other County-owned properties would provide the greatest return on investment for the project.

### **Human Services – Medicaid-Funded Transportation Services**

Initiate legislation directing an independent analytical study by the Joint Legislative Audit and Review Commission (JLARC) of the continuing problems experienced by Virginians with intellectual disabilities or mental illness who depend on Medicaid-funded transportation, provided by the state's transportation broker, to reach essential medical and therapeutic appointments. This review should also examine oversight of the state's contract for these services by the Department of Medical Assistance Services (DMAS). Poor performance by the contractor has been an ongoing problem, and is a particular concern given the vulnerability of the population relying on these services, many of whom are medically fragile.

DRAFT of November 14, 2013

## 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 2007 levels by 2050. 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 or generate renewable energy, including expanding the availability of net metering programs.

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. *(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, thus assisting in reducing greenhouse gas emissions and other forms of pollution. *(Reaffirms previous position. Legislation passed in 2013 to authorize a limited pilot program for such arrangements; the State Corporation Commission is in the process of implementing this program.)*

#### **Land Conservation**

Support the Governor's goal to preserve 400,000 acres statewide. Under the current Administration, approximately 162,853 acres have been preserved, as of July 16, 2013. 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 2014. 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*

#### **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

DRAFT of November 14, 2013

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.** 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 \$14 million in additional funding over the past four years. *(Updates and reaffirms longstanding Board position.)*
- **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.** Although funding for two much-needed judgeships in Fairfax County was authorized during the 2013 Session, the overall underfunding of Virginia’s court system continues to place additional burdens on localities and the judicial system. *(Updates and reaffirms previous position. A weighted caseload study conducted by the National Center for State Courts is due to be completed November 15, 2013.)*

#### **Water Quality Funding**

**Support budget action at the 2014 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 continuation of and increased funding to the Stormwater Local Assistance Fund (SLAF). 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 significant progress in providing funding in recent years, including deposits to the WQIF of surplus funds in each of the last four years and the establishment and funding of the SLAF (\$35 million was allocated to the SLAF in 2013). However, in order to meet federal Chesapeake Bay requirements, additional state assistance for urban stormwater needs will be required (the Senate Finance Committee estimates these costs to be between \$9.4 billion and \$11.5 billion by 2025), while additional funding will likely also be needed for wastewater treatment plant upgrades in the Chesapeake Bay watershed. The state must partner with localities in order to meet these federal mandates to ensure the success of this effort. Although the funding provided to these essential programs by the 2013 GA was substantial, such funding must continue to increase if Virginia is to meet its commitments for the Chesapeake Bay.

The scientific information provided by the ICPRB is critical to regional water quality and supply planning. While the GA has maintained the Commonwealth’s membership in the ICPRB, it has not maintained funding for the state’s annual dues payment in recent years. 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

DRAFT of November 14, 2013

scientific tasks that support key Northern Virginia water supply and management efforts. *(Updates and reaffirms previous position.)*

## ***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 maintaining the integrity of elections while not discouraging the exercise of the franchise. The effects of recently-enacted voter ID legislation should be examined for potentially harmful consequences before further legislation in this area is introduced. Similarly, reactions at the state and federal levels to the recent Supreme Court decision striking down Section IV of the Voting Rights Act, which eliminated the requirement that changes to Virginia’s election laws be “pre-cleared,” should be closely monitored. 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.)*

### **Procurement**

**Support legislation to eliminate caps on the use of job order construction contracts for localities.**

The job order construction (JOC) method of project delivery has long been used as an alternative to the traditional design/bid/build method, allowing for competitive bidding through a unit price book that provides preset costs for specific construction tasks, rather than requiring the separate procurement of each individual contract. The JOC method allows for a more streamlined procurement process, significantly reducing project timelines and yielding a more efficient allocation of resources.

