

**FAIRFAX COUNTY  
BOARD OF SUPERVISORS  
October 29, 2013**

**AGENDA**

9:30	<b>Done</b>	Presentations
10:30	<b>Done</b>	Presentation of the 2012 Transportation Advisory Commission Transportation Achievement Award
10:40	<b>Done</b>	Appointments to Citizen Boards, Authorities, Commissions, and Advisory Groups
10:50	<b>Done</b>	Items Presented by the County Executive

**ADMINISTRATIVE  
ITEMS**

1	<b>Approved</b>	Appointment of Members to the Fairfax-Falls Church Community Policy and Management Team
2	<b>Approved</b>	Authorization to Advertise a Public Hearing on the Acquisition of Certain Land Rights Necessary for the Construction of Dead Run Drive Sidewalk from Carper Street to Congress Lane (Dranesville District)
3	<b>Approved</b>	Streets into the Secondary System (Dranesville, Mount Vernon and Providence Districts)
4	<b>Approved</b>	Authorization to Advertise a Public Hearing to Consider Adopting an Ordinance to Establish the Great Meadow Residential Permit Parking District, District 46 (Hunter Mill District)
5	<b>Approved</b>	Authorization to Advertise a Public Hearing to Establish the Old Mill Station Community Parking District (Sully District)
6	<b>Approved</b>	Authorization to Advertise a Public Hearing to Consider Adopting an Ordinance Expanding the Northern Virginia Community College Residential Permit Parking District, District 39 (Braddock District)
7	<b>Approved</b>	Approval of "\$200 Additional Fine for Speeding" Signs as Part of the Residential Traffic Administration Program (Springfield and Mount Vernon Districts)
8	<b>Approved</b>	Extension of Review Period for 2232 Review Applications (Dranesville, Providence, and Mount Vernon Districts)

**FAIRFAX COUNTY  
BOARD OF SUPERVISORS  
October 29, 2013**

**ADMINISTRATIVE  
ITEMS**

**(Continued)**

- |    |                 |   |
|----|-----------------|---|
| 9  | <b>Approved</b> | Additional Time to Commence Construction for Special Exception Amendment SEA 99-S-012-03, Country Club of Fairfax, Inc. and T-Mobile Northeast, LLC (Springfield District)  |
| 10 | <b>Approved</b> | Authorization to Advertise a Public Hearing to Amend Articles 2 and 3 of Chapter 3 Re: Uniformed and Employees' Retirement Systems – Change in Social Security Offset to Service-Connected Disability Benefits  |
| 11 | <b>Approved</b> | Supplemental Appropriation Resolution AS 14097 for the Fire and Rescue Department to Accept Grant 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                       |
| 12 | <b>Approved</b> | Authorization to Advertise a 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 |

**ACTION ITEMS**

- |       |                                   |  |
|-------|-----------------------------------|--|
| 1     | <b>Approved</b>                   | Approval of Reduced Introductory Rates for the Wiehle-Reston East Metrorail Station "Bike & Ride" Bike Room  |
| 2     | <b>Deferred to<br/>11/19/2013</b> | Action on a Parking Reduction for Huntington Avenue Properties (Mount Vernon District)   |
| 3     | <b>Approved</b>                   | Approval of a License Agreement Between Fairfax County and MVH Partners LP (MVH) Related to the Operation of Bus Service at the Mount Vernon House on Cedar Lane Court (Mount Vernon District) |
| 11:00 | <b>Done</b>                       | Matters Presented by Board Members   |
| 11:50 | <b>Done</b>                       | Closed Session   |

**FAIRFAX COUNTY  
BOARD OF SUPERVISORS  
October 29, 2013**

**PUBLIC HEARINGS**

3:30	<b>Deferred to 11/19/13 at 4:00 p.m.</b>	Public Hearing on SE 2013-MV-006 (Mohammad I. Mansoor) (Mount Vernon District)
3:30	<b>Approved</b>	Public Hearing on SE 2013-PR-004 (Inova Health Care Services) (Providence District)
3:30	<b>Deferred to 11/19/13 at 4:30 p.m.</b>	Public Hearing on RZ 2013-MV-001 (A&R Huntington Metro LLC) (Mount Vernon District)
3:30	<b>Deferred to 11/19/13 at 4:30 p.m.</b>	Public Hearing on RZ 2011-PR-005 (NVCommercial Incorporated and Clyde's Real Estate Group, Inc.) (Providence District)
3:30	<b>Deferred to 11/19/13 at 4:30 p.m.</b>	Public Hearing on SEA 2008-MD-036 (NVCommercial Incorporated) (Providence District)
3:30	<b>Approved</b>	Public Hearing on AR 96-S-002-02 (Nila M. Castro Trust & Castro Colchester Farms, LLC) (Springfield District)
4:00	<b>Deferred to 11/19/13 at 4:00 p.m.</b>	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)
4:00	<b>Approved</b>	Public Hearing on the Endorsement of the FY 2015 Virginia Department of Transportation's Transportation Alternatives Program Grant Applications
4:00	<b>Approved</b>	Public Hearing on the Approval of Financing for the Purchase of a New Ambulance by the Bailey's Crossroads Volunteer Fire Department, Inc. (Mason District)
4:30	<b>Done</b>	Public Comment

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

**Tuesday**  
**October 29, 2013**

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9:30 a.m.

**PRESENTATIONS**

**RECOGNITIONS:**

- CERTIFICATE – To recognize the Fairfax County Police Motor Squad for winning first place at the motorcycle safety and skills competition held in Milwaukee, Wisconsin. Requested by Chairman Bulova.
- CERTIFICATE – To recognize the International Association of Firefighters Local 2068 for its success during the 2013 Fill the Boot Campaign. Requested by Supervisors Hudgins and Herrity.
- CERTIFICATE – To recognize Aline Dolinh for being selected as a National Student Poet by the Alliance for Young Artists and Writers. Requested by Supervisor Frey.
- RESOLUTION – To recognize Barbara Lipa for her years of service to Fairfax County. Requested by Supervisor Smyth.
- RESOLUTION – To recognize Carol Ann Coryell for her years of service to Fairfax County. Requested by Supervisor Herrity.

— more —

Board Agenda Item  
October 29, 2013

DESIGNATIONS:

- PROCLAMATION – To designate November 2013 as American Indian Heritage Month in Fairfax County. Requested by Chairman Bulova.
- PROCLAMATION – To designate October 26, 2013, as VolunteerFest 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  
October 29, 2013

10:30 a.m.

Presentation of the 2012 Transportation Advisory Commission Transportation  
Achievement Award

ENCLOSED DOCUMENTS:  
None

PRESENTED BY:  
Jeffrey M. Parnes, Chair, Transportation Advisory Commission

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Board Agenda Item  
October 29, 2013

10:40 a.m.

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

ENCLOSED DOCUMENTS:

Attachment 1: Appointments to be heard October 29, 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

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

**APPOINTMENTS TO BE HEARD OCTOBER 29, 2013**  
**(ENCOMPASSING VACANCIES PROJECTED THROUGH **OCTOBER 31, 2013**)**  
 (Unless otherwise noted, members are eligible for reappointment)

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

<u><b>Incumbent History</b></u>	<u><b>Requirement</b></u>	<u><b>Nominee</b></u>	<u><b>Supervisor</b></u>	<u><b>District</b></u>
VACANT (Formerly held by Meg K. Rayford; appointed 2/13 by Bulova) Term exp. 9/16) <i>Resigned</i>	At-Large Chairman's Representative		Bulova	At-Large Chairman's
VACANT (Formerly held by Sosthenes Klu; Appointed 12/05-9/08 by Frey) Term exp. 9/12 <i>Resigned</i>	Sully District Representative		Frey	Sully

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

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Arthur R. Genuario; appointed 4/96-5/12 by Hyland) Term exp. 9/13 <i>Resigned</i>	Builder (Single Family) Representative		By Any Supervisor	At-Large
VACANT (Formerly held by Mark S. Ingrao; appointed 1/03 by Mendelsohn; 5/05 by DuBois) Term exp. 5/09 <i>Resigned</i>	Citizen Representative		By Any Supervisor	At-Large
VACANT (Formerly held by James Francis Carey; appointed 2/95-5/02 by Hanley; 5/06 by Connolly) Term exp. 5/10 <i>Resigned</i>	Lending Institution Representative		By Any Supervisor	At-Large

**AIRPORTS ADVISORY COMMITTEE (3 years)**

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

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

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Nicholas Capezza; appointed 1/11 by Bulova) Term exp. 10/13 <i>Resigned</i>	At-Large #5 Representative		By Any Supervisor	At-Large
Linda Rubinstein (Appointed 4/05-10/10 by Hudgins) Term exp. 10/13	At-Large #6 Representative		By Any Supervisor	At-Large

**ATHLETIC COUNCIL (2 years)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
James Pendergast (Appointed 7/12 by Cook) Term exp. 6/13	Braddock District Alternate Representative		Cook	Braddock
Chip Chidester (Appointed 3/10-11/11 by Bulova) Term exp. 10/13	Member-At-Large Alternate Representative		Bulova	At-Large 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 (Appointed 5/09-6/09 by Gross) Term exp. 6/11	Mason District Representative		Gross	Mason
VACANT (Formerly held by John Byers; appointed 6/09-1/12 by Hyland) Term exp. 6/12 <i>Deceased</i>	Mount Vernon District Representative		Hyland	Mount Vernon

**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 (Formerly held by Wayne Bryan; appointed 1/10-2/13 by Bulova) Term exp. 2/17 <i>Resigned</i>	Alternate #2 Representative		By Any Supervisor	At-Large

**CELEBRATE FAIRFAX, INC. BOARD OF DIRECTORS  
(1 year – limited to 6 consecutive terms)**  
[NOTE: In January of 2002 terms were changed to run from October 1 until September 30.]

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Juliann J. Clemente (Appointed 10/12 by Bulova) Term exp. 9/13	At-Large #4 Representative		By Any Supervisor	At-Large

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

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Kanthan Siva; appointed 1/13 by Frey) Term exp. 9/15 <i>Resigned</i>	Sully District Representative		Frey	Sully

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

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Ann Aoki; (Appointed 11/10-9/12 by Foust) Term exp. 9/14 <i>Resigned</i>	Dranesville District Representative		Foust	Dranesville
VACANT (Formerly held by Joan C. Holtz; appointed 5/09 by Smyth) Term exp. 9/11 <i>Resigned</i>	Providence District Representative		Smyth	Providence

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

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

**COMMISSION FOR WOMEN (3 years)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Sondra S. Hemenway (Appointed 2/12 by Bulova) Term exp. 10/13	At-Large Chairman's Representative		Bulova	At-Large Chairman
Emily B. McCoy (Appointed 8/82-9/95 by Alexander; 9/98-10/04 by Kauffman; 2/08-10/10 by McKay) Term exp. 10/13	Lee District Representative	<b>Emily B. McCoy</b>	McKay	Lee
Lee Ellen Helfrich (Appointed 4/10 & 10/10 by Gross) Term exp. 10/13	Mason District Representative		Gross	Mason
VACANT (Formerly held by Kari Wright Warren; Appointed 9/10 by Hyland) Term exp. 10/13 <i>Resigned</i>	Mount Vernon District Representative		Hyland	Mount Vernon
Kathy K. Goggin (Appointed 7/01-10/10 by Frey) Term exp. 10/13 <i>Resigned</i>	Sully District Representative	<b>Barbara Lippa</b>	Frey	Sully

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

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Benjamin Gibson; appointed 4/11 by McKay) Term exp. 1/15 <i>Resigned</i>	Lee District Representative		McKay	Lee
David Hess-Linkous (Appointed 7/11 by Smyth) Term exp. 1/13	Providence District 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 (Formerly held by Loren C. Bruce; appointed 6/11 by Hudgins) Term exp. 4/13 <i>Resigned</i>	Hunter Mill District 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 (Formerly held by Rose Miles Robinson; appointed 7/06-2/09 by Hudgins) Term exp. 2/12 <i>Resigned</i>	Hunter Mill District Representative		Hudgins	Hunter Mill
Andrew Hunter (Appointed 4/04-2/09 by Gross) Term exp. 2/12	Mason District Representative		Gross	Mason
Dallas Shawkey (Appointed 9/98-9/10 by Hyland) Term exp. 8/13	Mount Vernon District Representative		Hyland	Mount Vernon
VACANT (formerly held by Glen Robinson; appointed 11/09 by Smyth) Term exp. 8/12 <i>Resigned</i>	Providence District Representative		Smyth	Providence
VACANT (Formerly held by Michael Birch; appointed 1/08-4/10 by Frey) Term exp. 4/13 <i>Resigned</i>	Sully District Representative		Frey	Sully

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

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Marie Flanagan; appointed 1/10 by Smyth) Term exp. 1/13 <i>Resigned</i>	Providence District 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 (Formerly held by Rhoda Baker; appointed 12/09-12/11) Term exp. 11/14 <i>Resigned</i>	At-Large Chairman's Representative		Bulova	At-Large Chairman's
Ann Pimley (Appointed 9/03&11/06 by Frey) Term exp. 11/09 <i>Not eligible for reappointment</i>	Sully District Representative		Frey	Sully

**FAIRFAX COMMUNITY LONG TERM CARE COORDINATING COUNCIL**  
(2 years)

**CONFIRMATION NEEDED:**

- Ms. Cynthia Nothom as a Long Term Care Provider Representative
- Ms. Mary Brown as a Long Term Care Provider Representative
- Ms. Barbara Sullivan as a Long Term Care Provider Representative

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

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by David Braun; appointed 10/06-6/09 by Smyth) Term exp. 6/12 <i>Resigned</i>	Consumer #1 Representative		By Any Supervisor	At-Large
VACANT (Formerly held by Andrew A. Painter; appointed 2/11 by Smyth) Term exp. 6/13 <i>Resigned</i>	Consumer #4 Representative		By Any Supervisor	At-Large
VACANT (Formerly held by Carol Ann Coryell; appointed 6/05-6/08 by Frey) Term exp. 6/11 <i>Resigned</i>	Consumer #6 Representative		By Any Supervisor	At-Large
VACANT (Formerly held by Samuel Jones; appointed 12/09 by Gross) Term exp. 6/12 <i>Resigned</i>	Provider #1 Representative		By Any Supervisor	At-Large
Lee G. Draznin (Appointed 5/95-7/10 by Bulova) Term exp. 6/13 <b><i>Not eligible for reappointment (Need 1 year lapse)</i></b>	Provider #4 Representative		By Any Supervisor	At-Large

**HISTORY COMMISSION (3 years)**

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

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

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Richard Zambito (Appointed 10/10 by Gross) Term exp. 9/13	Citizen #7 Representative		By Any Supervisor	At-Large

**HUMAN RIGHTS COMMISSION (3 years)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Ahmed Selim (Appointed 7/08-9/10 by Gross) Term exp. 9/13	At-Large #6 Representative		By Any Supervisor	At-Large

**HUMAN SERVICES COUNCIL (4 years)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Judith Tessie Wilson; appointed 2/13 by Cook) Term exp. 7/13 <i>Resigned</i>	Braddock District #1 Representative		Cook	Braddock
Richard Gonzalez (Appointed 7/97-7/05 by Kauffman; 8/09 by McKay) Term exp. 7/13	Lee District #1 Representative		McKay	Lee

**HUMAN SERVICES COUNCIL (4 years)**

continued

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (formerly held by David Dunlap; appointed 7/12 by Smyth) Term exp. 7/13 <i>Resigned</i>	Providence District #2 Representative		Smyth	Providence
VACANT (Formerly held by Richard Berger; appointed 2/06-8/09 by Frey) Term exp. 7/13 <i>Resigned</i>	Sully District #1 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 (Appointed 11/09 by Herrity) Term exp. 10/13	At-Large #3 Representative		By Any Supervisor	At-Large
Christopher Glaser (Appointed 10/09 by Hudgins) Term exp. 10/13	At-Large #4 Representative	<b>Christopher Glaser</b> (Hudgins)	By Any Supervisor	At-Large
Marcus B. Simon (Appointed 12/01 by Hanley; 10/05 by Connolly; 12/09 by Bulova) Term exp. 10/13	At-Large #5 Representative		By Any Supervisor	At-Large

**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 (Appointed 12/05-1/07 by Connolly; 2/09-5/11 by Bulova) Term exp. 1/13	At-Large Chairman's Representative		Bulova	At-Large 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 (Appointed 4/09-7/09 by Cook) Term exp. 7/13	Braddock District 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 (Formerly held by Kenneth Lawrence; appointed 1/10 by Smyth) Term exp. 1/14 <i>Resigned</i>	Community Representative		By Any Supervisor	At-Large

**CONFIRMATION NEEDED:**

- Mr. Joe LaHait as the County Debt Coordinator Representative

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

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

**ROAD VIEWERS BOARD (1 year)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Stephen E. Still; appointed 6/06-12/11 by Smyth) Term exp. 12/12 <i>Resigned</i>	At-Large #4 Representative		By Any Supervisor	At-Large

**TENANT LANDLORD COMMISSION (3 years)**

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

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

**TREE COMMISSION (3 years)**

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

**TRESPASS TOWING ADVISORY BOARD (3 years)**

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

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

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

**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	Citizen appointed by BOS #4 Representative		By Any Supervisor	At-Large
NEW POSITION	Retiree Representative		Elected	Confirmation

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

**CONFIRMATIONS NEEDED:**

- Mr. E. J. Thomas as the Treasurer and Vienna Youth Incorporated Representative
- Mr. Dave Vennergrund as the Commissioner
- Mr. Gordon Austin as the Chairman
- Mr. Eric Cooksey as the Secretary and the Herndon Optimist Club Representative
- Mr. David Maher as the Arlington County Recreation Representative and Boys Deputy commissioner
- Mr. James Bosley as the Member At-Large Representative
- Mr. Grady Bryant as the Member At-Large Representative
- Mr. Frank DeLatour as the Parliamentarian
- Mr. Charles Chandler as the Scheduler
- Mr. Christopher Pulley as the Fairfax County Recreation Representative
- Mr. Marvin Elliott as the Alexandria City Recreation Representative
- Mr. Lezone Kenney as the Annandale Boys and Girls Club Representative
- Mr. Phil McConnell as the Arlington County Alternate Representative
- Mr. Daryl Lucas as the Baileys Community Center Representative

**YOUTH BASKETBALL COUNCIL ADVISORY BOARD (1 year)  
continued****CONFIRMATIONS NEEDED:**

- Mr. Soan Gibson as the Baileys Community Center Alternate Representative
- Mr. Jim Watson as the Braddock Road Youth Club Representative
- Mr. Cliff Krug as the Girls Deputy Commissioner and the Burke Representative
- Mr. David Posz as the Chantilly Youth Association Representative
- Mr. Rick Shryock as the Chantilly Youth Association Alternate Representative
- Mr. Marcos Poole as the Fairfax Police Youth Club Representative
- Mr. Chris Madison as the Falls Church Parks and Recreation Representative
- Mr. Danny Schlitt as the Falls Church Parks and Recreation Alternate Representative
- Mr. Alton Greene as the Fort Belvoir Youth Services Representative
- Mr. Herb Marshall as the Fort Belvoir Youth Services Alternate Representative
- Mr. Jack Lohrer as the Fort Hunt Youth Athletic Association Representative
- Mr. Chip Gately as the Fort Hunt Youth Athletic Association Alternate Representative
- Mr. Bruce Bauer as the Gainesville Basketball Association Representative
- Mr. Jason Knight as the Gainesville Basketball Association Alternate Representative
- Mr. Richard Warrick as the Great Falls Basketball Representative
- Ms. Margaret Coleman as the Gum Springs Community Center Representative

**Continued on next page**

**YOUTH BASKETBALL COUNCIL ADVISORY BOARD (1 year)  
continued****CONFIRMATIONS NEEDED:**

- Mr. Chris Watari as the Herndon Optimist Club Alternate Representative
- Mr. Jimmy Bernardez as the James Lee Community Center Representative
- Ms. Kim Thompson as the Lee District Basketball Representative
- Mr. Dennis McMinn as the Lee District Basketball Alternate Representative
- Mr. Brian Sales as the Lee Mount Vernon Sports Club Representative
- Mr. Wes Peterson as the Lee Mount Vernon Sports Club Alternative Representative
- Mr. Jeff Goettman as the McLean Youth Incorporated Representative
- Mr. Gerry Megas as the McLean Youth Incorporated Alternate Representative
- Mr. David Fields as the Mount Vernon Youth Association Representative
- Ms. Stacey Johnson as the Mount Vernon Youth Association Alternate Representative
- Mr. Mitch Kalman as the Reston Youth Basketball League Representative
- Mr. John Schmid as the Reston Youth Basketball League Alternate Representative
- Mr. Ed Knox as the Southwestern Youth Association Representative
- Mr. Bob Korman as the Southwestern Youth Association Alternate Representative
- Mr. Chris Spera as the Springfield Youth Club Representative
- Mr. Mike Mastrota as the Turnpike Basketball Club Representative
- Mr. Tom Stepka as the Turnpike Basketball Club Alternate Representative
- Ms. Taylor Roberts as the Vienna Youth Incorporated Alternate Representative

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Board Agenda Item  
October 29, 2013

10:50 a.m.

Items Presented by the County Executive

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Board Agenda Item  
October 29, 2013

ADMINISTRATIVE – 1

Appointment of Members to the Fairfax-Falls Church Community Policy and Management Team

ISSUE:

In order to fulfill Virginia Code requirements, Fairfax-Falls Church Community Policy and Management Team (CPMT) Bylaws provide for four parent representatives who are not employees of any public or private Comprehensive Services Act (CSA) provider of services to youth, to be approved by the CPMT and the Board of Supervisors for terms of up to two years. Re-appointments may be made for additional consecutive terms upon approval of the CPMT and the Board of Supervisors. Two positions are currently filled and two vacant.

RECOMMENDATION:

The CPMT recommends that the Board appoint Jessie A. Georges and Kelly Henderson as parent representative members of the CPMT.

TIMING:

Board action is requested on October 29, 2013.

BACKGROUND:

As required under the Virginia Comprehensive Services Act (CSA), the Fairfax County Board of Supervisors and the Fairfax and Falls Church City Councils established a joint Community Policy and Management Team and appointed original members in October 1992. Members include the Deputy County Executive for Human Services, one representative each from the Cities of Fairfax and Falls Church, The Directors of the Community Services Board, Juvenile and Domestic Relations District Court (Court Services), Department of Health, Family Services, Neighborhood and Community Services, Administration for Human Services, three representatives of the Fairfax County Public Schools, one representative of the Falls Church City Public Schools, two representatives of private providers of children's and family's services, one community representative and four parent representatives.

On September 27, the CPMT nominated Jessie A. Georges and Kelly Henderson for appointment, by the Board of Supervisors, as CPMT parent representatives, and their resumes are attached

Board Agenda Item  
October 29, 2013

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

Attachment 1: Resume – Jessie A. Georges

Attachment 2: Resume – Kelly Henderson

STAFF:

Patricia Harrison, Deputy County Executive

James Gillespie, Program Manager, Comprehensive Services Act

## Jessie A. Georges

2818 Mustang Drive  
Oak Hill, Virginia 20171

Home: 703-561-0143  
Cell: 804-363-3427

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### EDUCATION:

#### **The College of William & Mary, Williamsburg, Virginia**

Bachelor of Business Administration in Marketing, August, 1993

Dean's List - GPA 3.7 (4.0 Scale) in Major, 3.2 Overall

Financed tuition by related part-time work and partial scholarships - Rotary and Panhellenic Scholar

### EXPERIENCE:

#### **CEO of Georges' Household**

February, 2003 to Present

PTA Committee Chair for After School Sports Program and Room Parent Coordinator Committees at Floris Elementary; Room mom for numerous classes; Team mom for numerous teams; weekly volunteer at elementary schools; ran Virginia's Guide By Your Side Program for six months; worked as Guide for several years; and teach spin at Sport & Health.

#### **Ernst & Young, LLP, Vienna, Virginia and Richmond, Virginia**

*Assistant Director/Manager*, October, 1997 to February, 2003

*Senior Associate*, March, 1997 to October, 1997

Managed experienced hire recruiting efforts for the Mid-Atlantic area (Baltimore, Harrisburg, Philadelphia, Richmond, Vienna, and Washington, D.C. offices). Managed entire recruiting lifecycle, including: gathering and validating requirements; sourcing; screening candidates; managing interview process; and extending and negotiating offers to candidates ranging from experienced staff to partner. Supervised and trained four experienced hire recruiting staff.

- Selected for national Office for Retention project to assess why E&Y's number of experienced women was low, and determine what can be done to increase the representation of women in the firm.
- Developed and implemented nationwide experienced hire recruiter training program for new recruiters.
- Selected for pilot and beta testing of Ernst & Young's Recruiting Information System (EYRIS).
- Taught and implemented EYRIS to HR and recruiting community.
- Developed and conducted first Experienced New Hire Breakfast and Hew Hire Survey to solicit feedback from experienced hires on recruiting and assimilation process.
- Worked closely with top executives to manage their immediate and long-term hiring needs.
- Attended all client serving updates and strategy meetings, including a three-day project management training, and provided updates as appropriate.
- Hired 65 people during Fiscal Year 1998.
- Hired 70 people during Fiscal Year 1999.
- Achieved average cost per hire of approximately \$2,800.
- Initiate creative sourcing strategies including employee referral program, direct recruiting, networking, Internet, alumni, advertisements, etc.
- 30+% of hires resulted from effectively developing and marketing an employee referral campaign.
- Assist key external Fortune 100 clients with recruiting efforts.
- Selected to participate in client outsourcing engagement recruiting efforts.

**EXPERIENCE CONTINUED:**

**Andersen Consulting, Andersen Worldwide, Washington, D.C.**

*Experienced Hire Recruiter, August, 1996 to March, 1997*

Managed entire experienced hire recruiting lifecycle for the Government Industry's 'Process Competency Group' with a hiring requirement of over 100 for FY97. Supervised and trained three experienced hire recruiting staff.

*AC Temp Manager, February, 1996 to August, 1996*

Started and managed AC Temp which was designed to allow Andersen to tap into the contingent workforce by hiring contractors on a full-time or part-time temporary basis. Managed entire AC Temp lifecycle, including: salary administration; EEO reporting; benefits administration; payroll administration, and a \$300K budget. Served as contingent workforce/AC Temp subject matter expert for the firm. Trained and supervised recruiting analyst. Achieved profitability within four months, achieved 100% offer/accept rate, and built AC Temp database from 0 to over 500 within six months.

*Consultant, July, 1994 to July, 1995*

Developed information systems for telecommunications and healthcare clients utilizing client server and mainframe technology. Trained and supervised ten new analysts and consultants. Participated in campus recruiting.

*Staff Recruiter, June, 1993 to June, 1994*

Managed all recruiting activities at ten universities and hired over 150 inexperienced and experienced professionals. Trained and supervised two new recruiting analysts.

**Source Services/Source EDP, Vienna, Virginia**

*Technical Recruiter, July, 1995 to February, 1996*

Recruited technical professionals to work for a variety of clients, including: consulting firms; telecommunications companies; and software companies. Hired permanent and contractual employees for a variety of clients. Generated over \$100K in revenue, recruited and represented over 200 technical professionals, and achieved a 100% offer/accept rate.

## ABBREVIATED VITA

### PERSONAL INFORMATION

Name: **Kelly Henderson**  
Telephone: (703) 282-3408 mobile; (703)255-3985 fax  
kelly.henderson1@verizon.net  
Address: 404 Windover Ct., NW, Vienna, VA 22180

### EDUCATION

Degrees:  
Ph.D. Special Education, Behavior Disorders, University of Maryland, College Park, MD, 1997  
M.Ed. Supervision, Ashland University, Ashland, Ohio, 1993  
B.S. Special Education, Elementary Education, Kent State University, Kent, Ohio, 1990

### PROFESSIONAL WORK EXPERIENCE

October 2012- Present      Executive Director, Formed Families Forward, Fairfax, VA. Leading a nonprofit organization serving northern Virginia families formed by foster care, adoption and kinship care connections who are raising children and youth with special educational needs.

March 2005- Present      Independent Education Consultant. Conducting research, writing, editing, facilitating and preparing technical assistance, and other special education policy-related materials and projects.

May 2005- Present      Adjunct Assistant Faculty, College of Education and Human Development, George Mason University, Fairfax, VA.

October 2005- Nov. 2006      Consultant, to Southeast Regional Resource Center, Auburn University, Montgomery, AL. Technical writing and meeting facilitation for Mississippi Department of Education's Special Education Policy and Procedures development project.

Dec. 2002- March 2005      Education Research Analyst, Office of Special Education Programs, U.S. Department of Education, Washington, D.C. Duties included planning and management of research and technical assistance projects; planning and oversight of national studies and evaluations; outreach to internal and external audiences; and interagency collaboration.

- September 1997-December 2002  
Education Program Specialist, Office of Special Education Programs, U.S. Department of Education, Washington, D.C.
- January 1995- August 1997 Graduate Research Assistant, Center for Policy Research on the Impact of General and Special Education Reform, Department of Special Education, University of Maryland, College Park, Maryland.
- February 1994- August 1997 Consultant, Educational Services, Inc. Learning Systems Group, Washington, D.C.
- November 1994- July 1995 Graduate Research Assistant, in Prince George's County Schools via the Challenger Professional Development Center, University of Maryland, College Park, Maryland.
- August 1993- Nov. 1994 Policy Specialist for Governmental Relations, The Council for Exceptional Children, Reston, Virginia.
- August 1990- August 1993 Teacher of students with Severe Behavior Handicaps, Strongsville Public Schools, Strongsville, Ohio.

## **OTHER QUALIFICATIONS**

### **Certificates:**

- 1993: Educational Supervision certification (OH)
- 1990 (active): Teaching certification (OH), Kindergarten-12th grade Special Education: Learning Disabilities and Behavior Disorders endorsements
- 1990: Teaching certification (OH), 1st-8th grade Elementary Education

### **Honors and Awards:**

- 2001: Kuhn Barnett award for Leadership, Virginia Council for Exceptional Children
- 1999: Special Education Student Research Award, American Educational Research Association, Special Education Research Special Interest Group
- 1997-98: Society for Research in Child Development Executive Branch Policy Fellow, served at the U.S. Department of Education, Office of Special Education Programs

## **University Instruction:**

Most recent include-

2006 - present, Instructor, EDSE 402/502, Classroom Management and Applied Behavior Analysis, George Mason University, Fairfax, VA.

2005 - present, Instructor, EDSE 590, Research Methods in Special Education, George Mason University, Fairfax, VA.

## **Publications:**

Most recent include-

Henderson, K. (2011 and 2012). Modules addressing special education and teacher education (MAST). 38 topical Facilitator's Guides and accompanying slides. Greenville, NC: Eastern Carolina University. Available at <http://mast.ecu.edu/>

Henderson, K. (2011). Policies and practices used by states to serve children with Autism Spectrum Disorders. Journal of Disability Policy Studies, 22(2), 106-115.

Henderson, K. (2010). Functional Behavioral Assessments and Behavioral Intervention Plans: Effective solutions to the problem behaviors of students. Article for Fairfax County (VA) Council of PTAs Parents/Principals: A United Vision for Success newsletter.

Henderson, K. (2009, August). Something is not right: The path to special education eligibility. Adoption Today, 12(2), 24-25.

Henderson, K. (2009). Autism Spectrum Disorders: State Part C and Part B Initiatives to Serve a Growing Population. Brief Policy Analysis for Project Forum. Alexandria, VA: National Association of State Directors of Special Education.

Henderson, K. & Moses, P. (2008). Resolution Meetings: Supports and Practices. In-Depth Analysis report for Project Forum. Alexandria, VA: National Association of State Directors of Special Education.

Henderson, K. (2008). Optional IDEA Alternative Dispute Resolution. In-Depth Analysis report for Project Forum. Alexandria, VA: National Association of State Directors of Special Education.

Henderson Hagen, K. (2008). Positive Behavior Supports: A true promise for all? Article for Fairfax County (VA) Council of PTAs Parents/Principals: A United Vision for Success newsletter.

Henderson, K., Klein, S., Gonzalez, P. & Bradley, R. (2005). Teachers of children with emotional disturbances: A national look at preparation, teaching conditions and practices. Behavior Disorders, 31(1), 6-17.

Henderson, K. & Bradley, R. (2004). A national perspective on mental health and children with disabilities: emotional disturbances in children. Report on Emotional and Behavioral Disorders in Youth, 4(3), 67-74.

Bradley, R., Henderson, K. & Monfore, D.A. (2004). A national perspective on children with emotional disorders. Behavior Disorders, 29(3), 211-223.

Ringeisen, H., Henderson, K., & Hoagwood, K. (2003). Context matters: Schools and the “research to practice gap” in children’s mental health. School Psychology Review, 32, 153-168.

Henderson, K. (2002). Collaboration to benefit children with disabilities: Incentives in IDEA. Journal of Educational and Psychological Consultation, 13, 383-391.

Danielson, L., Henderson, K. & Schiller, E. (2002). Educational policy-Educating children with attention deficit hyperactivity disorder. In P.S. Jensen & J.R. Cooper (Eds.), Attention deficit hyperactivity disorder: State of the science, best practices (pp. 26-1- 26-12). Kingston, NJ: Civic Research Institute.

Henderson, K. (2001, March). Overview of ADA, IDEA, and Section 504: Update 2001. ERIC Digest (No. EDO-EC-01-1). Arlington, VA: ERIC Clearinghouse on Disabilities and Gifted Education.

McLaughlin, M.J. & Henderson, K. (2000). Education reform for students with disabilities: Legislation and litigation. In M. Winzer & K. Mazurek (Eds.), Defining Special Education into the 21st Century. Washington, DC: Gallaudet Press.

### **Professional Presentations:**

Selected presentations include-

Henderson, K. (2013, May). “Just So You Know...” Strategies for nontraditional families to share their information with schools. Training for Loudoun County Public Schools Parent Resource Center.

Henderson, K. (2012, December). Becoming a stronger advocate for children in your care. Formed Families Forward training, Fairfax, VA.

Henderson, K. (2012, July). Meeting the educational needs of children and teens. General Session panel at the North American Council on Adoptable Children annual conference, Arlington, VA.

Henderson, K. (2012, April). Making the most of special education. Training session for Loudoun County Family Services resource families, Leesburg, VA.

Henderson, K. (2012, March 24). Building connections with adoptive and foster families raising children with special needs. Workshop session at the 7<sup>th</sup> Annual Special Education Conference, Fairfax County (VA) Public Schools.

Henderson, K. (2012, January 28) Education success strategies: Children and youth with special needs. Workshop presentation at the Northern Virginia Family Academy presented by CRAFFT and FACES of Virginia Families. Warrenton, VA.

Henderson, K. (2012, December). Getting the most from special education. Presentation to Va.NOFAS (National Organization on Fetal Alcohol Syndrome) support group, Fairfax, VA.

Henderson, K. (2011, March 19). Fostering collaboration and adopting success: Meeting the needs of foster and adoptive families. Workshop session at the 6<sup>th</sup> Annual Special Education Conference, Fairfax County (VA) Public Schools.

Henderson, K. (2005, April). Least restrictive environment and access to the general curriculum. Keynote lecture at the Iowa Council of Administrators of Special Education conference, Des Moines.

Henderson, K., Schiller, E. & O'Reilly, F. (2004, April).. Addressing challenging behaviors: The impact of special education policy on districts and schools. Paper presentation at the annual meeting of the American Education Research Association, San Diego.

Henderson, K. (2003, May). What Do States and Districts Do to Influence Implementation of IDEA? Presentation at the U.S. Office of Special Education Program's Annual Leadership Conference, Bethesda, MD.

### **Organizational Memberships:**

1988 to Present Council for Exceptional Children

1990 to Present Council for Children with Behavior Disorders, Division of CEC

1996 to Present Phi Delta Kappa

1997 to Present Division for Research, CEC

2007 to Present Children and Adults with Attention Deficit Hyperactivity Disorder

### **Scholarly and other Professional Activities:**

Most recent include-

2013- Present Member, Board of American Foundation for Family Attachment, Springfield, VA

2011-2012 Founder and first Board Chair, Formed Families Forward, incorporated nonprofit organization serving foster, adoptive and kinship families of children

with disabilities in Northern Virginia.

- 2011- Present Member, Board of Parent Education and Advocacy Training Center (PEATC), Falls Church, VA
- 2011- Present Member, Fairfax County Public Schools Advisory Committee for Students with Disabilities
- 2010-present Member, Families Committee, Council for Exceptional Children Division for Research
- 2011-present Member, Advisory Committee for Students with Disabilities, Fairfax County (VA) Public Schools, representing Fairfax County Council of PTAs.
- 2012 Reviewer of Proposals for presentation, for Celebrating Families, annual conference of the North American Council on Adoptable Children, Arlington VA.
- 2010 Reviewer of Proposals for presentation, for Families/Schools/Partnerships program advisory committee, for CEC National Convention, Nashville.
- 2008 – present Consulting Editor, Journal of Disability Policy Studies, SAGE Publications.
- 2006 - present Special education parent representative to the Fairfax County Council of PTAs
- 2005- present Peer reviewer of grant proposals to the Office of Special Education and Rehabilitative Services, U.S. Department of Education

Board Agenda Item  
October 29, 2013

ADMINISTRATIVE - 2

Authorization to Advertise a Public Hearing on the Acquisition of Certain Land Rights Necessary for the Construction of Dead Run Drive Sidewalk from Carper Street to Congress Lane (Dranesville District)

ISSUE:

Board authorization to advertise a 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, County and Regional Transportation Projects, Fund 400-C40011, Transportation Improvements.

RECOMMENDATION:

The County Executive recommends that the Board authorize advertisement of a public hearing for November 19, 2013, at 4:00 p.m.

TIMING:

Board action is requested on October 29, 2013, to provide sufficient time to advertise the proposed public hearing on the acquisition of certain land rights necessary to keep this project on schedule.

BACKGROUND:

The County is planning to 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

Board Agenda Item  
October 29, 2013

LAD staff and the Dranesville Supervisor's office staff. 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, County and Regional Transportation Projects, in Fund 400-C40011, Transportation Improvements. Approximately \$3,557,630 is currently available to fund land acquisition and construction.

ENCLOSED DOCUMENTS:

Attachment A - Project Location Map  
Attachment B - Listing of Affected Properties

STAFF:

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

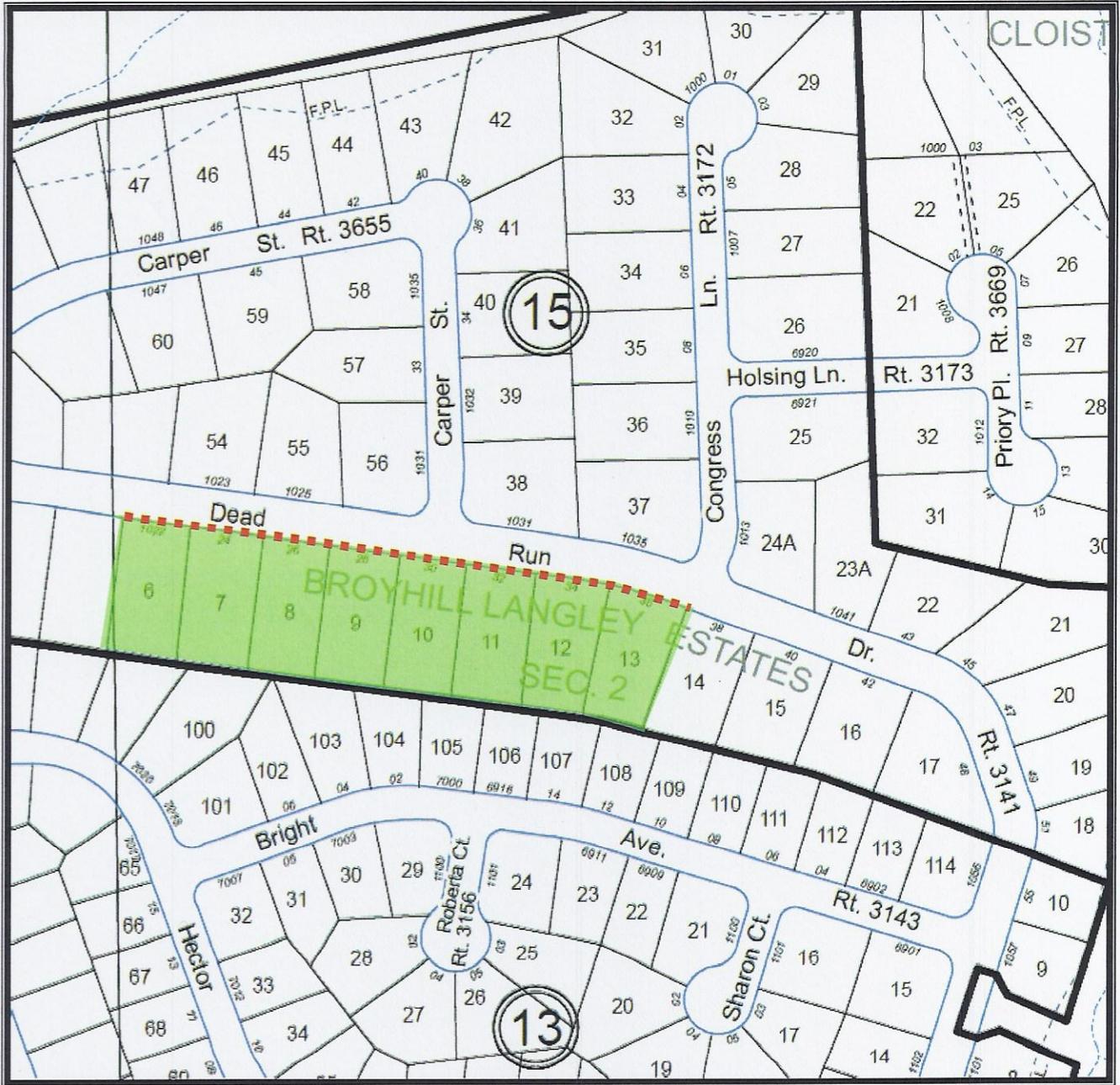
Affected Properties:



Proposed Walkway:



N



**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:



LISTING OF AFFECTED PROPERTIES  
 ST-000003-049 (PPTF01-04900) – Dead Run Drive Sidewalk from  
 Carper Street to Congress Lane  
 (Dranesville District)

<u>PROPERTY OWNER(S)</u>	<u>ADDRESS</u>	<u>TAX MAP NUMBER</u>
1. Dennis Sharma Anita S. Sharma	1016 Dead Run Drive McLean, VA 22101	021-3-11-0003 (interests already acquired)
2. Sorin Bujor Katharine Mardirosian	1018 Dead Run Drive McLean, VA 22101	021-3-11-0004 (interests already acquired)
3. Robert M. Licata Helena Licata	1020 Dead Run Drive McLean, VA 22101	021-3-11-0005 (interests already acquired)
4. Kuo-Liang Tang Alice W. Tang	1022 Dead Run Drive McLean, VA 22101	021-4-15-0006
5. Walter Callahan Joan Callahan	1024 Dead Run Drive McLean, VA 22101	021-4-15-0007 (interests already acquired)
6. Lang-Seng Tay Siew-Kam Cheong	1026 Dead Run Drive McLean, VA 22101	021-4-15-0008 (interests already acquired)
7. Cash Herbolich Beth Herbolich	1028 Dead Run Drive McLean, VA 22101	021-4-15-0009 (interests already acquired)
8. David B. Loken Suzanne Loken	1030 Dead Run Drive McLean, VA 22101	021-4-15-0010 (interests already acquired)
9. Marie Eyeleen Vance	1032 Dead Run Drive McLean, VA 22101	021-4-15-0011 (interests already acquired)
10. Dwight J. Haskins Frances Haskins	1034 Dead Run Drive McLean, VA 22101	021-4-15-0012 (interests already acquired)
11. Douglas S. Ingram Cynthia H. Ingram	1036 Dead Run Drive McLean, VA 22101	021-4-15-0013 (interests already acquired)

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Board Agenda Item  
October 29, 2013

ADMINISTRATIVE – 3

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

ISSUE:

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

RECOMMENDATION:

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

<b><u>Subdivision</u></b>	<b><u>District</u></b>	<b><u>Street</u></b>
Clark & Hahn Trustees Property (1651 Birch Road)	Dranesville	Old Chesterbrook Road (Route 690) (Additional Right-of-Way (ROW) Only)  Birch Road (Route 2807) (Additional ROW Only)
Laurel Hill Land Bay A Section One	Mt. Vernon	Sweet Pecan Drive  Flowering Dogwood Lane (Route 10318)  Indian Paintbrush Way (Route 10317)
Falls Rest	Providence	Sego Lily Court Brayden Court  Shreve Road (Route 703) (Additional ROW Only)

TIMING:

Routine.