Legislation adopted by the 2013 General Assembly (HB 2079) to make organizational changes to the Virginia Public Procurement Act (VPPA) also included a provision to establish annual and per project thresholds for JOC contracts. While HB 2079 successfully clarified and improved the VPPA, the County objected to the caps on JOC contracts during the 2013 session. As the JOC process was not well understood, the caps remained in the final legislation; however, the enactment of the JOC caps was delayed until July 1, 2014, and the bill included an overall study of the VPPA, allowing more time for the GA to discuss these issues. *(New 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

DRAFT of November 14, 2013

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***

### **Alternative On-Site Sewage 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. Support legislation that would provide localities with additional tools to ensure adequate reporting of periodic private-sector inspections and that would allow localities to abate or remedy violations of laws regarding the operation and/or maintenance of such systems. Oppose legislation that would further restrict local government authority to regulate the installation of such systems within the locality, including but not limited to authority to ensure installation according to approved designs and development plans, 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. *(Revises and updates previous position to reflect proposals currently under consideration by the Virginia Department of Health 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 in 2011 by the Governor and the Secretary of Health and Human Resources. Cases of Lyme disease have been on the rise in Virginia, with 756 confirmed and 267 probable cases reported to the Centers for Disease Control and Prevention in 2011. *(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 a state/federal 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 \$2.5 million in General Funds in FY 2014, \$2.1 million in FY 2015, and \$2.3 million in FY 2016, to support growth in services to children who do not qualify for Medicaid.**

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.

DRAFT of November 14, 2013

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 recent years, with a further increase of at least seven percent expected in FY 2014. The Fairfax-Falls Church CSB has gone from serving 789 children on average each month in FY 2010 to serving 1287 children on average per month by FY 2013. In response to a significant funding shortfall, the 2013 General Assembly provided an additional \$2.3 million in FY 2013 and \$6 million statewide in FY 2014; however, increased funding will continue to be necessary to keep pace with the demand for this critical program. *(Revises and updates previous 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.**

As a result of a state decision following the settlement agreement negotiated with the U. S. Department of Justice, the Commonwealth will be closing four of the state's five training centers, which provide residential treatment for individuals with intellectual and developmental disabilities. As of July 1, 2013, 108 individuals from Fairfax County reside at state training centers. Of this number, 82 reside at NVTC, which is scheduled to close by June 30, 2015.

Community Services Boards (CSBs) are responsible for transitioning all persons at training centers into community-based residential and day support services operated by the CSB, private non-profit or for-profit providers based on funds available as well as the choices of those being discharged to the community. Unfortunately, existing community-based service capacity is not sufficient to serve these individuals; therefore, additional capacity must be created. Under the state's current implementation plan, development and start-up funding to support such an expansion within the specified timeline has not been identified, though time is of the essence as the closure date is quickly approaching. It is estimated that in FY 2014, 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, the current Medicaid ID waiver reimbursement rates will need to increase to ensure sufficient, quality services, comparable to the services currently provided by training centers. It is estimated that state funding of approximately \$10.1 million per year will be needed to operate these services. NVTC is an intermediate care facility (ICF) which has provided cost-based reimbursement for community 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 the Northern Virginia differential from 15% to 20%, reflecting the higher cost of living and services in this area;
- 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;

DRAFT of November 14, 2013

- Restructure billing units to allow sufficient reimbursement for the provision of appropriate and adequate services, and;
- Include appropriate levels of funding to create community residential arrangements and infrastructure.

Successfully implementing the Department of Justice settlement is the Commonwealth's responsibility and obligation. Sufficient and timely state funding for the NVTC population is an essential component of that effort. (*Updates and reaffirms previous position.*)

### **Medicaid Eligibility and Access to Care**

**Support increasing Medicaid eligibility in Virginia to 138 percent of the federal poverty level, as envisioned by the federal health care reform law, ensuring critical health coverage for some of the most vulnerable Virginians.**

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 12th largest state in terms of population and 8th in per capita personal income, Virginia ranked 44th in Medicaid enrollment as a proportion of the state's population and 46th in per capita Medicaid spending.

The national recession has placed additional pressures on Medicaid, resulting in more Americans being eligible for this essential program, and the Commonwealth now faces a 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. Compromise budget language, approved by the 2013 General Assembly, created the Medicaid Innovation and Reform Commission, which must "review, recommend and approve innovation and reform proposals" prior to any expansion of Medicaid. Expansion of Medicaid requires an affirmative vote by three of the five members of the Commission from the House of Delegates and three of the five members from the Senate.

It is estimated that the expansion would provide coverage to as many as 248,000 Virginians, including 25,000-30,000 individuals in Fairfax County. Newly eligible individuals would include low income adults (individuals earning less than \$15,302 per year or families earning less than \$31,155 per year), low income children who lose Medicaid when they turn 19, and adults with disabilities not eligible for Supplemental Security Income (SSI) or Social Security Disability Insurance (SSDI).

It is clear at this time that the cost to the Commonwealth will be minimal in the first few years, while the savings in indigent and uncompensated care could be significant. Additionally, increasing less expensive preventative care and reducing more expensive emergency care could improve the overall health of residents of the Commonwealth, while slowing the growth in insurance premiums and reducing the "hidden tax" currently borne by all Virginians. As a result, Fairfax County supports increasing Medicaid eligibility in Virginia to 138 percent of the federal poverty level, as envisioned in the federal health care reform law, ensuring critical health coverage for some of the most vulnerable Virginians.

**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.**

Irrespective of Virginia's decision on the Medicaid expansion, or of any other federal funding cuts or reductions in federal requirements which may be considered in the next Congress, it is

DRAFT of November 14, 2013

essential that the Commonwealth avoid taking actions that effectively shift costs to localities. Due to the increasingly critical 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. 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. *(Revises and reaffirms previous position.)*

## ***Land Use***

### **Proffers**

Existing local authority to accept cash and in-kind proffers from developers must be retained without restrictions to assist localities in providing the capital facilities and infrastructure needed to serve new development, and to maintain local community standards that keep and improve the quality of life, and encourage and spur economic development. Any proposal for replacing such proffer commitments with development impact fees must be at the option of each locality. *(Revises and 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.)*

DRAFT of November 14, 2013

**Pneumatic Guns**

Support 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.)*

***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 governments 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.)*

Draft of November 14, 2013

*(Note: New language added since October 22 Legislative Committee meeting is highlighted.)*

## 2014 Fairfax County Human Services Issue Paper

This human services issue paper is a supplement to the 2014 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.

Though 2009 is credited as being the end of the Great Recession, its impact has continued to take a toll on our most vulnerable residents. Many Virginians are still struggling to regain their footing and their ability to help themselves out of their present situations. 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. At present, there are 64,600 people in Fairfax County living in poverty. 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.<sup>[1]</sup> Since the start of the economic downturn, an additional 33,000 children in Virginia have slipped into poverty, bring the total number to nearly 265,000, or 14 percent, of Virginia’s children.

The recent implementation of federal sequestration, and accompanying federal funding cuts, has adversely affected an already struggling population, further threatening to unravel the social safety net through significant reductions in domestic discretionary spending. 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. For example, in order to mitigate the 5.27 percent cut, or \$401,888, to Head Start and Early Head Start, Fairfax County has committed local funds to address the shortfall for these critical programs; however, this type of one time action is not a sustainable long-term solution to funding essential programs. In Virginia, the state and local partnership to fund core services has already been weakened by state budget actions over the past few years. 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, as state revenues continue to grow, state policies have yet to return to the shared and productive state/local partnership upon which Virginia’s human services were built. 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 must partner to achieve the following outcomes:

---

<sup>[1]</sup> The Commonwealth Institute. “Census Data Presents Mixed Bag for Virginia.” September 2012.

Draft of November 14, 2013

(Note: New language added since October 22 Legislative Committee meeting is **highlighted**.)

- 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;
- 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.

DRAFT

Draft of November 14, 2013

(Note: New language added since October 22 Legislative Committee meeting is **highlighted**.)