Board Agenda Item  
October 29, 2013

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

Print Form

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

<p><b>FAIRFAX COUNTY BOARD OF SUPERVISORS FAIRFAX, VA</b></p> <p>Pursuant to the request to inspect certain streets in the subdivisions as described, the Virginia Department of Transportation has made inspections, and recommends that same be included in the secondary system.</p>	<p><b>VIRGINIA DEPARTMENT OF TRANSPORTATION - OFFICE OF THE ENGINEERING MANAGER, FAIRFAX, VIRGINIA</b></p> <p>REQUEST TO THE ENGINEERING MANAGER, FOR INCLUSION OF CERTAIN SUBDIVISION STREETS INTO THE STATE OF VIRGINIA SECONDARY ROAD SYSTEM.</p> <p>PLAN NUMBER: 15208-INF-001</p> <p>SUBDIVISION PLAT NAME: Clark &amp; Hahn Trustees Property (1651 Birch Road)</p> <p>COUNTY MAGISTERIAL DISTRICT: Dranesville</p>			
<p><b>ENGINEERING MANAGER: Terry L. Yates, P.E.</b></p> <p>BY: <i>Nadia Appenzel</i></p>	<p><b>FOR OFFICIAL USE ONLY</b></p> <p>DATE OF VDOT INSPECTION APPROVAL: <i>08/21/2013</i></p>			
STREET NAME	LOCATION	FROM	TO	LENGTH MILS
Old Chesterbrook Road (Route 690) (Additional Right-of-Way Only)		16' SE CL Birch Road (Route 2807)	198' SE to End of Dedication	0.0
Birch Road (Route 2807) (Additional Right-of-Way Only)		13' NE CL Old Chesterbrook Road (Route 690)	181' NE to End of Dedication	0.0
<b>NOTES:</b>				<b>TOTALS:</b>
Birch Road: 4' Asphalt Trail on East Side to be maintained by Fairfax County				0.0

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

<p><b>FAIRFAX COUNTY BOARD OF SUPERVISORS</b>  <b>FAIRFAX, VA</b></p> <p>Pursuant to the request to inspect certain streets in the subdivisions as described, the Virginia Department of Transportation has made inspections, and recommends that same be included in the secondary system.</p>	<p><b>VIRGINIA DEPARTMENT OF TRANSPORTATION - OFFICE OF THE ENGINEERING MANAGER, FAIRFAX, VIRGINIA</b></p> <p>REQUEST TO THE ENGINEERING MANAGER, FOR INCLUSION OF CERTAIN SUBDIVISION STREETS INTO THE STATE OF VIRGINIA SECONDARY ROAD SYSTEM.</p>
<p><b>ENGINEERING MANAGER:</b> Terry L. Yates, P.E.</p> <p>BY: <i>Nadia Aphonsof</i></p>	<p><b>PLAN NUMBER:</b> 1183-SD-01</p> <p><b>SUBDIVISION PLAT NAME:</b> Laurel Hill Land Bay A Section One</p> <p><b>COUNTY MAGISTERIAL DISTRICT:</b> Mount Vernon</p>

**FOR OFFICIAL USE ONLY**

**DATE OF VDOT INSPECTION APPROVAL:** 08/13/2013

STREET NAME	LOCATION		LENGTH MILE
	FROM	TO	
Sweet Pecan Drive	CL Silverbrook Road (Route 600) - 993' NW CL Laurel Crest Drive (Route 1914)	249' NW to CL Flowering Dogwood Lane	0.05
Flowering Dogwood Lane (10318)	Existing Flowering Dogwood Lane (Route 10318) - 787' SE CL Indian Paintbrush Way (Route 10317)	1,139' NE to CL Segoe Lily Court	0.22
Indian Paintbrush Way (10317)	Existing Indian Paintbrush Way (Route 10317) - 904' N/SE CL Flowering Dogwood Lane (Route 10318)	399' SE to CL Flowering Dogwood Lane	0.08
Segoe Lily Court	CL Flowering Dogwood Lane - 499' NE CL Indian Paintbrush Way	235' E to End of Cul-de-Sac and 244' W to End of Cul-de-Sac Total = 479'	0.09
<b>TOTALS:</b>			<b>0.44</b>

**NOTES:**

Sweet Pecan Drive: 4' Concrete Sidewalk on Both Sides to be maintained by VDOT.

Flowering Dogwood Lane: 4' Concrete Sidewalk on Both Sides to be maintained by VDOT.

Indian Paintbrush Way: 4' Concrete Sidewalk on Both Sides to be maintained by VDOT.

Segoe Lily Court: 4' Concrete Sidewalk on Both Sides to be maintained by VDOT.



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Board Agenda Item  
October 29, 2013

ADMINISTRATIVE - 4

Authorization to Advertise a Public Hearing to Consider Adopting an Ordinance to Establish the Great Meadow Residential Permit Parking District, District 46 (Hunter Mill District)

ISSUE:

Board authorization to advertise a public hearing to consider a 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 46.

RECOMMENDATION:

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

TIMING:

The Board should take action on October 29, 2013, to advertise a public hearing for 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 petitioning 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.

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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:

Robert A. Stalzer, Deputy County Executive

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

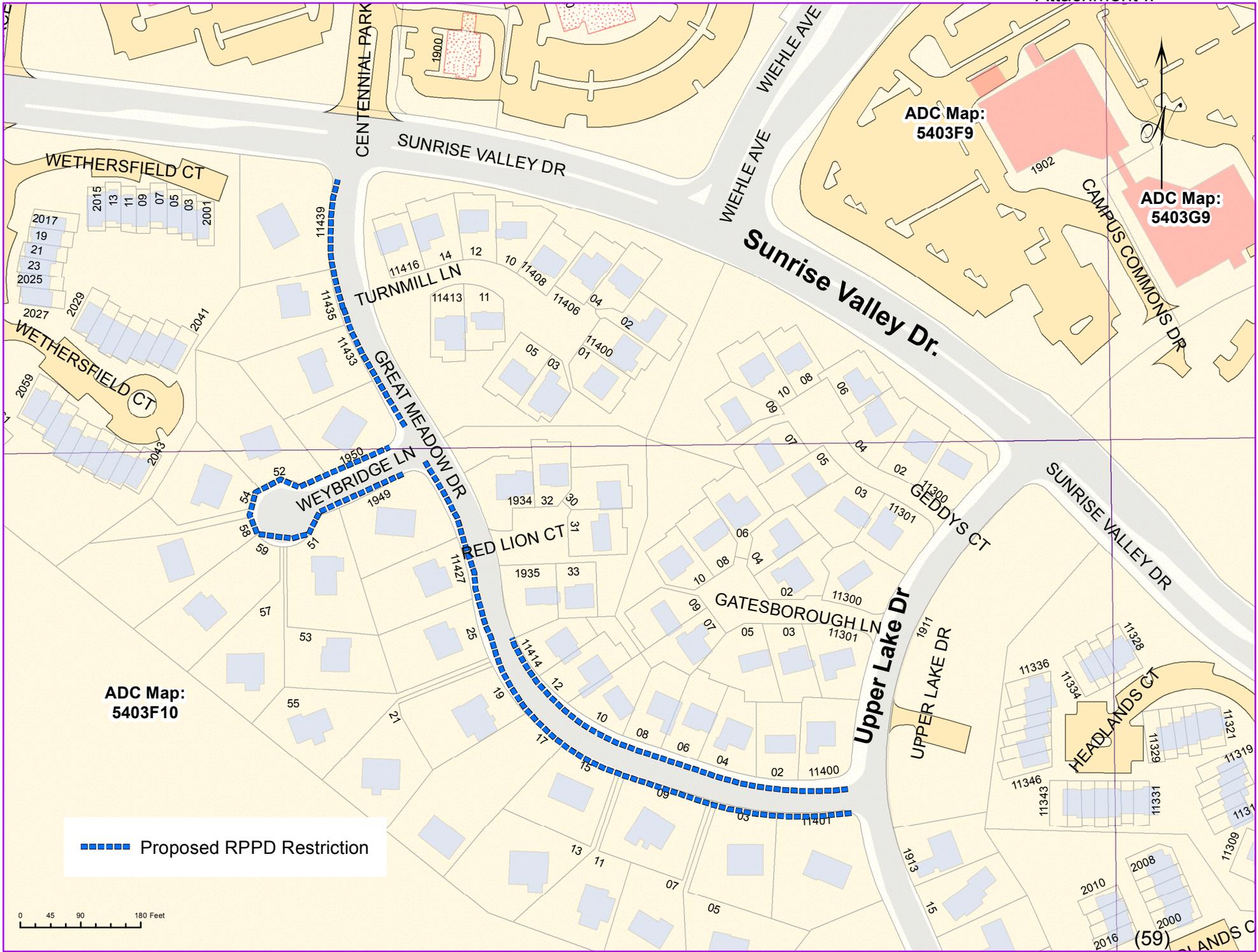
- G-46 Great Meadow Residential Permit Parking District.
- (a) *Purpose and Intent.* The Great Meadow Residential Permit Parking District is established to protect this residential area from polluted air, excessive noise, and other adverse impacts of automobile commuting; to protect the residents of 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.

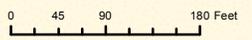
*Weybridge Lane (Route 5755):*  
From Great Meadow Drive to cul-de-sac inclusive.
- (c) *District Provisions.*
- (1) This District is established in accordance with and is subject to the provisions set forth in Article 5A of Chapter 82.
  - (2) Within the Great Meadow Residential Permit Parking District, 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



----- Proposed RPPD Restriction



(59)

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October 29, 2013

ADMINISTRATIVE - 5

Authorization to Advertise a Public Hearing to Establish the Old Mill Station Community Parking District (Sully District)

ISSUE:

Board authorization to advertise a public hearing to consider a 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 authorize advertisement of a public hearing for November 19, 2013, at 4:00 p.m. to consider adoption of a Fairfax County Code amendment to establish the Old Mill Station CPD.

TIMING:

The Board of Supervisors should take action on October 29, 2013, to provide sufficient time for advertisement of the public hearing 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

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parked on a public street within any such CPD for use by federal, state, or local public agencies to provide services.

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 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:

Robert A. Stalzer, Deputy County Executive  
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.

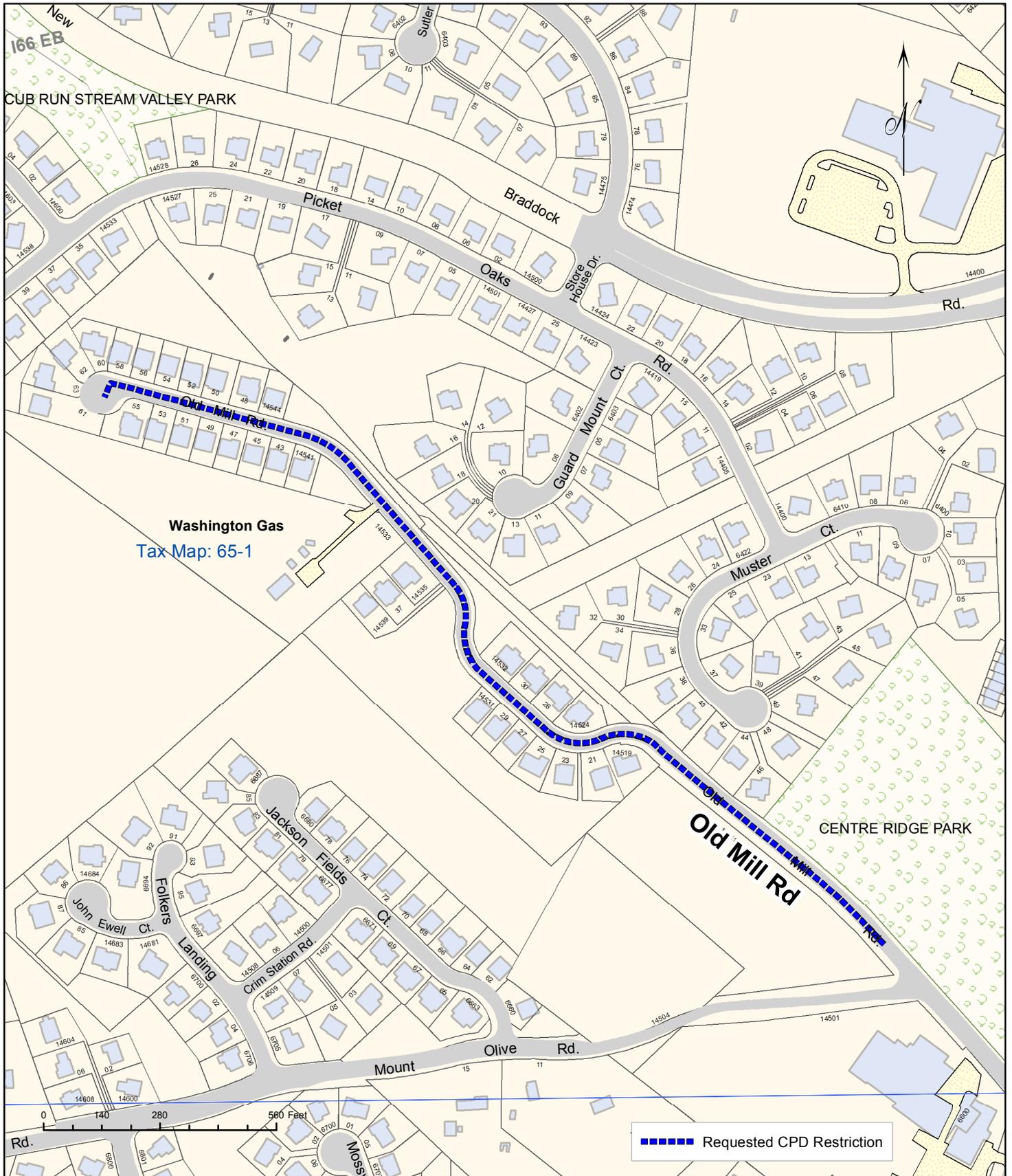
(b) *District Provisions.*

- (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



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ADMINISTRATIVE - 6

Authorization to Advertise a Public Hearing to Consider Adopting an Ordinance  
Expanding the Northern Virginia Community College Residential Permit Parking District,  
District 39 (Braddock District)

ISSUE:

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

TIMING:

The Board should take action on October 29, 2013, to advertise a public hearing for 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 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.

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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 Establishment

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  
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):*

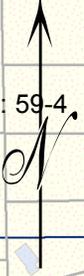
~~From Wakefield Chapel Road to Lorene Lane~~

From Wakefield Chapel Road to Bonnie Drive.

*Bonnie Drive (Route 3032):*

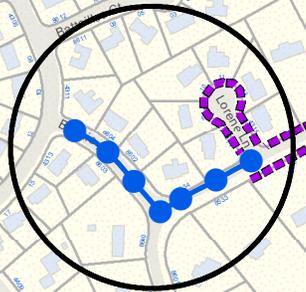
From Ardfour Lane to Wakefield Drive.

Tax Map: 59-4

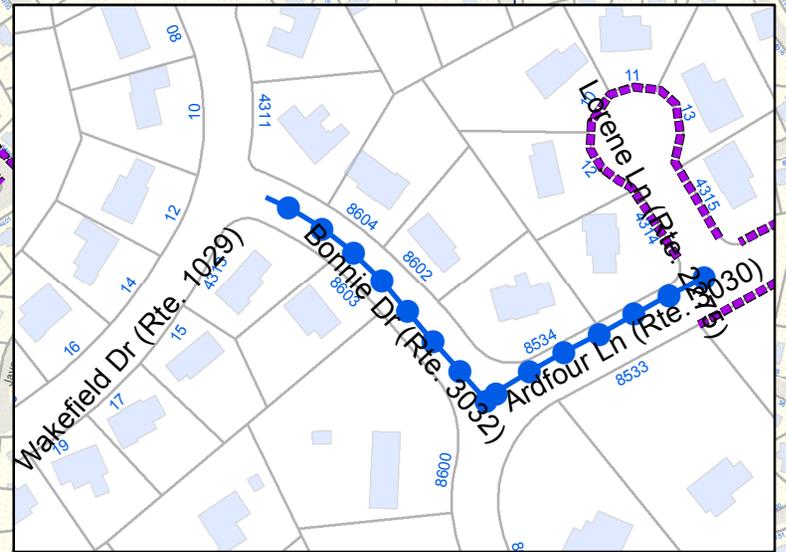


Tax Map: 59-3

NVCC



- Proposed Parking Restriction
- Existing Parking Restrictions



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ADMINISTRATIVE - 7

Approval of "\$200 Additional Fine for Speeding" Signs as Part of the Residential Traffic Administration Program (Springfield and Mount Vernon Districts)

ISSUE:

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

RECOMMENDATION:

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

- Clara Barton Drive from Ox Road to end of road (Springfield District).
- Robert Carter Road from Ox Road to Clara Barton Drive (Springfield District).
- Havenner Road from Clara Barton Drive to end of road (Springfield District).
- Southrun Road from Pohick Road to Rippled Creek Court (Mount Vernon District).

In addition, the County Executive recommends that the Fairfax County Department of Transportation (FCDOT) request VDOT to schedule the installation of the approved signs as soon as possible.

TIMING:

Board action is requested on October 29, 2013.

BACKGROUND:

Section 46.2-878.2 of the *Code of Virginia* permits a maximum fine of \$200, in addition to other penalties provided by law, to be levied on persons exceeding the speed limit on appropriately designated residential roadways. These residential roadways must have a posted speed limit of 35 mph or less. In addition, to determine that a speeding problem exists, staff performs an engineering review to ascertain that additional speed and volume criteria are met. Clara Barton Drive from Ox Road to end of road, Robert Carter Road from Ox Road to Clara Barton Drive, Havenner Road from Clara Barton Drive to end of road; and Southrun Road from Pohick Road to Rippled Creek Court meet the RTAP requirements for posting of the "\$200 Additional Fine for Speeding Signs". On September 9, 2013 (Mount Vernon District),

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and September 20, 2013 (Springfield District), FCDOT received written verification from the appropriate local supervisor confirming community support.

FISCAL IMPACT:

The estimated cost of \$3000.00 is to be paid out of the VDOT secondary road construction budget

ENCLOSED DOCUMENTS:

Attachment I: "\$200 Additional Fine for Speeding" Signs Resolution – Clara Barton Drive, Robert Carter Road, Havenner Road and Southrun Road

Attachment II: Area Map of Proposed "\$200 Additional Fine for Speeding" Signs – Clara Barton Drive, Robert Carter Road and Havenner Road

Attachment III: Area Map of Proposed "\$200 Additional Fine for Seeding" Signs- Southrun Road

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, Planner III, Traffic Operations Section, FCDOT

**RESOLUTION**

FAIRFAX COUNTY DEPARTMENT OF TRANSPORTATION  
RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (RTAP)  
\$200 ADDITIONAL FINE FOR SPEEDING SIGNS  
CLARA BARTON DRIVE, ROBERT CARTER ROAD, HAVENNER ROAD  
AND SOUTHRUN ROAD  
SPRINGFIELD AND MOUNT VERNON DISTRICTS

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium of the Government Center in Fairfax, Virginia, on Tuesday, October 29, 2013, at which a quorum was present and voting, the following resolution was adopted:

**WHEREAS**, Section 46.2-878.2 of the *Code of Virginia* enables the Board of Supervisors to request by resolution signs alerting motorists of enhanced penalties for speeding on residential roads; and

**WHEREAS**, the Fairfax County Department of Transportation has verified that a bona-fide speeding problem exists on Clara Barton Drive from Ox Road to end of road, Robert Carter Road from Ox Road to Clara Barton Drive, Havenner Road from Clara Barton Road to end of road and Southrun Road from Pohick Road to Rippled Creek Court. Such roads also being identified as Local and collector Roads; and

**WHEREAS**, community support has been verified for the installation of "\$200 Additional Fine for Speeding" signs on Clara Barton Drive from Ox Road to end of road, Robert Carter Road from Ox Road to Clara Barton Drive, Havenner Road from Clara Barton Road to end of road and Southrun Road from Pohick Road to Rippled Creek Court.

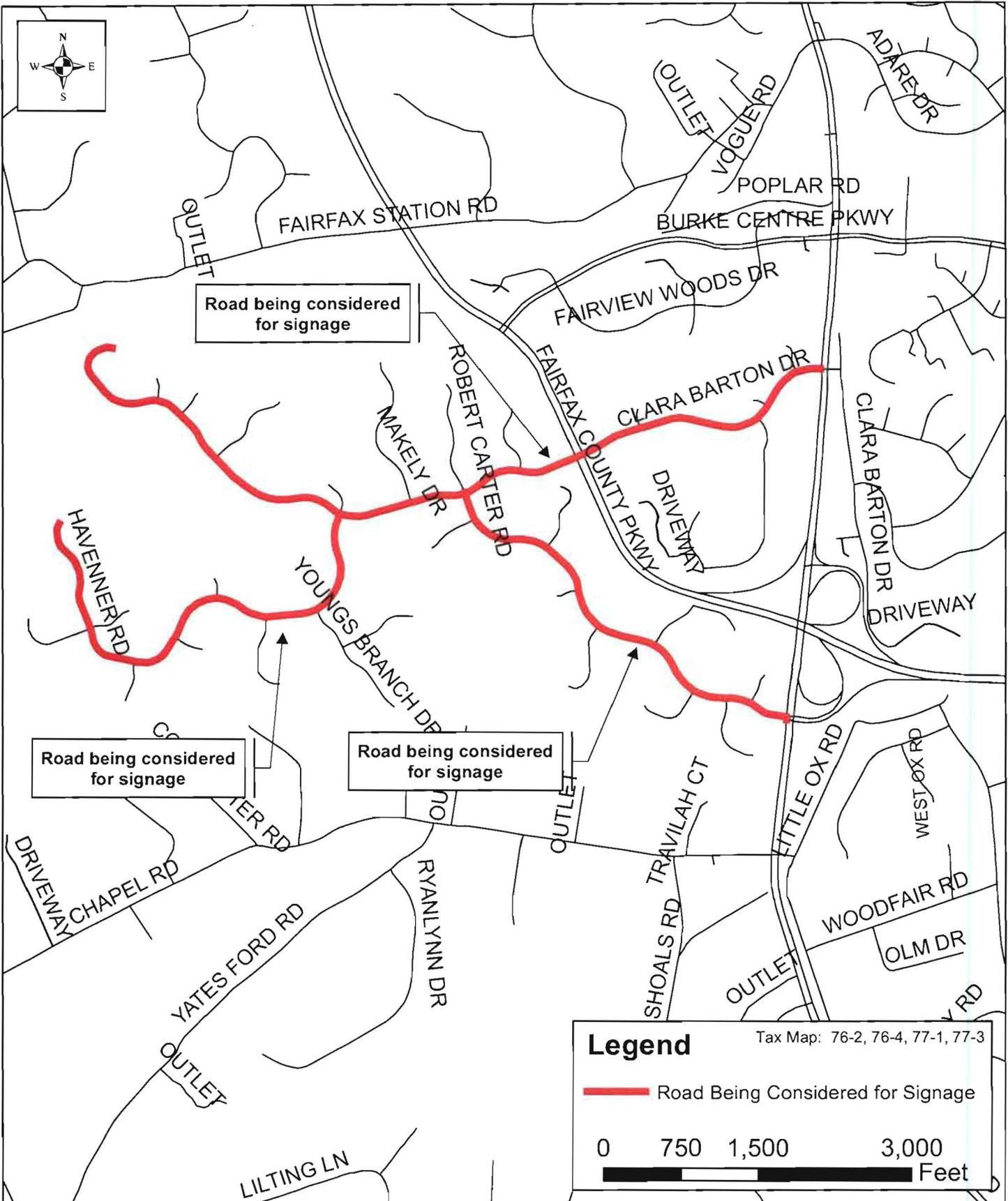
**NOW, THEREFORE BE IT RESOLVED** that "\$200 Additional Fine for Speeding" signs are endorsed for Clara Barton Drive from Ox Road to end of road, Robert Carter Road from Ox Road to Clara Barton Drive, Havenner Road from Clara Barton Road to end of road and Southrun Road from Pohick Road to Rippled Creek Court.

**AND FURTHER**, the Virginia Department of Transportation is requested to allow the installation of the "\$200 Additional Fine for Speeding", and to maintain same, with the cost of each sign to be funded from the Virginia Department of Transportation's secondary road construction budget.

A Copy Teste:

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Catherine A. Chianese  
Clerk to the Board of Supervisors



October 2013

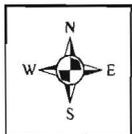
Tax Map: 76-2, 76-4, 77-1, 77-3



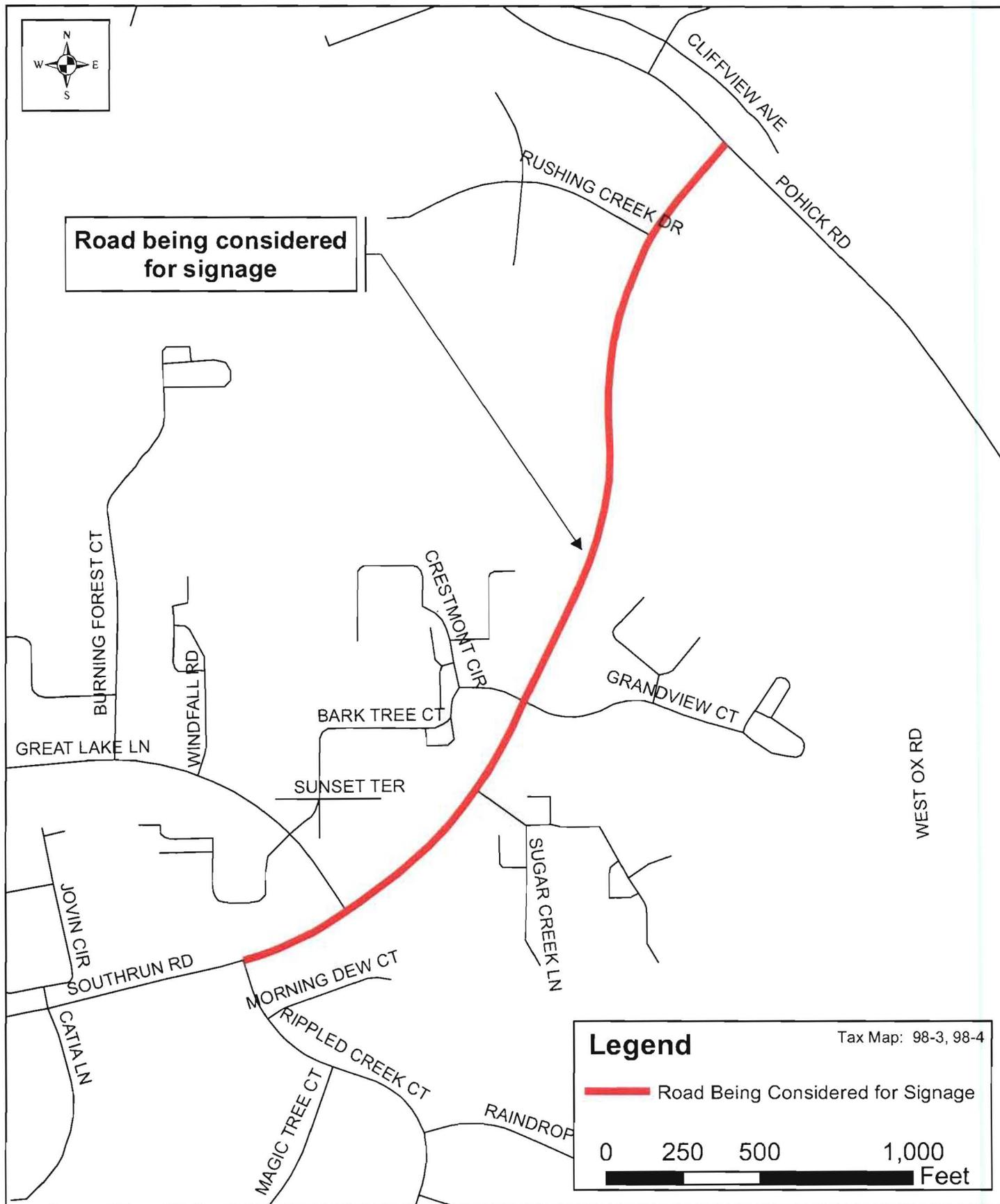
Fairfax County Department of Transportation  
 Residential Traffic Administration Program (RTAP)  
**PROPOSED \$200 FINE FOR SPEEDING**

**CLARA BARTON DRIVE, ROBERT CARTER ROAD AND HAVENNER ROAD**  
**Springfield District**





Road being considered for signage



**Legend** Tax Map: 98-3, 98-4

Road Being Considered for Signage

0    250    500    1,000  
 Feet

October 2013

**Fairfax County Department of Transportation  
 Residential Traffic Administration Program (RTAP)  
 PROPOSED \$200 FINE FOR SPEEDING  
 SOUTHRUN ROAD  
 Mount Vernon District**



A Fairfax County, Va., Publication



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ADMINISTRATIVE – 8

Extension of Review Period for 2232 Review Applications (Dranesville, Providence, and Mount Vernon Districts)

ISSUE:

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

RECOMMENDATION:

The County Executive recommends that the Board extend the review period for the following applications: 2232A-D02-13-1, FS-P13-29, and FSA-V05-35-2.

TIMING:

Board action is required on October 29, 2013, to extend the review period of the applications noted above before they expire on October 31-November 21, 2013.

BACKGROUND:

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

The Board is asked to extend the review period for these 2232/FS applications; which were accepted for review by DPZ on June 27-August 23, 2013. These applications are for telecommunications public facilities and thus, are subject to the State Code provision that the Board may extend the time required for the Planning Commission to act on these applications by no more than sixty additional days. The review period for the following applications should be extended as follows:

2232A-D02-13-1     Verizon Wireless/Rooftop collocation  
The Ashby at McLean (apartment building)  
1350 Beverly Road, McLean, Virginia 22101  
Dranesville District  
Extend to December 30, 2013

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FS-P13-29 Verizon Wireless/Rooftop collocation  
Idlywood Towers (condominiums)  
2311 Pimmit Drive, Falls Church, Virginia 22043  
Providence District  
Extend to January 17, 2014

FSA-V05-35-2 Sprint/Rooftop collocation  
Huntwood Plaza/ (office building)  
5845 Richmond Highway, Alexandria, Virginia 22303  
Mount Vernon District  
Extend to January 20, 2014

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

FISCAL IMPACT:

None

ENCLOSED DOCUMENTS:

None

STAFF:

Robert A. Stalzer, Deputy County Executive  
Fred R. Selden, Director, Department of Planning and Zoning, DPZ  
Chris B. Caperton, Chief, Facilities Planning Branch, Planning Division, DPZ  
Connie A. Maier, Planner, Facilities Planning Branch, Planning Division, DPZ

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ADMINISTRATIVE - 9

Additional Time to Commence Construction for Special Exception Amendment SEA 99-S-012-03, Country Club of Fairfax, Inc. and T-Mobile Northeast, LLC (Springfield District)

ISSUE:

Board consideration of additional time to commence construction for SEA 99-S-012-03, pursuant to the provisions of Sect. 9-015 of the Zoning Ordinance.

RECOMMENDATION:

The County Executive recommends that the Board approve eighteen months additional time for SEA 99-S-012-03 to April 26, 2015.

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 April 26, 2011, the Board of Supervisors approved Special Exception Amendment SEA 99-S-012-03, subject to development conditions. The application was filed in the name of Country Club of Fairfax, Inc. and T-Mobile Northeast, LLC, Inc. to amend SEA 99-S-012-02, previously approved for a golf course, country club and uses in a floodplain, to permit a telecommunications facility (a simulated evergreen tree monopole up to 100 feet high), related equipment and site improvements, pursuant to Sections 2-904 and 3-104 of the Fairfax County Zoning Ordinance, for the property at 5110 Ox Road, Tax Map 68-1 ((1)) 17, 18, and 20 (see Locator Map, Attachment 1).

SEA 99-S-012-03 was approved with a condition that the use be established or construction commenced and diligently prosecuted within thirty (30) months of the approval date, unless the Board grants additional time. The development conditions for SEA 99-S-012-03 are included as part of the Clerk to the Board's letter.

On August 23, 2013, the Department of Planning and Zoning (DPZ) received a letter dated August 16, 2013, revised October 7, 2013, from Edward L. Donohue, agent for the applicant, requesting eighteen (18) months additional time to commence

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construction. The approved Special Exception Amendment will not expire pending the Board's action on the request for additional time.

Mr. Donohue states that the construction has been delayed due to an attempted corporate acquisition by AT&T, during which time there was no construction of network improvements. The merger did not occur, and subsequently T-Mobile prioritized upgrades of existing network facilities to address delayed improvements to current operations. Mr. Donohue states T-Mobile is currently resuming their plans for the provision of the monopole and associated equipment at this site in order to improve existing coverage gaps in the area. Mr. Donohue anticipates construction of the telecommunication facility will begin in 2014.

Staff has reviewed Special Exception Amendment SEA 99-S-012-03 and has established that, as approved, it is still in conformance with all applicable provisions of the Fairfax County Zoning Ordinance to permit a telecommunications facility. Further, staff knows of no change in land use circumstances that affects compliance of SEA 99-S-012-03 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 amendment. Finally, the conditions associated with the Board's approval of SEA 99-S-012-03 are still appropriate and remain in full force and effect. Staff believes that approval of the request for eighteen (18) months additional time is in the public interest and recommends that it be approved.

FISCAL IMPACT:  
None

ENCLOSED DOCUMENTS:

Attachment 1: Locator Map

Attachment 2: Letter dated April 27, 2011, to Frank Stearns with SEA Plat

Attachment 3: Letters dated August 16, 2013 and October 7, 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

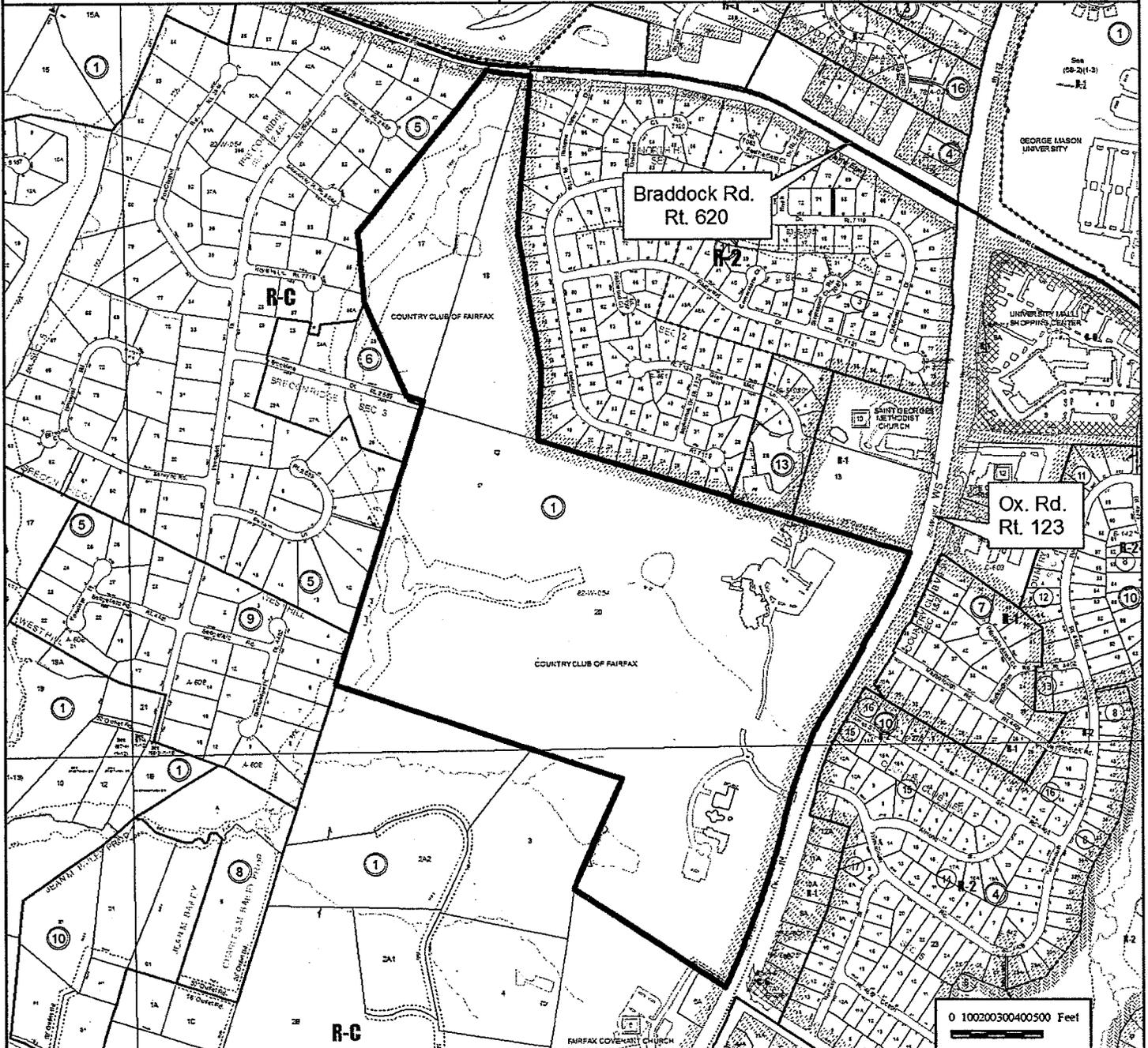
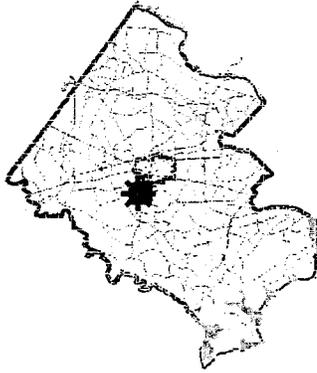
# Special Exception Amendment

SEA 99-S-012-03

Applicant: COUNTRY CLUB OF FAIRFAX, INC. AND T-MOBILE NORTHEAST, LLC  
 Accepted: 05/28/2010  
 Proposed: AMEND SE 99-S-012 PREVIOUSLY APPROVED FOR GOLF COURSE, COUNTRY CLUB AND USES IN A FLOODPLAIN TO PERMIT TELECOMMUNICATIONS FACILITY

Area: 150.85 AC OF LAND; DISTRICT - SPRINGFIELD  
 Zoning Dist Sect: 03-010403-010402-090403-0104  
 Art 9 Group and Use: 5-38 1-08 6-2  
 Located: 5110 OX ROAD  
 Zoning: RC, WS  
 Plan Area: 3

Map Ref Num: 068-1- /01/ /0017 /01/ /0018  
 /01/ /0020





# County of Fairfax, Virginia

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

April 27, 2011

Frank Stearns  
801 N. Fairfax Street, Suite 209  
Alexandria, VA 22314

Re: Special Exception Amendment Application SEA 99-S-012-03

Dear Mr. Stearns:

At a regular meeting of the Board of Supervisors held on April 26, 2011, the Board approved Special Exception Amendment Application SEA 99-S-012-03 in the name of Country Club of Fairfax, Incorporated and T-Mobile Northeast, LLC. The subject property is located at 5110 Ox Road on approximately 150.85 acres of land zoned R-C and WS in the Springfield District [Tax Map 68-1 ((1)) 17, 18 and 20]. The Board's action amends Special Exception Application SE 99-S-012 previously approved for a golf course, country club and uses in a floodplain to permit a telecommunications facility (a simulated evergreen tree monopole up to 100 feet high), related equipment and site improvements pursuant to Sections 2-904 and 3-104 of the Zoning Ordinance, by requiring conformance with the following development conditions which supersede all previous development conditions; conditions carried forward unchanged from previous approvals 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 Amendment Plat approved with the application, as qualified by these development conditions. \*
3. A copy of this Special Exception Amendment and the Non-Residential Use Permit SHALL BE POSTED in a conspicuous place on the property of the use and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.\*

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>

4. 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 Amendment plat entitled "The Country Club of Fairfax", prepared by Entrex Communication Services, Inc. consisting of nine sheets dated June 29, 2009, and last amended January 24, 2011, and the previously approved SEA plat entitled "The Country Club of Fairfax" consisting of eight sheets prepared by William H. Gordon Associates, Inc. dated April 25, 2007, as it pertains to the golf course, country club and uses in a floodplain. Minor modifications to the approved Special Exception Amendment may be permitted pursuant to Par. 4 of Sect. 9-004 of the Zoning Ordinance.
  
5. The telecommunication facility shall be limited as follows:
  - a. The telecommunications facility shall be limited to a treepole-style monopole and the associated equipment enclosure. The treepole-style monopole shall not exceed 100 feet in height (inclusive of all appurtenances). The pole of the monopole should imitate natural tree bark as closely as possible.
  - b. The equipment compound located at the base of the monopole shall be limited to a maximum of 1,575 square feet as depicted on the SEA Plat. An eight-foot high solid board on board fence shall completely enclose the equipment compound.
  - c. The equipment compound may include equipment shelters, cabinets, electrical panels, telephone panels and other improvements necessary and/or required for the operation of the telecommunication facility. Equipment shelter/cabinets shall have a maximum height of 7.5 feet and shall be located within the fenced equipment compound as shown on the SEA Plat. Equipment shelter/cabinets shall not be visible from outside the fence.
  - d. The number of antennas shall be limited to a total of 36, to be located on three elevations, as depicted on the SEA plat. All antenna platforms and antennas shall be located within the branch structures of the treepole-style monopole.
  - e. There shall be no outdoor storage of materials, equipment, or vehicles within the equipment compound of the telecommunication facility. Any component(s) of the telecommunication facility shall be removed within 120 days after such component(s), including, but not limited to the telecommunications facility and the monopole, are no longer in use.