## Initiatives/Action Statements

### ***Human Services – Medicaid-Funded Transportation Services***

Initiate legislation directing an independent analytical study by the Joint Legislative Audit and Review Commission (JLARC) of the continuing problems experienced by Virginians with intellectual disabilities or mental illness who depend on Medicaid-funded transportation, provided by the state's transportation broker, to reach essential medical and therapeutic appointments. This review should also examine oversight of the state's contract for these services by the Department of Medical Assistance Services (DMAS). Poor performance by the contractor has been an ongoing problem, and is a particular concern given the vulnerability of the population relying on these services, many of whom are medically fragile.

DRAFT

## Priorities

### ***Early Intervention Services for Infants and Toddlers with Disabilities/Part C***

**Support sustainable funding and infrastructure for Part C Early Intervention, which is a state/federal 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 \$2.5 million in General Funds in FY 2014, \$2.1 million in FY 2015, and \$2.3 million in FY 2016, to support growth in services to children who do not qualify for Medicaid.**

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 recent years, with a further increase of at least seven percent expected in FY 2014. The Fairfax-Falls Church CSB has gone from serving 789 children on average each month in FY 2010 to serving 1287 children on average per month by FY 2013. In response to a significant funding shortfall, the 2013 General Assembly provided an additional \$2.3 million in FY 2013 and \$6 million statewide in FY 2014; however, increased funding will continue to be necessary to keep pace with the demand for this critical program. *(Revises and reaffirms previous 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.**

As a result of a state decision following the settlement agreement negotiated with the U. S. Department of Justice, the Commonwealth will be closing four of the state’s five training centers, which provide residential treatment for individuals with intellectual and developmental disabilities. As of July 1, 2013, 108 individuals from Fairfax County reside at state training centers. Of this number, 82 reside at NVTC, which is scheduled to close by June 30, 2015.

Draft of November 14, 2013

(Note: New language added since October 22 Legislative Committee meeting is **highlighted**.)

Community Services Boards (CSBs) are responsible for transitioning all persons at training centers into community-based residential and day support services operated by the CSB, private non-profit or for-profit providers based on funds available as well as the choices of those being discharged to the community. Unfortunately, existing community-based service capacity is not sufficient to serve these individuals; therefore, additional capacity must be created. Under the state's current implementation plan, development and start-up funding to support such an expansion within the specified timeline has not been identified, though time is of the essence as the closure date is quickly approaching. It is estimated that in FY 2014, 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, the current Medicaid ID waiver reimbursement rates will need to increase to ensure sufficient, quality services, comparable to the services currently provided by training centers. It is estimated that state funding of approximately \$10.1 million per year will be needed to operate these services. NVTC is an intermediate care facility (ICF) which has provided cost-based reimbursement for community 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 the Northern Virginia differential from 15% to 20%, reflecting the higher cost of living and services in this area;
- 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;
- Restructure billing units to allow sufficient reimbursement for the provision of appropriate and adequate services, and;
- Include appropriate levels of funding to create community residential arrangements and infrastructure.

Successfully implementing the Department of Justice settlement is the Commonwealth's responsibility and obligation. Sufficient and timely state funding for the NVTC population is an essential component of that effort. *(Updates and reaffirms previous position.)*

Draft of November 14, 2013

(Note: New language added since October 22 Legislative Committee meeting is **highlighted**.)

### ***Medicaid Eligibility and Access to Care***

#### **Support increasing Medicaid eligibility in Virginia to 138 percent of the federal poverty level, as envisioned by the federal health care reform law, ensuring critical health coverage for some of the most vulnerable Virginians.**

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 12th largest state in terms of population and 8th in per capita personal income, Virginia ranked 44th in Medicaid enrollment as a proportion of the state's population and 46th in per capita Medicaid spending.

The national recession has placed additional pressures on Medicaid, resulting in more Americans being eligible for this essential program, and the Commonwealth now faces a 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. Compromise budget language, approved by the 2013 General Assembly, created the Medicaid Innovation and Reform Commission, which must "review, recommend and approve innovation and reform proposals" prior to any expansion of Medicaid. Expansion of Medicaid requires an affirmative vote by three of the five members of the Commission from the House of Delegates and three of the five members from the Senate.