- f. Access to the telecommunications facility shall be restricted to routine maintenance visits and emergency situations.
- g. No signals or lights or illumination shall be permitted on the monopole other than those required by the Federal Communications Commission (FCC), the Federal Aviation Administration (FAA), or Fairfax County. A steady red marker light shall be installed and operated at all times, unless the Police Department determines that such marker light is not necessary for flight safety of police and emergency helicopters.
- h. No signs shall be permitted on the subject property for the advertisement of the users of the telecommunication facility. No commercial advertising, whether installed as signs or flags, shall be allowed on the treepole-style monopole, antennas, antenna support structures or related equipment cabinets or structures.

The following conditions shall apply to the golf course and country club located on the application property.

Operations

6. The hours of operation shall be limited to the following:
  - Use of the clubhouse shall be limited to 7:00 a.m. to 10:30 p.m. on Sundays through Thursdays, and 7:00 a.m. to 1:30 a.m. on Fridays and Saturdays; occasional exceptions to these hours of operation shall be allowed to accommodate special functions. These functions shall not include the use of the lighted tennis courts.
  - Use of the enclosed tennis courts shall be limited to 7:00 a.m. to midnight, seven days a week.
  - Use of the lighted outdoor tennis courts shall be limited to 7:00 a.m. to 10:00 p.m., seven days a week
  - Use of the swimming pool and all golf course facilities shall be limited to hours between sunrise and sunset, seven days a week, with exceptions for the swimming pool to accommodate special functions, not to exceed 10 times per year.\*
7. The total membership shall not exceed 900.\*

8. Parking shall be provided as shown on the SEA plat. Accessible parking shall be provided in accordance with Article 11 of the Zoning Ordinance, as determined by DPWES. All parking shall be onsite.\*
9. All new or replacement outdoor lighting shall comply with Part 9 of Article 14 of the Zoning Ordinance. With the exception of the tennis court lighting subject to Development Condition 10 below, the combined height of any new or replacement outdoor lighting as measured from grade to the top of the fixture shall not exceed 14 feet. All such lighting shall be in conformance with the Photometric Plan prepared by Girard Engineering and dated September 11, 2003, on file with the Department of Planning and Zoning, which plan shall be submitted as part of any site plans for the site.\*
10. The existing tennis courts depicted on Sheet 3 of the SEA Plat may continue to be lighted as described below; however, when such lighting is replaced, the height of any light fixture shall not exceed 22 feet in height from grade to the top of the fixture. These lights shall be controlled with an automatic shut-off device that turns off when the courts are not in use.
11. Outdoor storage of sand, gravel and mulch shall be permitted on-site if such are located in enclosed storage bins or on concrete pads, as depicted on the SEA Plat.

Floodplain, Water Quality and Stormwater Management

12. All permitted land disturbing activities within the floodplain/RPA shall be completed consistent with the SEA plat and completed in the least disruptive manner practicable, as reviewed and determined by DPWES and the Urban Forester.\*
13. Unless already completed, prior to issuance of any permits or initiation of any activities which are subject to this SEA, the applicant shall demonstrate compliance with the Chesapeake Bay Preservation Ordinance (CBPO) to the satisfaction of DPWES, subject to any approved exceptions or modifications. In conjunction with any application for activities within the RPA/floodplain deemed other than routine maintenance activities, per the CBPO, as defined by the DPWES, a Water Quality Impact Assessment (WQIA) shall be submitted and approved by DPWES. Any and all conditions pertaining to approval of the

CBPO exceptions, the floodplain study and the WQIA shall be included in these conditions by reference.\*

14. All plans or permits for any area(s) affected by this Special Exception Amendment shall be consistent with the floodplain study titled "Country Club of Fairfax Minor Flood Plain Study prepared by William H. Gordon Associates, Inc., and dated April 1999, as approved by DPWES.\*
15. No site plan shall be approved unless adequate outfall is provided to meet PFM requirements (unless waived and/or modified) to the satisfaction of DPWES\*
16. If not previously implemented, stream restoration measures shall be implemented and maintained along the East Fork Branch of Popes Head Creek in the locations identified on and consistent with the SEA Plat and the "Soil and Water Quality Conservation Plan and Stream Restoration Management Plan for the Country Club of Fairfax" prepared by William H. Gordon Associates, Inc. and dated April 26, 2000. These restoration measures shall maintain and further the rehabilitation of the existing stream banks to a more natural condition; and maintain the riparian buffer zones and/or aquatic benches to improve water quality and to continue to stabilize existing eroded areas of the site.\*
17. In order to address the objectives of the Water Supply Protection Overlay District (WS) and to protect the water quality of the East Fork Branch of the Popes Head Creek, a Golf Course Water Quality Management Plan for the 18-hole golf course consisting of the following elements shall be implemented to the satisfaction of DPWES:
  - A. An Integrated Pest Management Plan (IPM) dated April 26, 2000, has been developed using the guidelines established by the Virginia Cooperative Extension Service Pest Management Guide and has been designed to manage and limit the excessive applications of fertilizers, herbicides and other chemicals to protect water quality. The IPM provides for periodic monitoring and adjustments in order to achieve the objective of reducing the overall amounts of nutrients and pesticides applied to the property over time. The IPM and all parameters to be monitored shall be reviewed by Fairfax County Office of the Virginia Cooperative Service and approved by the Northern Virginia Soil and Water Conservation District Office as determined by DPWES. A copy of the pesticide management program and records of all chemical applications shall be

kept on site at all times, and shall be made available to county staff upon request.

- B. A long term Stream Restoration Management Plan (SRMP) has been provided titled "Soil and Water Quality Conservation Plan and Stream Restoration Management Plan for the Country Club of Fairfax" prepared by William H. Gordon Associates, Inc. and dated April 26, 2000, which is designed to provide for erosion control for those areas of proposed construction improvements noted in the Stream Restoration Plan. The SRMP includes the establishment and maintenance of the riparian buffers and guidelines for stream bank stabilization, and has been reviewed and approved by the Northern Virginia Soil and Water Conservation District Office.\*
18. Stormwater management and BMP facilities shall be configured and constructed to the satisfaction of DPWES in a location(s) that is in substantial conformance with the SEA Plat.\*
19. Erosion and sediment control measures shall be installed at all stages of construction. "Super silt fence" shall be installed along the limits of clearing and grading for any new areas of land disturbance, as well as along all RPA boundaries, and shall remain for the duration of all land disturbing activity or until it is determined by DPWES that the area is stabilized. If deemed necessary by DPWES, controls shall be designed to achieve greater erosion and sediment control than that achieved by the minimum design standards set forth in the Public Facilities Manual and the Virginia Erosion and Sediment Control Handbook.\*
20. Maintenance materials, fuels, herbicides, pesticides, fertilizers and/or toxic or hazardous substances as set forth in Title 40, Code of Federal Regulations, Parts 115.4 and 261.30 et. seq. shall be stored outside of the 100 year floodplain zone, as approved by DPWES detailed in the "Soil and Water Quality Conservation Plan and Stream Restoration Management Plan for the Country Club of Fairfax" prepared by William H. Gordon Associates, Inc. and dated April 26, 2000, and approved by the Northern Virginia Soil and Water Conservation District and DPWES, shall be implemented for the storage and use of potentially hazardous materials associated with the golf course operation.\*
21. Any areas of the stream bank previously restored that may be damaged or eroded due to stormwater runoff, stormwater event or golf course use shall be stabilized within 30 days following such damage of erosion. Any required restoration of stream riparian buffer areas, stream banks or stream beds shall be

performed at the earliest time that is conducive due to weather or soil conditions, as determined by DPWES.\*

22. To minimize disturbances in the RPA and to restore the existing eroded stream channel, dam reconstruction measures on Fairway #14 shall be maintained as shown on the Stream Restoration Plan (Attachment 1), and as approved by DPWES. Other appropriate environmentally sensitive solutions and engineered solutions; which are mutually acceptable to the Country Club of Fairfax and DPWES may be employed. It shall be understood that the resulting solution may require modifications and/or waivers to the Public Facilities Manual (PFM) and/or State standards.\*

#### Landscaping and Tree Save

23. All proposed evergreen trees shall measure a minimum of six feet in height at the time of planting. All other proposed landscaping species and methods of installation shall be to the satisfaction of UFM. All plantings shall be maintained in good health and replaced with like-kind plantings when necessary, as determined by UFM.\*
24. Plantings proposed to be installed along the stream shall include native riparian species and those species that tolerate extreme hydrologic conditions, to the satisfaction of UFM. Common ornamental plants and hybridized landscaping species shall not be included in the stream bank preservation and restoration areas. Boundary limits shall be delineated by UFM to mark the vegetated riparian areas, and signs shall be posted to discourage encroachment by foot or by golf cart into the vegetated riparian areas.\*
25. The proposed relocated 7th tee and the proposed cart path for the 15th green and fairway shall be constructed outside of the protected and preserved vegetated areas within the RPA boundary, to the satisfaction of DPWES in accordance with CBPO. No construction of the relocated 7th tee shall commence until the removal of the culverts on the 15th fairway is completed, in accordance with the design details contained in Attachment 1 of these development conditions, to the satisfaction of DPWES.\*
26. All trees shown to be preserved shall be protected by a tree protection fence. Tree protection fencing to consist of four foot high, orange plastic fence attached to six foot steel posts driven 18" inches into the ground and placed no further than 12 feet apart shall be erected at the limits of clearing and grading as shown on the SEA plat. All tree protection fencing shall be installed, as approved by UFM, prior to any clearing and grading activities, including the demolition of any existing structures. The installation of all tree protection fence, except super silt fence, shall be performed under the supervision of a

certified arborist. Three days prior to the commencement of any clearing, grading, or demolition activities, the UFM shall be notified and given the opportunity to inspect the site to assure that all tree protection devices have been correctly installed.\*

Miscellaneous

27. Unless already dedicated, right-of-way along the site's frontage on Route 123 shall be dedicated in accordance with the adopted Comprehensive Plan in order to provide a six-lane divided roadway, 65 feet from centerline, with the additional 11 feet for a right-turn lane, 250 feet in length, to the site entrance, and all ancillary easements for construction; ancillary easements shall not exceed 15 feet in width. Unless already relocated, fencing within the dedication area shall be relocated within the property limits, to a location determined by DPWES for the length of the right turn lane. The right-of-way shall be dedicated to the Board of Supervisors and conveyed in fee simple at the time of site plan approval of upon demand by Fairfax County, whichever happens first. All intensity of use attributable to land areas dedicated and conveyed to the Board of Supervisors pursuant to these conditions shall be subject to the provisions of Par. 4, of Sect. 2-308 of the Zoning Ordinance and is hereby reserved to the residue of the subject property.\*
  
28. The exterior elevations of the proposed maintenance building in the northeastern corner of the site shall be consistent with the conceptual elevations shown on sheet seven of the SEA plat, as determined by DPWES. All sides of each structure shall be similar in regard to design, colors and materials.\*

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 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.

The approval of this Special Exception does not interfere with, abrogate or annul any easement, covenants, or other agreements between parties, as they may apply to the property subject to this application.

Pursuant to Section 9-015 of the Zoning Ordinance, this Special Exception shall automatically expire, without notice, 30 months after the date of approval unless, at a minimum, the use has been established 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

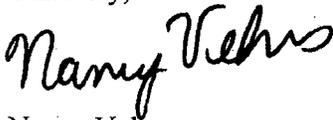
is filed with the Zoning Administrator prior to the date of expiration of the Special Exception. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.

**The Board also reaffirmed the following waivers and modifications:**

- Modification of the transitional screening requirements along all property boundaries in favor of that depicted on the SE Plat
- Waiver of the barrier requirements along all property boundaries in favor of that depicted on the SE Plat
- Waiver of the service drive requirements along Route 123
- Modification of Paragraph 2, Section 9-528, of the Zoning Ordinance to permit the location of three structures and tennis courts within 50 feet of a lot line
- Waiver of the required construction of frontage improvements on Route 123 in association with this application

Please note that on March 23, 2011, the Planning Commission approved Public Facilities Application 2232-S09-26 to construct a telecommunications facility on the property of the Country Club of Fairfax. It noted that the application satisfies the criteria of character, location, and extent, as set forth in Section 15.2-2232 of the *Code of Virginia*, as amended.

Sincerely,



Nancy Vehrs  
Clerk to the Board of Supervisors  
NV/ph

SEA 99-S-012-03  
April 27, 2011

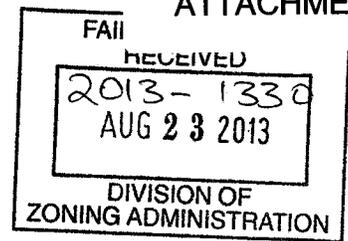
-10-

Cc: Chairman Sharon Bulova  
Supervisor Pat Herrity, Springfield 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  
Angela K. Rodeheaver, Section Chief, Transportation Planning Division  
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  
Karyn Moreland, Chief Capital Projects Sections, Dept. of Transportation





DONOHUE &amp; STEARNS, PLC



August 16, 2013

Leslie B. Johnson, Fairfax County Zoning Administrator  
 Zoning Administration Division  
 12055 Government Center Parkway  
 Fairfax, Virginia 22035

RECEIVED  
 Department of Planning & Zoning

AUG 27 2013

Zoning Evaluation Division

**Cc:** Barbara Berlin  
 Chris Caperton  
 Commissioner Murphy  
 Supervisor Herrity

**Re:** Approval Extension Request for SEA 99-S-012-03

Ms. Johnson:

Pursuant to §9-008 of the Fairfax County Zoning Ordinance, I am writing to request that the Fairfax County Board of Supervisors' ("the Board") approval for the above-referenced Special Exception Amendment be extended for a period of 18 months or until March 26, 2015.

On April 26, 2011 the Board approved SEA 99-S-012-03 submitted by the Country Club of Fairfax, Incorporated and T-Mobile, Northeast, LLC ("T-Mobile") to allow the installation of a 97-foot (97') high monopine and 45'x35' ancillary equipment compound at 5110 Ox Road in Fairfax, Virginia 22030. The SEA proposed to amend SE 99-S-012 approved by the Board on February 23, 2004.

At the time that this application was approved by the Board, AT&T Mobility was proposing to acquire T-Mobile and during this period all capital improvements were suspended. When the Department of Justice and Federal Communications Commission denied the merger, T-Mobile focused its resources on improving the existing network through upgrades to antennas and equipment during which time many of the company's facilities in Fairfax County were made LTE (Long-Term Evolution) capable. This modernization upgrade was given priority over individual site development as it benefitted a greater number of wireless subscribers. Now T-Mobile is again seeking to develop new sites to improve existing coverage gaps in specific areas and the installation of this site will help accomplish this goal. T-Mobile currently anticipates resuming the construction of new sites in 2014 and this extension is requested to allow the additional time necessary to install the subject site.

Please feel free to contact me with any questions or comments.

Thank you for your assistance in this matter,

Edward L. Donohue  
 Attorney/ Agent for the Applicant

**Attached:** April 27, 2011 Approval Letter for SEA 99-S-012



DONOHUE & STEARNS, PLC

RECEIVED  
Department of Planning & Zoning

OCT 07 2013

Zoning Evaluation Division

October 7, 2013

Leslie B. Johnson, Fairfax County Zoning Administrator  
Zoning Administration Division  
12055 Government Center Parkway  
Fairfax, Virginia 22035

**Cc:** Barbara Berlin  
Chris Caperton  
Commissioner Murphy  
Supervisor Herrity  
Carrie Lee

**Re:** Approval Extension Request for SEA 99-S-012-03

Ms. Johnson:

This letter revises the extension request letter dated August 16, 2013. That letter had requested that the SEA be extended for a period of 18 months to end on March 26, 2015. Per staff's request, we have corrected the original letter to reflect the new date of April 26, 2015.

Pursuant to §9-008 of the Fairfax County Zoning Ordinance, I am writing to request that the Fairfax County Board of Supervisors' ("the Board") approval for the above-referenced Special Exception Amendment be extended for a period of 18 months or until April 26, 2015.

On April 26, 2011 the Board approved SEA 99-S-012-03 submitted by the Country Club of Fairfax, Incorporated and T-Mobile, Northeast, LLC ("T-Mobile") to allow the installation of a 97-foot (97') high monopine and 45'x35' ancillary equipment compound at 5110 Ox Road in Fairfax, Virginia 22030. The SEA proposed to amend SE 99-S-012 approved by the Board on February 23, 2004.

At the time that this application was approved by the Board, AT&T Mobility was proposing to acquire T-Mobile and during this period all capital improvements were suspended. When the Department of Justice and Federal Communications Commission denied the merger, T-Mobile focused its resources on improving the existing network through upgrades to antennas and equipment during which time many of the company's facilities in Fairfax County were made LTE (Long-Term Evolution) capable. This modernization upgrade was given priority over individual site development as it benefitted a greater number of wireless subscribers. Now T-Mobile is again seeking to develop new sites to improve existing coverage gaps in specific areas and the installation of this site will help accomplish this goal. T-Mobile currently anticipates resuming the construction of new sites in 2014 and this extension is requested to allow the additional time necessary to install the subject site.

Please feel free to contact me with any questions or comments.

Donohue & Stearns, PLC  
117 Oronoco Street  
Alexandria, Virginia 22314  
703.549.1123

(94)

Thank you for your assistance in this matter,



Edward L. Donohue  
Attorney/ Agent for the Applicant

**Attached:** April 27, 2011 Approval Letter for SEA 99-S-012

RECEIVED  
Department of Planning & Zoning

OCT 07 2013

Zoning Evaluation Division

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ADMINISTRATIVE - 10

Authorization to Advertise a Public Hearing to Amend Articles 2 and 3 of Chapter 3 Re: Uniformed and Employees' Retirement Systems – Change in Social Security Offset to Service-Connected Disability Benefits

ISSUE:

Authorization to advertise a public hearing to amend Articles 2 and 3 of Chapter 3, 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 authorize advertisement of a public hearing regarding 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 October 29, 2013, to provide sufficient time to advertise the proposed public hearing on November 19, 2013 at 4:30 p.m.

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 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 benefit is 40% of salary and a severe service-connected disability benefit is 90% of salary.

All three levels of benefits are offset to some extent by Social Security benefits. 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 benefit based on age, for those with a 66 2/3%

Board Agenda Item  
October 29, 2013

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.

#### Proposed Revisions

The proposed amendments would enhance service-connected disability retirement benefits by reducing the Social Security offsets from 25% of the Social Security benefit to 15%, effective January 1, 2014.

#### 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 Fairfax 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 (25% Offset)</b>	<b>Study (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 (25% Offset)</b>	<b>Study (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 Under 62</u>	<u>No Offset 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  
October 29, 2013

ADMINISTRATIVE - 11

Supplemental Appropriation Resolution AS 14097 for the Fire and Rescue Department to Accept Grant 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 14097 in the amount of \$1,084,993 for the Fire and Rescue 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 and will be used to purchase 175 radios for the three National Capital Region Communications Interoperability Group (NCR-CIG) housed in Fairfax County, Montgomery County, and the District of Columbia. 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 award is October 8, 2013 through May 31, 2014. No Local Cash Match is required.

RECOMMENDATION:

The County Executive recommends that the Board approve Supplemental Appropriation Resolution AS 14097 in the amount of \$1,084,993. These funds will be used to procure 175 radios for the three National Capital Region Communications Interoperability Group radio caches housed in Fairfax County, Montgomery County and the District of Columbia.

TIMING:

Board approval is requested on October 29, 2013.

BACKGROUND:

In response to the need to establish multiple coordinated, identically equipped, and locally staffed radio caches throughout the National Capital Area, the Council of Governments (COG), under the direction of the COG Police and Fire Chiefs, created three NCR-CIG's in 2005.

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Due to the dynamic and rapidly evolving advances in radio system technology, it is important the NCR-CIG's are equipped with the appropriate tools to sustain interoperability. To maintain present capabilities, keep pace with technology, and meet federal communications standards the NCR-CIG's must begin upgrading current equipment. The entire refresh will be accomplished in phases; this award is the first phase of a multi-year plan designed to lessen the financial impact on regional grant dollars. The Fairfax County Fire and Rescue Department will administer the grant, purchase radios, and handle radio distribution.

This project provides Fairfax County and the NCR with a highly flexible asset proven to enhance tactical interoperable communications. It will expand the success of the radio cache programs by providing equipment that operates on more frequencies, can better facilitate regional interoperability with federal, state, and out-of-region partners.

FISCAL IMPACT:

Grant funding in the amount of \$1,084,993 is available in the DHS UASI grant funds through the District of Columbia. These funds will be used to procure 175 radios for the three National Capital Region Communications Interoperability Group radio caches housed in Fairfax County, Montgomery County and the District of Columbia. 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 award will allow the recovery of indirect costs. The Fire and Rescue Department anticipates that the County will recover \$51,667 in indirect costs for this grant. There is no Local Cash Match requirement.

CREATION OF NEW POSITIONS:

No new positions will be created by this grant.