It is estimated that the expansion would provide coverage to as many as 248,000 Virginians, including 25,000-30,000 individuals in Fairfax County. Newly eligible individuals would include low income adults (individuals earning less than \$15,302 per year or families earning less than \$31,155 per year), low income children who lose Medicaid when they turn 19, and adults with disabilities not eligible for Supplemental Security Income (SSI) or Social Security Disability Insurance (SSDI).

It is clear at this time that the cost to the Commonwealth will be minimal in the first few years, while the savings in indigent and uncompensated care could be significant. Additionally, increasing less expensive preventative care and reducing more expensive emergency care could improve the overall health of residents of the Commonwealth, while slowing the growth in insurance premiums and reducing the "hidden tax" currently borne by all Virginians. As a result, Fairfax County supports increasing Medicaid eligibility in Virginia to 138 percent of the federal poverty level, as envisioned in the federal health care reform law, ensuring critical health coverage for some of the most vulnerable Virginians.

Draft of November 14, 2013

(Note: New language added since October 22 Legislative Committee meeting is **highlighted**.)

**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.**

Irrespective of Virginia's decision on the Medicaid expansion, 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. Due to the increasingly critical 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. 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. *(Revises and reaffirms previous position.)*

## Position Statements

### **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 8<sup>th</sup> in per capita personal

Draft of November 14, 2013

*(Note: New language added since October 22 Legislative Committee meeting is **highlighted.**)*

income, it is 47<sup>th</sup> 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.<sup>[1]</sup> 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 and an increase in the Northern Virginia differential.** While nursing homes receive annual cost of living adjustments, this rate adjustment is not available to providers of Medicaid waiver services. Virginia ranks 47<sup>th</sup> 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. Additionally, increase the Northern Virginia differential from 15% to 20%, reflecting the higher cost of living and services in this area. *(Revises and reaffirms previous position.)*
- **Create new consolidated waiver.** Merge the Intellectual Disability (MR/ID) Waiver with the Individual and Family Developmental Disabilities (DD) Waivers, as proposed in the 2013 Department of Behavioral Health and Disability Services (DBHDS) request for proposals. Expand covered services to include a range of residential options, while implementing a system of individual budgeting to allow greater flexibility in access to

---

<sup>[1]</sup> Updated cost figures from Virginia Department of Behavioral Health and Developmental Services.

Draft of November 14, 2013

*(Note: New language added since October 22 Legislative Committee meeting is **highlighted.**)*

services, including behavioral and medical supports. Assign new consolidated waiver slots based upon urgency of need, while making some accommodations for individuals already on the DD waiver waiting list. Revise and expand the eligibility criteria for the new waiver to include individuals whose needs are related to communication/social skills, brain injuries, and individuals who are blind and/or deaf. Direct the Department of Medical Assistance Services (DMAS) to convene a stakeholder group to ensure development of a person-centered waiver system with sufficient funding for services; consolidation should enhance – not reduce – the breadth of services provided under the new waiver. *(Revises and reaffirms previous position.)*

- **Support increased waiver funding.** For example, funding is needed to serve the more than 7,200<sup>[2]</sup> 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 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 incorporate Community First Choice into its 2014 Medicaid state plan and seek other opportunities to serve older adults and people with disabilities in their homes and communities. *(Revises and reaffirms previous position.)*
- **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 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 will greatly enhance the ability of the new plan to meet special service needs.

---

<sup>[2]</sup> Updated cost figures from Virginia Department of Behavioral Health and Developmental Services.

Draft of November 14, 2013

(Note: New language added since October 22 Legislative Committee meeting is **highlighted**.)

## *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. Also, support continuation of Fairfax County’s waiver to use a local sliding fee scale for child care payments, rather than a statewide fee scale.**

Draft of November 14, 2013

*(Note: New language added since October 22 Legislative Committee meeting is **highlighted.**)*

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.

Additionally, for over 15 years, Fairfax County has had a waiver from the Virginia Department of Social Services (VDSS) to use a local sliding fee scale, rather than the state fee scale, to determine parent co-payments for child care. This local fee scale has been incorporated into the state’s Child Care and Development Fund plan (CCDF), which is submitted to the federal government every two years. The Fairfax County fee scale has worked well for local families, as it takes into consideration economic challenges specific to living in this high cost area. A recent state decision to disallow the use of local fee scales in favor of a statewide fee scale will result in Fairfax County families paying from 5 percent to 10 percent of their gross income for care, rather than the 2.5 percent to 10 percent they are currently paying – a significant increase, particularly for those at the lowest income levels. VDSS has indicated that the reason for denial of this waiver is a preference for a uniform, statewide fee scale. However, while a strong state and local partnership is essential to the delivery of many services, local governments must be provided the flexibility to serve the needs of residents, which can vary greatly from one part of the Commonwealth to another. The current waiver system has been very successful for many years in Fairfax County, and “uniformity” is not a compelling reason for reducing the County’s local authority to respond to the needs of working families. *(Revises and reaffirms previous position.)*

#### Early Childhood Education

**Support increased state resources for early childhood education programs, which help young children enter kindergarten prepared to succeed.**

Research has increasingly shown the importance of high quality early childhood education programs to children’s cognitive and social emotional development and their school success. Such programs have become economic development issues, as business organizations like the US Chamber of Commerce have cited potentially positive impacts on national economic security, linking early childhood education and the creation of a highly skilled workforce. While failure to adequately meet the needs of the youngest Virginians can create repercussions

Draft of November 14, 2013

*(Note: New language added since October 22 Legislative Committee meeting is highlighted.)*

for individual families, the larger community and the Commonwealth, it is clear that investments in early childhood education can provide a foundation for learning and achievement, often reducing or eliminating the need for more costly remediation later. *(New position.)*

#### Foster Care/Kinship Care

**Support legislation and resources to encourage the increased use of kinship care, keeping children with their families, including the development of a legal framework, such as guardianship, to allow kinship caregivers to make decisions for children in their care. 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.

These kinship care arrangements are typically informal, with no legal agreements in place between the parents and the kin caregiver. In many cases, legal custody is not an option for kinship providers, due to the unwillingness of the relative to go through a proceeding with the biological parent(s) that may be viewed as adversarial, or the financial hardships associated with hiring legal counsel. Guardianship, which is a formal legal process allowing courts to grant legal authority to kinship caregivers to act on behalf of a child, is an alternative allowed in many states. The legal authority granted through guardianship would provide kinship caregivers the ability to make medical or educational decisions for the children in their care, authority they do not have under current, informal kinship care arrangements.

**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.**

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. *(Revised to include support for guardianship.)*

#### Juvenile Justice

**The Commonwealth should provide adequate funding through the Virginia Juvenile Community Crime Control Act (VJCCCA).**

The Virginia Juvenile Community Crime Control Act (VJCCCA) was established in 1995 by the General Assembly, and restructured funding for local juvenile justice programming. State funds

Draft of November 14, 2013

*(Note: New language added since October 22 Legislative Committee meeting is **highlighted.**)*

were appropriated to assist localities in providing cost effective services to meet the needs of juveniles involved in the juvenile justice system, through programs designed to:

- Prevent juvenile offenders from further penetrating the justice system;
- Maintain youth in community based programs, rather than in state corrections centers;
- Facilitate re-entry and prevent recidivism; and,
- Help troubled youth return to a more productive life and better future.

In the last ten years, funding for these programs has been reduced by over 67 percent. These cuts have created significant impacts in Fairfax County, and have required the termination of important programs. *(Revises and updates previous position; moved from Legislative Program.)*

### Youth Safety

**Support additional state funding for programming to prevent and reduce risk factors that lead to youth violence, alcohol/drug use, mental health problems and other poor outcomes, while increasing protective factors including mental wellness and healthy coping strategies.**

Research has identified a set of risk factors that predict an increased likelihood of drug use, delinquency, mental health problems, and violent behavior among youth. These factors include: experiencing trauma and early aggressive behavior; lack of nurturing by caregivers; availability of alcohol and other drugs; and even a lack of problem-solving skills. Conversely, research has also identified protective factors, such as developed social skills, strong parenting and positive involvement from caring adults, and involvement in community activities that can influence and mitigate risk factors. Funding is needed to implement evidence-based, effective strategies to prevent and reduce risk factors that lead to youth violence, alcohol/drug use, mental health problems, and other poor outcomes.