ENCLOSED DOCUMENTS:

Attachment 1 – Supplemental Appropriation Resolution AS 14097  
Attachment 2 – Grant Award Document

STAFF:

David M. Rohrer, Deputy County Executive  
Richard R. Bowers, Fire Chief, Fire and Rescue Department  
Cathy Maynard Rose, Grants Coordinator, Fire and Rescue Department

**SUPPLEMENTAL APPROPRIATION RESOLUTION AS 14097**

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 October 29, 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:	G9292, Fire and Rescue Department	\$1,084,993
Grant:	1HS0069-2012, UASI NCR-CIG Sustainment	

Reduce Appropriation to:

Agency:	G8787, Unclassified Administrative Expenses	\$1,084,993
Fund:	500-C50000, Federal-State Grant Fund	

Source of Funds: U.S. Department of Homeland Security, \$1,084,993

A Copy - Teste:

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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 11, 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 Fire and Rescue Department has been awarded the following subgrant:

- Project Title **Radio Cache Equipment Refresh**
- Amount **\$1,084,993.00**
- Project ID **12UASI529-05** (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 **October 25, 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



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GOVERNMENT OF THE DISTRICT OF COLUMBIA

## Homeland Security and Emergency Management Agency

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FISCAL YEAR 2012 HOMELAND SECURITY GRANT PROGRAM  
URBAN AREAS SECURITY INITIATIVE

### SUBGRANT AWARD & CERTIFICATION OF COMPLIANCE

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- Subgrantee **Fairfax County Fire and Rescue Department**
- Project Title **Radio Cache Equipment Refresh**
- Amount **\$1,084,993.00**
- Project ID **12UASI529-05**

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 2013 Terms & Conditions
- US Department of Homeland Security Grant Agreement Articles

Print name

Print title

Signature

Date

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ADMINISTRATIVE – 12

Authorization to Advertise a 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:

Board authorization is needed to advertise 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 I.

RECOMMENDATION:

The County Executive recommends that the Board authorize the advertisement of the adoption of the proposed ordinance.

TIMING:

Authorization to advertise is needed to hold a public hearing on November 19, 2013, at 3:30 p.m., so that if the Board chooses to adopt the ordinance and the Agreement, they can be adopted prior to the hearing before the special court required by Va. Code Ann. § 15.2-3400 (2012) governing voluntary boundary adjustments between localities.

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

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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 its 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 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.



## Exhibit 2 to County Ordinance

### 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

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55.99' along the arc of a curve to the right, having a radius of 347.65', a central angle of 09°13'38" and a chord of N52°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°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°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°41'31" and a chord of N04°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°49'53" and a chord of N06°45'27"E, 55.32'; and

N38°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°04'21" and a chord of N62°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', an central angle of 03°34'55" and a chord of N67°52'48"E, 354.46';

N74°41'48"E, 156.93';

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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:

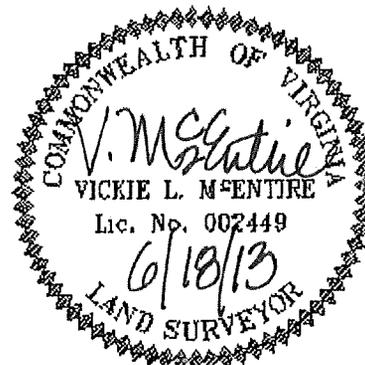
S50°18'27"E, 352.10', to an iron pipe found (IPF);

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,

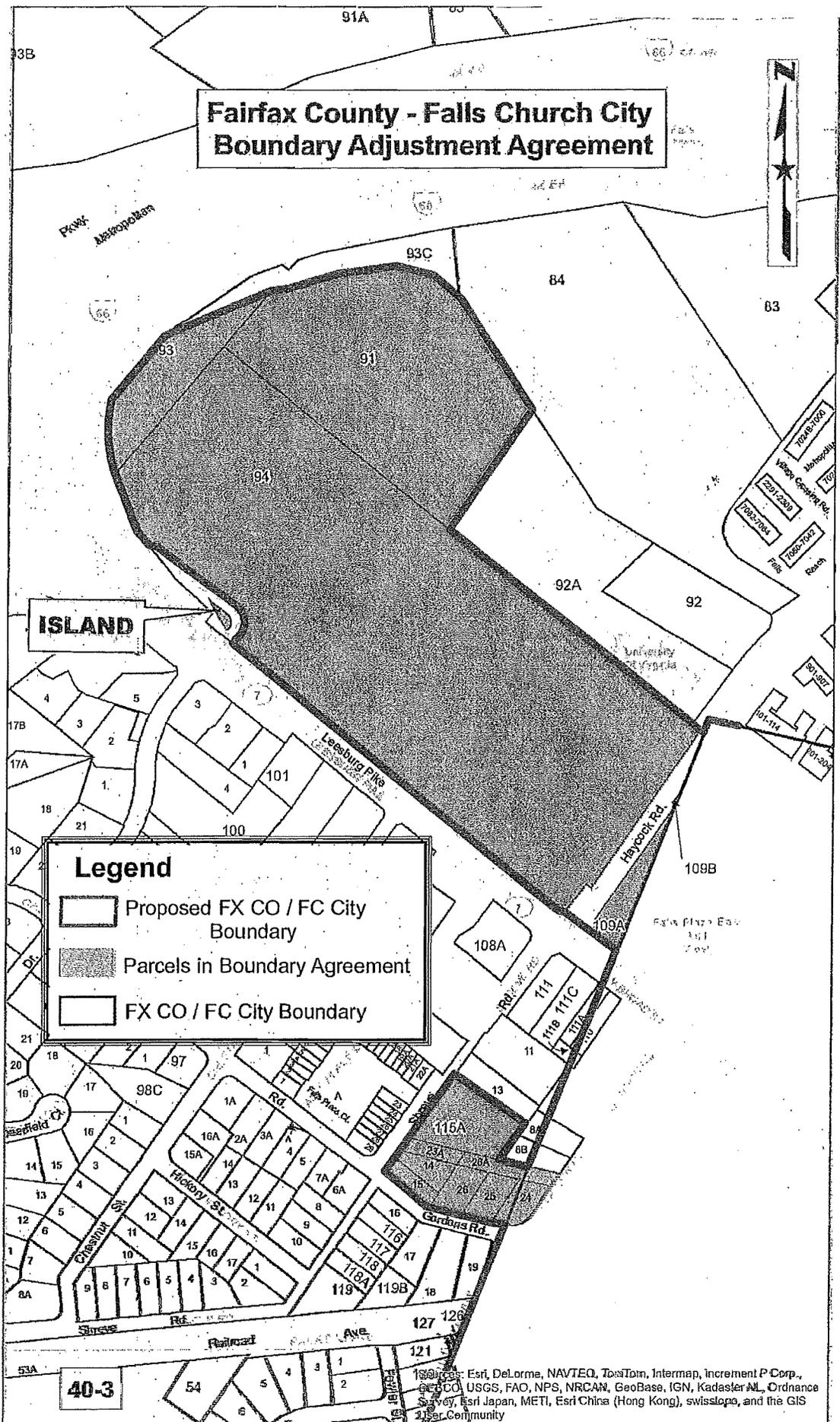


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1999 Data: Esri, DeLorme, NAVTEQ, TomTom, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), swisstopo, and the GIS User Community

**[---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.* Falls 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.:
<b>Proposed Motion: MOVE to approve ( ) on first reading, schedule second reading and public hearing for _____, and advertise the same according to law.</b>		
Originating Dept. Head: John E. Foster, City Attorney		Disposition by Council:
City Manager: Wyatt Shields 703.248.5004	City Attorney: John Foster 703.248.5010	CFO: Richard LaCondre 703.248.5092

3

4 REQUEST:

5 RECOMMENDATION:

6 BACKGROUND:

7 FISCAL IMPACT:

8 TIMING:

9

10

( )

11

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.

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13

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16

THE CITY OF FALLS CHURCH, VIRGINIA, HEREBY ORDAINS that, upon the effective date of this Ordinance, the existing boundary line of 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”).

17

18

19

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- 42 (4) Parcel 25 (Tax Map Number 040-3-12-0025), totaling  
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- 48 (7) Parcel 109A (Tax Map Number 040-3-01-0109A), totaling  
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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.

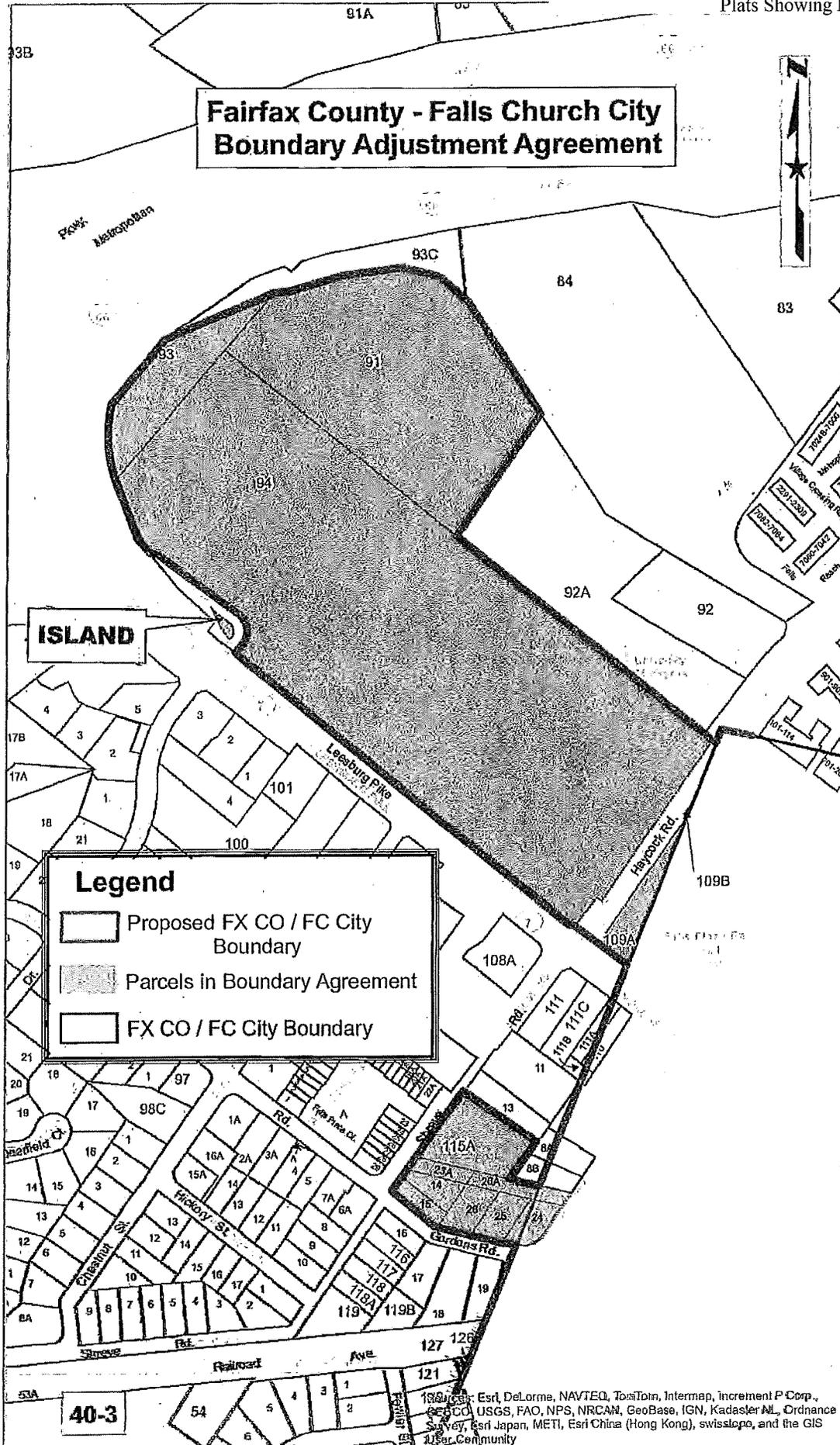
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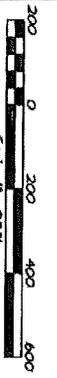
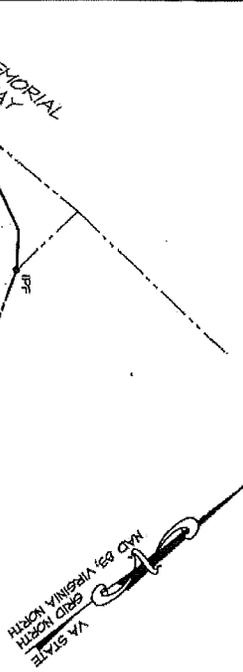
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86 corporate limits where like conditions exist.

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



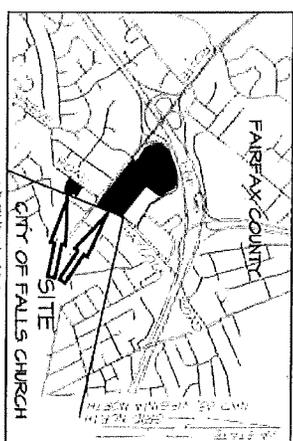
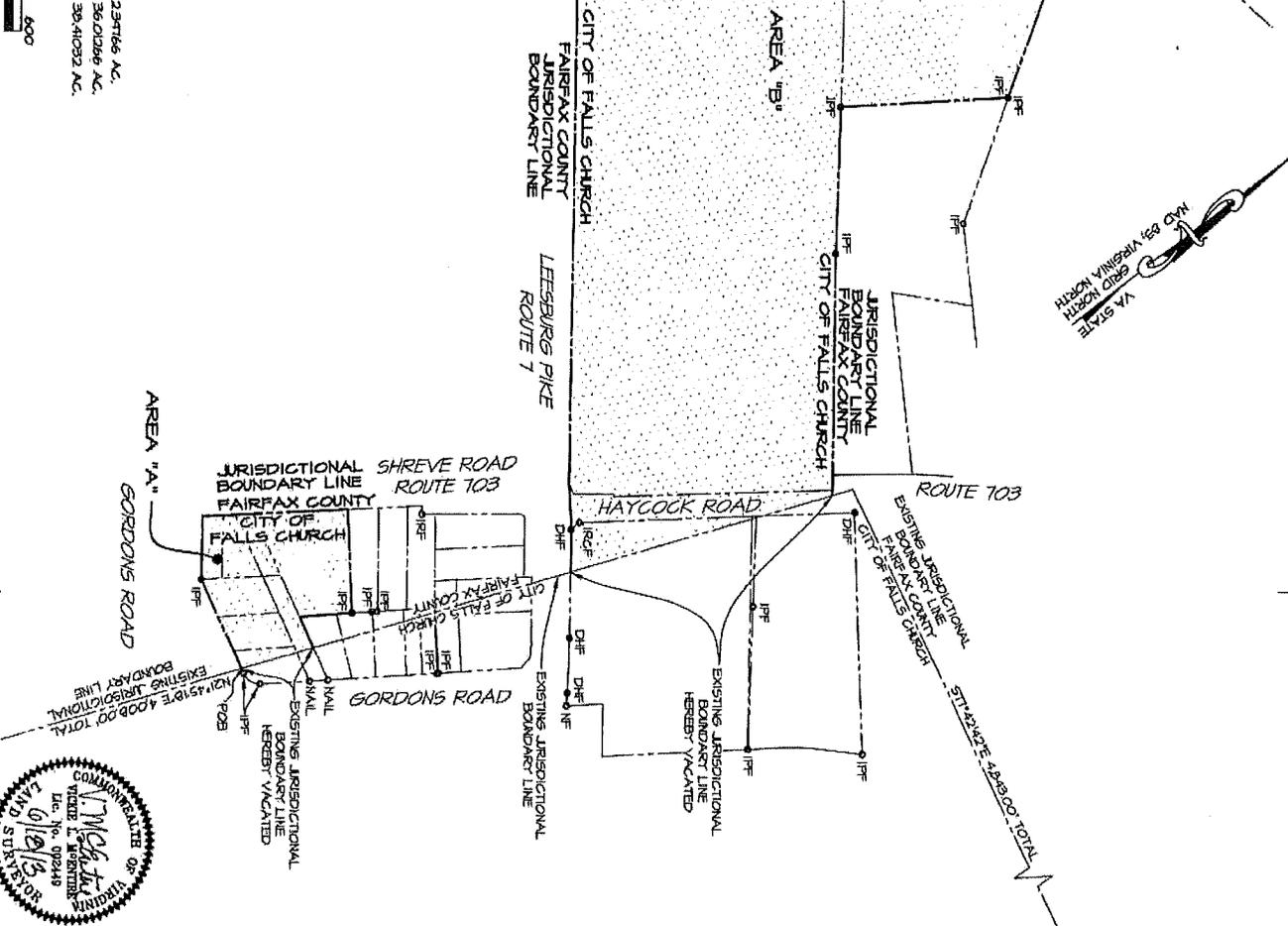


**AREAS**  
 AREA "A"  
 AREA "B"  
 TOTAL AREA

104,443 SQ. FT. OR 2.38716 AC.  
 156,8712 SQ. FT. OR 36.01266 AC.  
 187,3154 SQ. FT. OR 42.76432 AC.

DEPOTES AREA OF THE VOLUNTARY JURISDICTIONAL BOUNDARY ADJUSTMENT AGREEMENT

**LEGEND**  
 ROB DEPOTES POINT OF BEGINNING  
 I/PF DEPOTES IRON PIPE FOUND  
 R/PF DEPOTES IRON ROAD FOUND  
 N/PF DEPOTES NAIL FOUND  
 D/PF DEPOTES DRILL HOLE WITH "X" FOUND

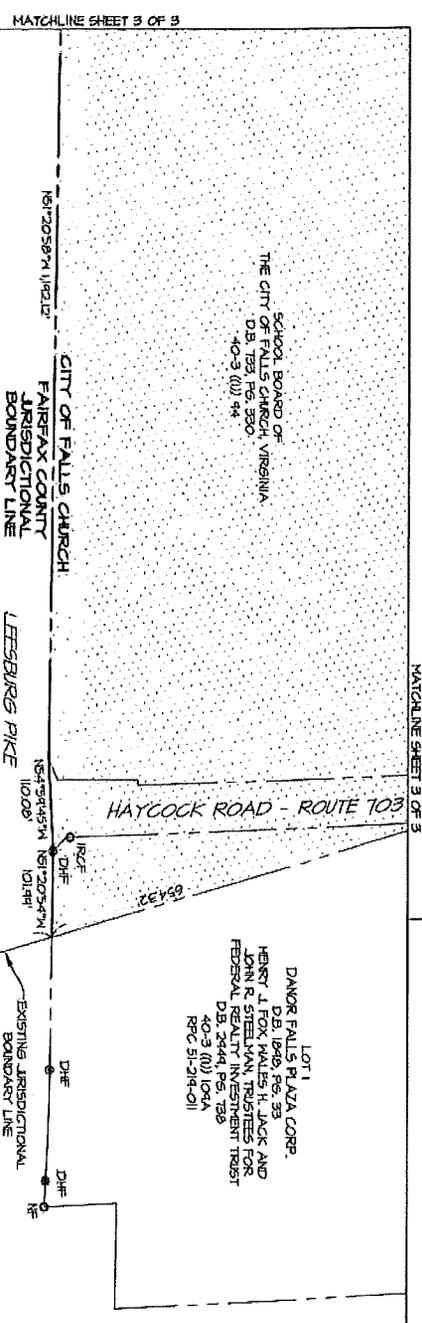


**FAIRFAX COUNTY VIRGINIA**  
 DEPT. OF PUBLIC WORKS & ENVIRONMENTAL SERVICES  
 CAPITAL FACILITIES, LAND SURVEY BRANCH  
 12000 GOVERNMENT CENTER PLAZA, FAIRFAX VIRGINIA

**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  
 DRANSVILLE DISTRICT, FAIRFAX COUNTY  
 PROVIDENCE DISTRICT, FAIRFAX COUNTY

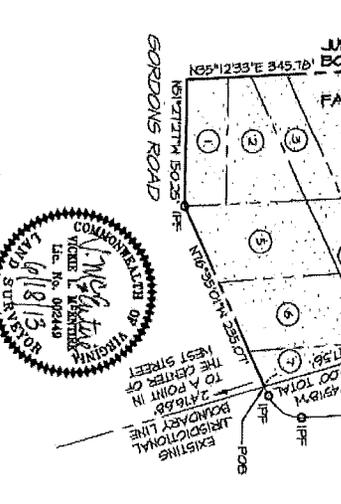
SCALE 1"=200' DATE: 06/18/13 DRAWN BY: BLN SHEET 1 OF 3



**PROPERTY DATA**

- ① LOTS 15 & 14 (RESPECTIVELY) GORDONS ADDITION TO M. FALLS CHURCH LIBER P-18, PG. 461
- ② LOTS 14 & 15 CITY OF FALLS CHURCH, VIRGINIA D.B. 5495, PG. 195
- ③ 40-3 (12) 23A, REC 52-101-001 CITY OF FALLS CHURCH D.B. 5104, PG. 266
- ④ 40-3 (11) 15A CITY OF FALLS CHURCH, VIRGINIA D.B. 4415, PG. 594
- ⑤ LOT 28 GORDONS ADDITION TO M. FALLS CHURCH 40-3 (12) 25 D.B. 2500, PG. 741
- ⑥ LOTS 25 & 24 (RESPECTIVELY) GORDONS ADDITION TO M. FALLS CHURCH 40-3 (12) 25 D.B. 2500, PG. 741
- ⑦ 40-3 (12) 24A, REC 52-101-001 THE CITY OF FALLS CHURCH, VIRGINIA D.B. 2500, PG. 741
- ⑧ LOT 28A REVISION OF LOT 8, GORDONS ADDITION TO WEST FALLS CHURCH 40-3 (12) 25, REC 52-101-011 D.B. 4882, PG. 542
- ⑨ REVISION OF LOT 8, GORDONS ADDITION TO WEST FALLS CHURCH 40-3 (12) 25, REC 52-101-011 D.B. 4882, PG. 542
- ⑩ REVISION OF LOT 8, GORDONS ADDITION TO WEST FALLS CHURCH 40-3 (12) 25, REC 52-101-011 D.B. 4882, PG. 542
- ⑪ LOT 4 GORDONS ADDITION TO M. FALLS CHURCH LIBER P-18, PG. 461 PARAVANT TERMITE CONTROL CO., INC. D.B. 5091, PG. 357
- ⑫ LOT 10B REVISION OF LOT 10 GORDONS ADDITION TO WEST FALLS CHURCH D.B. 1894, PG. 32 REC 52-101-008 PARAVANT TERMITE CONTROL CO., INC. D.B. 5091, PG. 357
- ⑬ LOT 10A REVISION OF LOT 10 GORDONS ADDITION TO WEST FALLS CHURCH D.B. 1894, PG. 32 REC 52-101-008 PARAVANT TERMITE CONTROL CO., INC. D.B. 5091, PG. 357
- ⑭ 40-3 (11) 11B BROAD STREET CORPORATION D.B. 6406, PG. 1845
- ⑮ 40-3 (11) 11C LONGORIA, LLC D.B. 12500, PG. 13
- ⑯ LOT 1 REFERENCE N BUTT D.B. 1491, PG. 34 BROAD STREET CORPORATION D.B. 6406, PG. 1845
- ⑰ LOT 1B GORDONS ADDITION TO M. FALLS CHURCH LIBER P-18, PG. 461 REC 52-101-005 FEDERAL PARTNERSHIP D.B. 4952, PG. 140