The urgency of this funding need is reflected in results from the Virginia 2011 Youth Survey, which provides some troubling information. In a statistically reliable sample of high schoolers across the Commonwealth, 20.3 percent reported being bullied on school property; seven percent have been threatened or injured with a weapon on school property; 5.5 percent have missed one or more of the past 30 days of school because they felt unsafe at school or traveling to or from school; 25.5 percent reported feeling sad or hopeless daily for two or more weeks to the extent that they could not engage in their typical daily activities; and 16.9 percent reported seriously considering suicide. Targeting funding towards programs that improve the health, well-being and safety of young people throughout the state, while seeking to reduce dangerous and risky behaviors, is essential to all Virginians. *(New position.)*

## ***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

Draft of November 14, 2013

*(Note: New language added since October 22 Legislative Committee meeting is **highlighted.**)*

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.

#### Home and Community Based Services for Older Adults and People with Disabilities

**Support funding for home and community-based services, nutrition, transportation, in-home, chore and companion services, that help people live in their own homes, including: maintaining the Long Term Care Medicaid eligibility threshold at 300% of SSI; maintaining the cap on attendant service hours for Elderly and Disabled with Consumer Directed (ECDC) Medicaid waiver recipients at 56 hours per week; and, restoring respite care service hours to a maximum of 720 hours a year. Support flexibility in Medicaid's administrative requirements to maximize options for consumer-directed care.**

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 services for older adults and people with disabilities. Currently, Virginia ranks 47<sup>th</sup> in the nation for providing home and community based services. Yet, starting July 2011, a cap of 56 hours of personal care per week was imposed in the ECDC 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 ECDC 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. *(Updates and reaffirms previous position)*

#### 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

Draft of November 14, 2013

*(Note: New language added since October 22 Legislative Committee meeting is **highlighted**.)*

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.

In addition, support additional state funding to eliminate or reduce waiting lists for personal assistance services provided through the Department of Aging and Rehabilitative Services. This program provides assistance for people with physical disabilities who are employed and do not qualify for many home-based services provided through Medicaid. These individuals may need an attendant in the morning and evening, but not during the day at work. Investments in this program help allow individuals with disabilities to continue working, an important part of maintaining their independence. *(Revised to include support for state funding to eliminate/reduce waiting lists for personal assistance services.)*

#### 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***

Draft of November 14, 2013

*(Note: New language added since October 22 Legislative Committee meeting is **highlighted**.)*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 2014, it is anticipated that the County will only receive approximately \$475,038, a 38% 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. *(Updates and reaffirms previous position.)*

***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. Also, support state funding to create Crisis Response Treatment Programs for assessment of individuals experiencing behavioral health crises.**

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. Long-term supports, including housing assistance, are critical to ensuring such individuals can access the services they need while remaining in their communities.

Draft of November 14, 2013

*(Note: New language added since October 22 Legislative Committee meeting is **highlighted**.)*

Additionally, regional pilot programs to create Crisis Response Treatment Programs would provide intervention and treatment services to assess and stabilize individuals experiencing an emotional or psychiatric emergency. The benefits of such programs include reducing the number of voluntary and involuntary hospitalizations and substantially reducing or even eliminating the involvement of public safety officers in responding to a psychiatric crisis situation, while linking individuals in crisis to less restrictive, ongoing, community-based treatment options. *(Revised to include support for Crisis Response Treatment Programs.)*

### 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. A recent regional peer recovery pilot program has seen significant success and should be continued, providing peer-based recovery support services which help reduce recidivism and relapse, while increasing self-sufficiency for those struggling with substance use disorders. Additionally, prevention programs can contribute to cost savings by reducing the need for treatment – a win-win for all involved. *(Updates and reaffirms previous position.)*

### 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.

### 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;

Draft of November 14, 2013

*(Note: New language added since October 22 Legislative Committee meeting is **highlighted.**)*

- 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.