**LEGEND**  
 ■ DENOTES POINT OF BEGINNING  
 ○ DENOTES IRON PIPE FOUND  
 ○ DENOTES IRON ROAD FOUND  
 ○ DENOTES HOLE FOUND  
 ○ DENOTES HOLE WITH CAP FOUND  
 ○ DENOTES HOLE WITH CAP FOUND  
 ○ DENOTES IRON ROAD WITH CAP FOUND

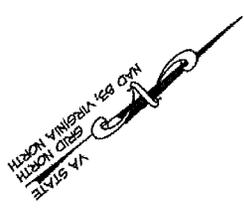


**FAIRFAX COUNTY, VIRGINIA**  
 DEPT. OF PUBLIC WORKS & ENVIRONMENTAL SERVICES  
 CAPITAL FACILITIES, LAND SURVEY BRANCH  
 12000 GOVERNMENT CENTER PLAZA, FAIRFAX, VIRGINIA

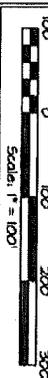
**EXHIBIT SHOWING**  
 THE VOLUNTARY JURISDICTIONAL  
 BOUNDARY ADJUSTMENT AGREEMENT  
 BETWEEN  
 THE CITY OF FALLS CHURCH, VIRGINIA AND  
 FAIRFAX COUNTY, VIRGINIA

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

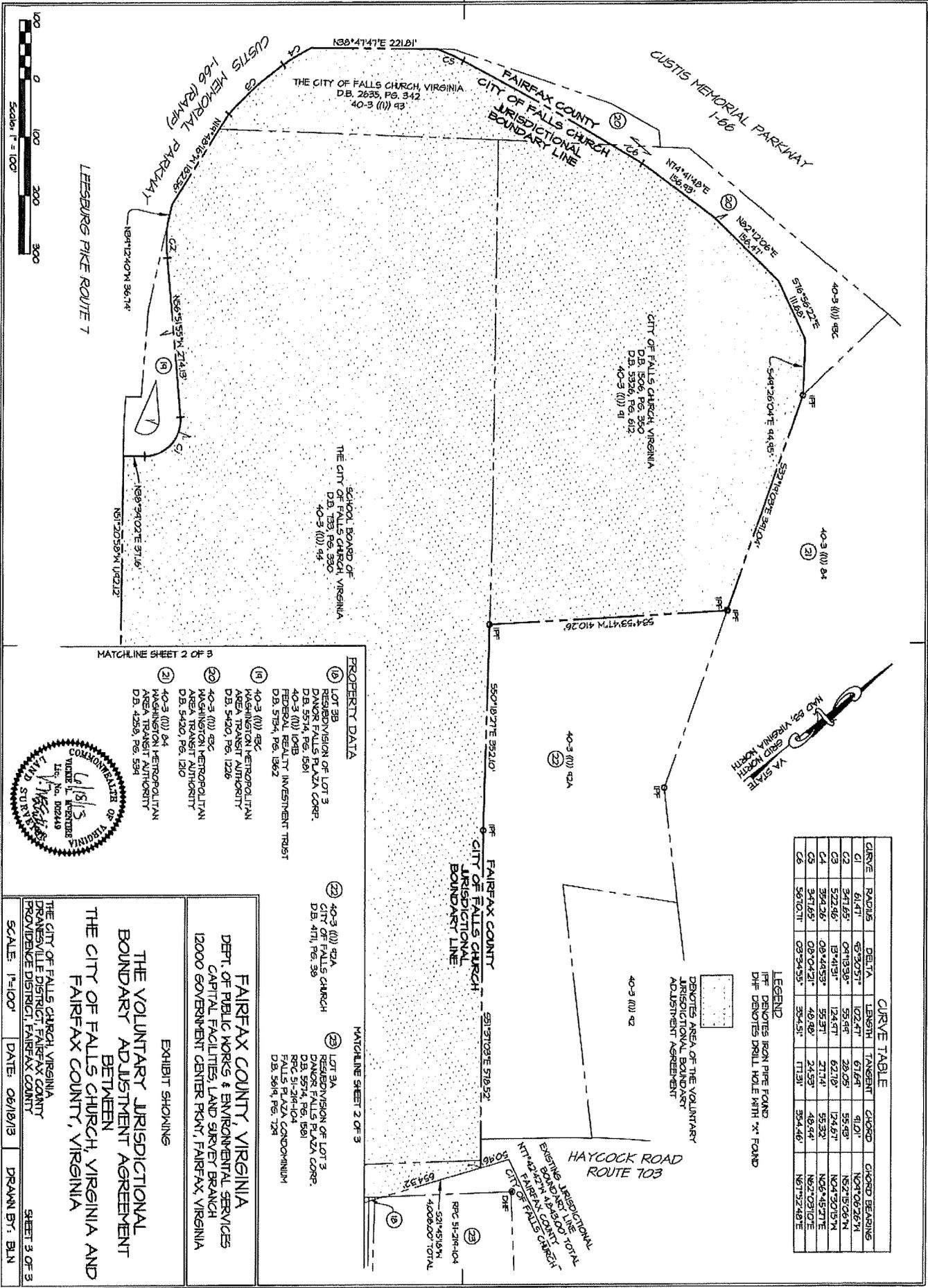
SCALE: 1"=100' DATE: 06/19/13 DRAWN BY: BLN SHEET 2 OF 3



DENOTES AREA OF THE VOLUNTARY  
 BOUNDARY ADJUSTMENT AGREEMENT



Scale: 1"=100'



**CURVE TABLE**

CURVE	RADIUS	DELTA	LENGTH	TANGENT	CHORD	CHORD BEARINGS
C1	61.47'	65°30'51"	102.47'	61.66'	91.01'	N04°06'26.71"
C2	3471.65'	0°11'33.38"	55.45'	28.05'	55.45'	N82°15'06.67"
C3	5222.46'	13°41'31"	124.67'	62.18'	124.67'	N04°30'15.74"
C4	394.26'	08°44'53"	55.37'	27.14'	55.33'	N06°45'27.01"
C5	3471.65'	08°04'21"	48.98'	24.53'	48.94'	N82°02'01.01"
C6	5670.17'	03°34'53"	354.51'	171.31'	354.46'	N07°32'49.12"

**LEGEND**  
 IFF DENOTES IRON PIPE FOUND  
 DIF DENOTES DRILL HOLE WITH \* FOUND

DENOTES AREA OF VOLUNTARY JURISDICTIONAL BOUNDARY ADJUSTMENT AGREEMENT

- PROPERTY DATA**
- (1) LOT 2B  
RESUBDIVISION OF LOT 3  
DANOR FALLS PLAZA CORP.  
D.B. 5574, PG. 1581
  - (2) 40-3 (11) 101B  
FEDERAL REALTY INVESTMENT TRUST  
D.B. 5734, PG. 1562
  - (3) 40-3 (11) 82C  
WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY  
D.B. 5420, PG. 1226
  - (4) 40-3 (11) 82C  
WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY  
D.B. 5420, PG. 1226
  - (5) 40-3 (11) 84  
WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY  
D.B. 4238, PG. 1594
  - (6) LOT 2A  
DANOR FALLS PLAZA CORP.  
D.B. 4711, PG. 38
  - (7) LOT 3A  
RESUBDIVISION OF LOT 3  
DANOR FALLS PLAZA CORP.  
D.B. 5574, PG. 1581  
R.R. 5-214-104  
FALLS PLAZA CONDOMINIUM  
D.B. 5614, PG. 124

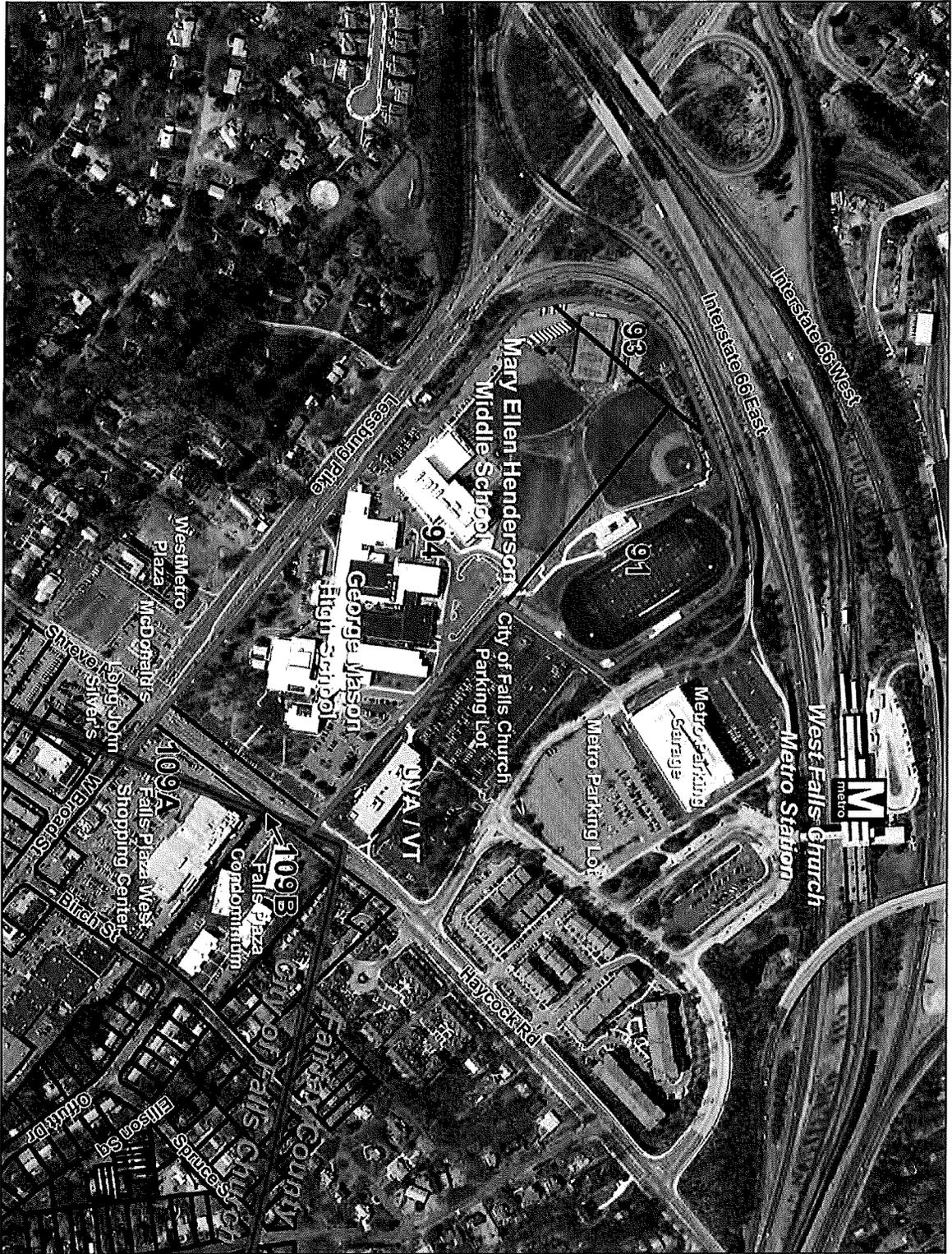
**FAIRFAX COUNTY, VIRGINIA**  
 DEPT. OF PUBLIC WORKS & ENVIRONMENTAL SERVICES  
 CAPITAL FACILITIES, LAND SURVEY BRANCH  
 12000 GOVERNMENT CENTER FRONT, FAIRFAX, VIRGINIA

**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  
 DRAWN BY: BLN  
 SHEET 3 OF 3





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

Appendix 5 to Voluntary Boundary Adjustment and Adjacent Parcels: Aerial Photo of School-Related and Adjacent Parcels:



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

Appendix 6 to Voluntary Boundary Adjustment Agreement:  
Aerial Photo of Gordon Road/Shreve Road Parcels

ACTION – 1

Approval of Reduced Introductory Rates for the Wiehle-Reston East Metrorail Station  
“Bike & Ride” Bike Room

ISSUE:

Board approval of an introductory reduced rate for the bike room use/membership fee at the Wiehle-Reston East Metrorail Station.

RECOMMENDATION:

The County Executive recommends the Board approve an introductory, reduced rate for earlier subscribers applying for membership to use the new bike storage room at the Wiehle-Reston East Metrorail Station.

BACKGROUND:

The Reston-Wiehle East Metrorail Station will feature Fairfax County’s first enclosed, secure bicycle parking facility with a capacity for over 200 bicycles. In addition to secure fee parking, the facility will also provide unsecured (free) parking as well as area reserved for a future bikesharing station.

On July 30, 2013, the Board of Supervisors approved various rates for the new Wiehle-Reston East Metrorail Station, including the bike room rates. An annual membership fee of \$75.00 was established. This includes a one-time fee of \$15.00 (non-refundable) for the access key fob. This rate is comparable to rates for similar programs provided by both the Virginia Department of Transportation (VDOT) and the Washington Metropolitan Area Transit Authority (WMATA).

In anticipation of the opening of the Silver Line and Wiehle-Reston East Metrorail Station transit facility, FCDOT has been exploring marketing strategies to encourage facility users to bike and walk to this station. One idea that staff would like to pursue is a reduced rate for early subscribers/members who purchase their subscriptions before March 1, 2014. The approved and proposed reduced rates are as follows:

- Currently approved Annual Bike Room Membership \$75.00\*
- Early Registration Discounted Annual Membership Rate \$45.00\*

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- Early Registration Two Year Bundle \$75.00\*

The Early Registration Two Year Bundle will provide an opportunity for early subscribers to purchase an additional year membership for only \$30.00 more.

- Current (FCDOT) Bicycle Locker Renters at Sunset Hills Park-and-Ride Lot:

Bicycle locker renters at Sunset Hills Park and Ride Lot must relocate because the lot is closing when Wiehle-Reston East Metrorail Station opens. Due to this inconvenience, these users will be offered the early registration price and their current annual locker rental fee balance will be applied toward the new bike room membership fee. The fee balance will be based on the opening date of the Wiehle-Reston East Metrorail Station bike room.

Applications received on March 1, 2014, or later will be charged the full annual membership.

\*includes one-time \$15.00 fee for the key fob (electronic access device)

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

None.

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

William Harrell, Capital Projects and Operations, FCDOT

Charlie Strunk, Bicycle Program Coordinator, Capital Projects and Operations Division, FCDOT

Margaret Francis, Section Chief, Transportation Services Group, FCDOT

ACTION – 2

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 percent reduction (65 fewer spaces) for the residential component. Overall, the applicant's request is for a 33.5% 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 141 residential dwelling units at a rate of no fewer than 1.1 spaces per dwelling unit. The 141 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 141 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

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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 October 29, 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 October 29, 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 141 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 parking spaces are required: 226 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

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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

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**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.

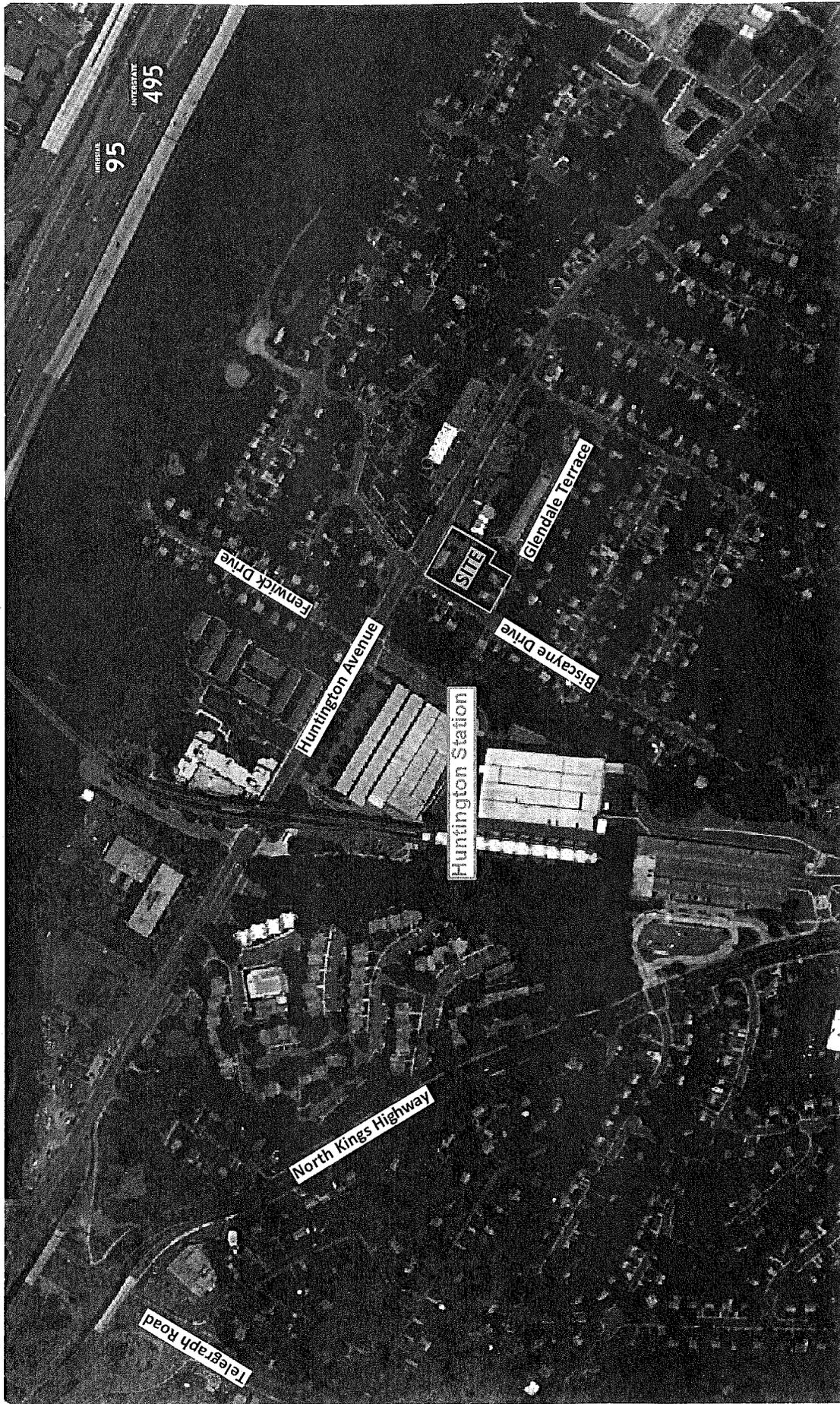


Figure 1  
Site Location



North

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.



## 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.



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ACTION - 3

Approval of a License Agreement Between Fairfax County and MVH Partners LP (MVH)  
Related to the Operation of Bus Service at the Mount Vernon House on Cedar Lane  
Court (Mount Vernon District)

ISSUE:

Board approval of a License Agreement with MVH to operate Fairfax Connector bus service on Cedar Lane Court, a private road.

RECOMMENDATION:

The County Executive recommends that the Board authorize him to sign a License Agreement substantially in the form of the attached License Agreement with MVH.

TIMING:

Board action is requested on October 29, 2013, to allow Fairfax Connector buses ingress and egress to Cedar Lane Court beginning on October 30, 2013, to serve residents, workers and visitors to the Mount Vernon House.

BACKGROUND:

In November 2004, the previous owners of the Mount Vernon House, Mount Vernon House Associates LP, entered into an agreement with Fairfax County to provide transit service as close as possible to Mount Vernon House and Mount Vernon House Nursing Home to increase mobility for those living, working and visiting these facilities. The property was sold in December 2012. The new owners of the property, MVH Partners, would like to enter into a similar agreement with the County.

County staff negotiated a License Agreement with MVH (Attachment I). This agreement permits Fairfax Connector buses access to and from Mount Vernon House, via Cedar Lane Court. Negotiations between the two parties have resulted in a five year agreement which identifies bus stop locations, routing and maintenance requirements. The License Agreement contains provisions for liability insurance as required by the County's Risk Management Division.

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FISCAL IMPACT:

There is no fiscal impact associated with the agreement.

ENCLOSED DOCUMENTS:

Attachment I: License Agreement between Fairfax County and MVH Partners LP -  
Related to the operation of bus service at the Mount Vernon House on Cedar Lane  
Court

STAFF:

Robert A. Stalzer, Deputy County Executive  
Tom Biesiadny, Director, Fairfax County Department of Transportation (FCDOT)  
Dwayne Pelfrey, Chief, Transit Services Division, FCDOT  
Christy Wegener, Manager Planning and Operations Section, FCDOT  
Malcolm Watson, Fairfax Connector Section, FCDOT

**LICENSE AGREEMENT**

This License Agreement (“Agreement”) is entered into this \_\_\_\_ day of \_\_\_\_\_, 2013, by and between MVH Partners LP (“MVH”), a Virginia limited partnership, whose address is 4520 E West Highway, Suite 615, Bethesda, Maryland, 20814, and the Board of Supervisors of Fairfax County, Virginia (“Fairfax”) whose address is 12000 Government Center Parkway, Fairfax, Virginia 22035. The aforementioned shall be referred to collectively hereinafter as (“Parties”).