#### 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.

Draft of November 14, 2013

*(Note: New language added since October 22 Legislative Committee meeting is highlighted.)*

## **FAIRFAX COUNTY**

### **2014 Human Services Fact Sheet**

#### **Poverty in Fairfax County**

Poverty for a family of four in Fairfax County in 2013 is defined by the federal government as a family annual income of less than \$23,050. The poverty rate in Fairfax County is 5.8% of the population, or 64,600 people.

In Fairfax County in 2012 (*latest data available – reported September 2013*):

- 20,550 (or 7.8%) of all children (under age 18) live in poverty;
- 4,493 of all persons over the age of 65 live in poverty;
- 9,824 (or 9.9%) of African Americans live in poverty;
- 21,206 (or 11.9%) of Hispanics live in poverty;
- 16,685 (or 2.8%) of Non-Hispanic Whites live in poverty;
- 21.1% of single-women households with children under 18 live in poverty;
- 16,046 people living in married couple households with children under 18 live in poverty;
- 172,674 (or 15.6%) 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 2013 was 4.3% (up from 3.0% in July 2008, but down from a high of 5.6% in January of 2010). This represents approximately 26,000 unemployed residents looking for work.

#### **Housing**

- In 2011, the average monthly rent of a one-bedroom apartment was \$1,268, an increase of 27% 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 141,194 or 12.8% of County residents were without health insurance in 2010.

#### **Ability to Speak English**

- 6.8% of County households contain no one over the age of 14 who speaks English “very well.”

#### **Child Care**

Draft of November 14, 2013

*(Note: New language added since October 22 Legislative Committee meeting is **highlighted.**)*

- 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 2012-2013 school year, Fairfax County Public Schools reported that 47,874 students (or 26.7 percent of enrollment) were eligible for free and reduced lunch.

**Domestic Violence**

- Domestic violence is the leading cause of homicide in Fairfax County.
- According to the Fairfax County Domestic Violence Fatality Review Team 2012 Annual Report, 57% of all homicides that occurred in the county in 2009 were domestic violence-related. Children were present at 25% of those homicides.
- The demand for emergency shelter for victims of domestic violence remains high.
- In FY 2011, Artemis House (the county's 24-hour emergency domestic violence shelter) turned away 158 families.

**Caseloads Have Increased Significantly in Fairfax County:**

- The overall Public Assistance caseload is up 61% from FY 2008 (51,939) to FY 2012 (83,458).
- The County's Medicaid caseload increased from 37,130 in FY 2008 to 54,732 in FY 2013 – a 47% increase.
- The County's SNAP (Food Stamp) average monthly caseload increased from 11,610 in FY 2008 to 26,287 in FY 2013 (a 126% increase).
- In FY2013, the Community Health Care Network (CHCN) provided 50,287 visits to 15,021 unduplicated patients. During the year, 20,451 patients were enrolled. Of those patients seeking care, the average number of visits, per patient, ranged between 3.0 – 3.6, which is within the 'scope of standard care' for this population. However, in previous years, the average number of visits per patient was much lower, pointing to the fact that the number enrolled was so large that it negatively impacted timely access to service. As such, a waiting list for enrollment was initiated in March 2011. While the waiting list is still in place, enrollment for many priority populations continues.
- With the Federal Health Insurance Marketplace beginning on October 1, 2013, staff is working with eligible patients to help them enroll in the newly available health insurance. It is estimated that 20-25% of those patients currently receiving care through the CHCN will be eligible for the new Marketplace. As such, it is anticipated that the waiting list will decrease as those who are eligible for the Marketplace are transitioned into the community for their care thus 'freeing up' space to enroll those not eligible for the Marketplace who are currently on the CHCN waiting list.
- The County's Infant and Toddler Connection (ITC) early intervention services for children with developmental delays experienced a 10% increase in demand from an average of 1002 children served per month in FY 2011 to an average of 1,108 children per month in FY 2013.