**RECITALS:**

WHEREAS, MVH is the owner of Mt. Vernon House, which is located at 8199 Tis Well Drive, Alexandria, Virginia, 22306, Fairfax County Tax Map 102-3-((1))-46C, and which includes, but is not limited to, the entrance roadway between Tis Well Drive and Holland Road (“Mount Vernon House property”).

WHEREAS, MVH desires to have FAIRFAX CONNECTOR bus service provided as close as possible to Mt. Vernon House and the Mount Vernon Nursing Home to increase mobility for those living, working or visiting these facilities

WHEREAS, MVH acknowledges that a public transportation service to and from Mt. Vernon House results in a benefit to both the public and MVH interests.

THEREFORE, in consideration of the above recitals, which are incorporated into this Agreement, and of the mutual covenants made by the Parties, the Parties agree as follows:

1. **LICENSED PREMISES.**

MVH grants a non-exclusive license (“License”) to Fairfax on Mt. Vernon House property to allow (1) the ingress and egress of FAIRFAX CONNECTOR bus coaches (“buses”); and (2) for the creation and operation of a bus stop (“Bus Stop”). The License Premises shall include the Bus Stop and the ingress and egress on Cedar Lane Court, beginning at the intersection of Tis Well Drive at Cedar Lane Court and concluding at the intersection of Cedar Lane Court and Holland Drive. The License for the Bus Stop shall be at a location agreed upon by the Parties. This License shall include buses operated by the County directly or by private and/or public entities operating on Fairfax's behalf.

2. **CONDITION OF LICENSED PREMISES.**

(a) MVH shall maintain and improve as necessary the roadway pavement design and strength in order to accommodate a 40-foot transit bus (buses) to the reasonable satisfaction of Fairfax, which may include the application of standards from the Fairfax County Public Facilities Manual (PFM) as appropriate. Such design will enable this vehicle to traverse safely the Mt. Vernon House property.

- (b) MVH shall trim trees and brush on its Mount Vernon House property so that no limbs, branches, or leaves are scraping FAIRFAX CONNECTOR buses as they travel on or near Mt. Vernon House property.
- (c) Fairfax shall be permitted to conduct a pre-acceptance inspection of the licensed premises. If, as a result of its pre-acceptance inspection, Fairfax determines the existence of any unsafe conditions on the Licensed Premises, it shall promptly provide MVH with written notice of any unsafe condition, and, thereafter, MVH shall remedy any such unsafe condition within 90 (ninety) days from receipt of such written notice. If the unsafe condition identified by Fairfax is not remedied within this time period, Fairfax may terminate this agreement immediately.
- (d) Throughout the term of this License Agreement, MVH agrees to maintain the Licensed Premises in a condition substantially similar to the condition agreed to by the parties upon final acceptance by Fairfax after completion of the inspection provided in paragraph 2(c) above. Such maintenance shall also include snow and ice removal.

3. **PERMITTED USES.**

The Licensed Premises shall be used solely and exclusively by Fairfax for the purpose of allowing Fairfax to load and unload passengers only from its buses at the designated Bus Stop, to utilize the roadway for the purpose of ingress and egress, to locate a bus stop with facilities and amenities chosen by Fairfax, and to provide information to passengers.

4. **TERM.**

The term of this Agreement shall commence as of the day and year first written above and shall be for a period of five (5) years from such date (“License Period”), unless terminated earlier pursuant to the provisions of this Agreement. This License shall renew upon the written agreement of the parties for successive five (5) year terms.

5. **PUBLIC TRANSPORTATION ROUTE.**

Fairfax shall provide fixed-route bus service via Mt. Vernon House, beginning within 6 weeks of either the date of execution of this Agreement or the date of the pre-acceptance inspection, as describe in Section 2(c) is completed, whichever is later. Fairfax shall enter and exit Mt. Vernon House according to those route numbers, days of operation, service levels and number of trips as selected by Fairfax. Notwithstanding anything in this agreement to the contrary, it is understood that Fairfax may be required, from time to time, to alter the routes and schedule to provide for a more efficient, cost-effective operation of the public transportation system. In such event, Fairfax shall provide MVH with thirty (30) days' prior written notice of the proposed change.

6. **NATURE OF LICENSE.**

No legal title, easement or other possessory interest in real estate, including any leasehold interest in the Licensed Premises or any appurtenances thereto, shall be deemed or construed to have been created or vested in Fairfax by anything contained in this Agreement.

7. **TERMINATION.**

(a) The occurrence of any of the following events at any time during the License Period shall permit MVH to terminate this Agreement upon thirty (30) days' written notice to Fairfax according to Section 11 herein:

1. Any breach or failure of Fairfax to observe and perform any provision of this Agreement, for which such breach or failure continues for a minimum of twenty (20) days after receipt of written notice by MVH;
2. Fairfax shall fail to use the Licensed Premises for a thirty (30) day consecutive period;
3. The operation of the route(s) and/or bus stop interferes with the normal activity or maintenance of Mt. Vernon House, including without limiting the generality of the foregoing;
4. The whole or partial taking of any portion of the Licensed Premises by any governmental authority.

(b) The occurrence of the following events at any time during the term of the License Agreement shall permit Fairfax to terminate this License Agreement upon thirty days written notice to MVH:

1. A determination of insolvency of MVH or the filing of bankruptcy by MVH.
2. Destruction of or damage to the Licensed Premises or Bus Stop not caused by Fairfax or persons or entities acting on its behalf, which is not repaired or remedied to a condition acceptable to Fairfax within (30) days from the date of the event.
3. Any situation whereby Fairfax's buses are denied reasonable use of the Licensed Premises for a period of in excess of 20 consecutive days.
4. Fairfax decides to terminate, or change the routing of, the route(s) which serve the Mt. Vernon House.

8. **INDEMNIFICATION**

The Parties agree that MVH shall save, defend, hold harmless and indemnify Fairfax County and any of its successors and assigns from any and all actions, suits, damages, liability, cost and expenses arising from or out of any act or failure to act on the part of MVH, its agents and employees.

9. **INSURANCE**

Subject to annual appropriations by the Fairfax County Board of Supervisors, throughout the License Period, as may be applicable to Fairfax's use of the Licensed Premises hereunder, Fairfax shall maintain and/or self-insure the following minimum insurance coverage and shall be solely responsible for the payment of any deductible(s) or self-insured retention contained in its insurance policies. Prior to the commencement of this Agreement, Fairfax shall provide a certificate of insurance or self-insurance statement to MVH that evidences the following:

- (a) Commercial General Liability — with the following minimum coverage and limits on a per location basis:
  - \$2,000,000 Per Occurrence for bodily injury and property damage
  - \$2,000,000 General Aggregate
- (b) Commercial Automobile Liability and Workers' Compensation — in compliance with any and all statutes requiring such coverage in the state of Virginia, covering employees, volunteers, temporary workers and leased workers. Employer's Liability in a minimum amount of \$1,000,000 each accident, \$1,000,000 each employee and \$1,000,000 policy aggregate. Such coverage shall include all employees, volunteers, and temporary and leased employees.

The Commercial General Liability policy shall name as additional insureds MVH. All insurance coverage shall stipulate that such coverage shall not be materially reduced, cancelled or not renewed unless insurer shall give thirty (30) days' prior written notice to all insured parties. Certificate of insurance must designate that all coverage is primary and not contributing with any other insurance available to the additional insureds and that coverage is applicable to all services required under the Agreement with the insured. Insurance coverage shall be maintained with an insurance company licensed and admitted to do business in the state in which Licensed Premises are located and shall be rated by AM Best as "A" VIII or better, or as otherwise acceptable to MVH. If any entity is self-insured for this exposure and coverage, then all of the above is not applicable.

Regardless of whether Fairfax is self-insured, Licensee agrees to require any and all private entities operating public transit buses on Fairfax's behalf to maintain insurance naming as additional insureds MVH. All insurance coverage shall stipulate that such coverage shall not be materially reduced, cancelled or not renewed unless the insurer shall give thirty (30) days' prior written notice to all insured parties. Fairfax agrees to provide MVH with a copy of all certificates of insurance, including those from private entities operating on Fairfax's behalf, prior to commencement of this License.

10. **SUCCESSORS AND ASSIGNS.**

This Agreement shall be binding upon and inure to the benefit of each of the Parties hereto and to their respective successors and assigns, including successive owners of the Mount Vernon House Property; provided, however, that Fairfax and MVH shall not assign either of its respective rights under this Agreement without the prior written consent of either party.

11. **INDEPENDENT CONTRACTORS.**

Nothing in this Agreement shall be deemed or construed by the Parties hereto as to create any partnership, joint venture or employer/employee relationship between the Parties.

12. **NOTICES.**

All notices, demands, requests, consents or other communications which this Agreement contemplates, or requires or permits any Party to give to another Party shall be in writing and shall be personally delivered or sent by registered or certified mail, return receipt requested, addressed to the respective Party as follows:

Fairfax County:

\_\_\_\_\_  
Director  
Department of Transportation  
County of Fairfax  
12055 Government Center Pkwy, Suite 1034  
Fairfax, VA 22035-5511

MVH:

David R. Gill  
McGuireWoods LLP  
1750 Tysons Blvd, Suite 1800  
Tysons, VA 22102

With a copy to:

Attn: Joseph A Macori  
Hudson SLP LLC  
c/o Hudson Housing Capital LLC  
630 Fifth Avenue, 28<sup>th</sup> Floor  
New York, NY 10111

Notices may be given at such other address as any Party may from time to time designate by written notice to the other Parties, as prescribed in this paragraph. Notice by registered or certified mail shall be deemed to have been given from the time posted.

13. **GOVERNING LAW.**

This Agreement shall be governed by and construed in accordance with the laws of the Commonwealth of Virginia. If any provision of this Agreement is ruled invalid or

unenforceable by a court of proper jurisdiction, then the remainder of this Agreement shall be valid and enforceable to the fullest extent permitted by law. Nothing in this Agreement shall constitute a waiver of sovereign immunity of the County of Fairfax.

14. **ENTIRE AGREEMENT: AMENDMENTS.**

This Agreement, together with any exhibits hereto, represents the entire Agreement between the Parties and supersedes all prior negotiations, representations, writings or agreements between the Parties, whether oral or written. No amendment or modification to this Agreement shall be binding unless it shall be in writing and signed by all the parties. This Agreement is not binding and effective unless signed by the Parties hereto.

15. **SIGNATURES.**

This Agreement entered into as of the day and year first written above.

Date: \_\_\_\_\_ By: \_\_\_\_\_  
MVH Partnership LP

Date: \_\_\_\_\_ By: \_\_\_\_\_  
Fairfax County  
County Executive  
Edward L. Long Jr.

Board Agenda Item  
October 29, 2013

11:00 a.m.

Matters Presented by Board Members

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11:50 a.m.

CLOSED SESSION:

- (a) Discussion or consideration of personnel matters pursuant to Virginia Code § 2.2-3711(A) (1).
- (b) Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Virginia Code § 2.2-3711(A) (3).
- (c) Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, and consultation with legal counsel regarding specific legal matters requiring the provision of legal advice by such counsel pursuant to Virginia Code § 2.2-3711(A) (7).
  - 1. *Tonita Hall a/k/a Louise Redditt Toni v. Robert Mueller, Eric Holder, Albert L. Lord, Albert Murray, Tanja Gilmore, Harold W. Clark, Officer B. Meyers, Officer R. Wenmoth, Debra Wiley, John T. Frey, FSA Ombudsman U.S. Dept. of Education, Fairfax County Board of Supervisors, Jessi Vannalli, Lieutenant T. Crabtree, Officer Bauer, Fairfax County Police Dept., David M. Rohrer, Fairfax County Sheriff's Dept., Magistrate Garcia, Wayne Hannah, Hank W. Chao, Kathleen Tighe, Jason Williams, Joan Zanders, Joe Kuebler, Juanita Ford, Northern Virginia Community College, Ian Rodway, Raymond F. Marragh [sic], Theophani Stamos, U.S. Dept. of the Inspector General, Patricia Tucker, Robert G. Templin, Jr., Sallie Mae, Arne Duncan, Sharon Bulova, Honorable Nathan Deal, Unknown Transportation Company, U.S. Dept. of Justice, William M. Muse, William D. Hamel, Civil Action No. 1:12cv1234 (E.D. Va.) and Case No. 13-1704 (U.S. Ct. of App. for the Fourth Cir.)*
  - 2. *Ana Cecilia Mongrut-Avanzini v. Commonwealth of Virginia, Case No. 1:12cv152 (E.D. Va.)*
  - 3. *Louise Root v. County of Fairfax, Case No. 12-2545 (United States Court of Appeals for the Fourth Circuit)*
  - 4. *Carla Thomas v. Fairfax County, Fairfax County Department of Tax Administration, Howard Goodie, and Bruce Schuette, Case No. CL-2013-0004770 (Fx. Co. Cir. Ct.)*
  - 5. *Joseph Danzig v. Virginia Department of Medical Assistance Services and Fairfax County Department of Health, Case No. CL-2013-0014772 (Fx. Co. Cir. Ct.)*
  - 6. *Lawrence S. Leiken and Debra J. Leiken v. Jeffrey L. Blackford, Property Maintenance Code Official for Fairfax County, Virginia, Appeal No. 130926.OAP (Fx. Co. Bd. of Building Code App.) (Dranesville District)*

7. *In Re: July 31, 2013, Decision of the Fairfax County Board of Zoning Appeals Denying Application of New Cingular Wireless, PCS, LLC, and Parklawn Recreation Association, Inc., for an Amendment to Special Permit No. 76-M-088 (Fx. Co. Cir. Ct.) (Mason District)*
8. *Alfred William Massey by GEICO, as subrogee v. Shawn C. Carroll, Fairfax County, and David Bobzien, Case No. GV13-019232 (Fx. Co. Gen. Dist. Ct.)*
9. *Leslie B. Johnson, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Sidney B. Hill and Wanda C. Hill, Case No. CL-2012-0011053 (Fx. Co. Cir. Ct.) (Hunter Mill District)*
10. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Douglas A. Samuelson, Case No. CL-2012-0006356 (Fx. Co. Cir. Ct.) (Braddock District)*
11. *Leslie B. Johnson, Fairfax County Zoning Administrator v. George Daamash, Case No. CL-2011-0000818 (Fx. Co. Cir. Ct.) (Mount Vernon District)*
12. *Leslie B. Johnson, Fairfax County Zoning Administrator v. David Whedon and Calvin Williams, Case No. CL-2012-0017070 (Fx. Co. Cir. Ct.) (Mount Vernon District)*
13. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Abdul B. Jahani, et al., Case No. CL-2013-0006606 (Fx. Co. Cir. Ct.) (Braddock District)*
14. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Marisol Ferrel, Case No. CL-2012-0016071 (Fx. Co. Cir. Ct.) (Providence District)*
15. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Santos Gutierrez, Case No. CL-2011-0003448 (Fx. Co. Cir. Ct.) (Lee District)*
16. *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)*
17. *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)*
18. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Donald M. Douglas and Louise L. Douglas, Case No. CL-2013-0003838 (Fx. Co. Cir. Ct.) (Springfield District)*

19. *Leslie B. Johnson, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Ly Chau, Bolmarket Corporation, and Lozada Corporation, Case No. CL-2013-0011534 (Fx. Co. Cir. Ct.) (Providence District)*
20. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Nina Selvaggi, Case No. CL-2013-0003608 (Fx. Co. Cir. Ct.) (Dranesville District)*
21. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Reston Zoo, LLC, Case No. CL-2012-0019076 (Fx. Co. Cir. Ct.) (Hunter Mill District)*
22. *Mohamed Rashid v. Michael R. Congleton, Property Maintenance Code Official, Fairfax County Department of Code Compliance, and Fairfax County, Virginia, Case No. CL-2013-0014569 (Fx. Co. Cir. Ct.) (Dranesville District)*
23. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Seven Corners Center, LLC, and Home Depot U.S.A., Inc., Case No. CL-2012-0015618 (Fx. Co. Cir. Ct.) (Mason District)*
24. *Leslie B. Johnson, Fairfax County Zoning Administrator v. T & C Foods, Inc., 3 "W" Inc., Lindsay Foods, and Home Depot U.S.A., Inc., Case No. CL-2012-0015617(Fx. Co. Cir. Ct.) (Mason District)*
25. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Kanya Kunchaekan, Case No. CL-2013-0008436 (Fx. Co. Cir. Ct.) (Providence District)*
26. *Leslie B. Johnson, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Andre H. Light, Trustee of the Andre H. Light Inter-Vivos Trust, Case No. CL-2013-0009361 (Fx. Co. Cir. Ct.) (Mason District)*
27. *Leslie B. Johnson, Fairfax County Zoning Administrator, and Jeffrey L. Blackford, Property Maintenance Code Official for Fairfax County, Virginia v. Nasreen Sheikh, Mazhar Sheikh, and Saira Sheikh, Case No. CL-2013-0011030 (Fx. Co. Cir. Ct.) (Dranesville District)*
28. *Eileen M. McLane, Fairfax County Zoning Administrator v. Washington Gastroenterology, PLLC, Case No. CL-2012-0011301 (Fx. Co. Cir. Ct.) (Mason District)*
29. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Aurora Loan Services, LLC, Case No. CL-2012-0016433 (Fx. Co. Cir. Ct.) (Mason District)*
30. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Theresa C. L. Hung, Case No. CL-2013-0005423 (Fx. Co. Cir. Ct.) (Mason District)*

31. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. M. Rashid*, Case No. CL-2013-0011323 (Fx. Co. Cir. Ct.) (Dranesville District)
32. *Leslie B. Johnson, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Frank L. Stevens and Mary E. T. Stevens*, Case No. CL-2012-0005051 (Fx. Co. Cir. Ct.) (Providence District)
33. *Leslie B. Johnson, Fairfax County Zoning Administrator, and Jeffrey L. Blackford, Property Maintenance Code Official for Fairfax County, Virginia v. Muawia Abu El Hawa*, Case No. CL-2013-0014648 (Fx. Co. Cir. Ct.) (Providence District)
34. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Juan A. Salguero and Sandra P. Salguero*, Case No. CL-2013-0014901 (Fx. Co. Cir. Ct.) (Providence District)
35. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Thanh V. Phan*, Case No. CL-2013-0015397 (Fx. Co. Cir. Ct.) (Mason District)
36. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Larissa Omelchenko Taran*, Case No. GV13-007300 (Fx. Co. Gen. Dist. Ct.) (Hunter Mill District)
37. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Jaime W. Zambrana*, Case Nos. GV13-007296 and GV13-007297 (Fx. Co. Gen. Dist. Ct.) (Mason District)
38. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Diane Trimiew*, Case No. GV13-011599 (Fx. Co. Gen. Dist. Ct.) (Dranesville District)
39. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Diane Trimiew*, Case No. GV13-011600 (Fx. Co. Gen. Dist. Ct.) (Dranesville District)
40. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Raj B. Samtani and Pushma Raj Samtani*, Case No. GV13-006988 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
41. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Jose Jimenez*, Case No. GV13-016194 (Fx. Co. Gen. Dist. Ct.) (Mason District)
42. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Edwin Hercules Funk, Jr.*, Case No. GV13-015379 (Fx. Co. Gen. Dist. Ct.) (Lee District)
43. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Christopher Brinsko*, Case No. GV13-018553 (Fx. Co. Gen. Dist. Ct.) (Springfield District)

44. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Margarita E. Lorenz, Case No. GV13-018554 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)*
45. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Jingyang Tao and Carrie Song, Case Nos. GV13-018987 and GV13-018988 (Fx. Co. Gen. Dist. Ct.) (Dranesville District)*
46. *Jeffrey L. Blackford, Property Maintenance Code Official for Fairfax County, Virginia v. Jingyang Tao and Carrie Song, Case Nos. GV13-018986 and GV13-018989 (Fx. Co. Gen. Dist. Ct.) (Dranesville District)*
47. *Leslie B. Johnson, Fairfax County Zoning Administrator v. John L. Butterfield and Nancy S. Butterfield, Case No. GV13-018973 (Fx. Co. Gen. Dist. Ct.) (Dranesville District)*
48. *Jeffrey L. Blackford, Property Maintenance Code Official for Fairfax County, Virginia v. Camille C. Hellmuth; Case No. GV13-019518 (Fx. Co. Gen. Dist. Ct.) (Springfield District)*
49. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Edgar L. Little and Jean Little, Case Nos. GV13-019512, GV13-019513, and GV13-019514 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)*
50. *Jeffrey L. Blackford, Property Maintenance Code Official for Fairfax County, Virginia v. Edgar L. Little and Jean Little; Case Nos. GV13-019515, GV13-019516, and GV13-019517 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)*
51. *Jeffrey L. Blackford, Property Maintenance Code Official for Fairfax County, Virginia v. Arthur F. Parnell, Case No. GV13-018974 (Fx. Co. Gen. Dist. Ct.) (Mason District)*
52. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Marisol Ferrel, Case No. GV13-018556 (Fx. Co. Gen. Dist. Ct.) (Providence District)*
53. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Ahmad Ellini, Case No. GV13-018003 (Fx. Co. Gen. Dist. Ct.) (Providence District)*
54. *Jeffrey L. Blackford, Property Maintenance Code Official for Fairfax County, Virginia v. Charles V. Stanley, Jr., Case Nos. GV13-019037 and GV13-019038 (Fx. Co. Gen. Dist. Ct.) (Lee District)*
55. *Jeffrey L. Blackford, Property Maintenance Code Official for Fairfax County, Virginia v. Helen M. Parker-Smith, Case Nos. GV13-019039 and GV13-019040 (Fx. Co. Gen. Dist. Ct.) (Providence District)*
56. *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)*

57. *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)*
58. *Jeffrey L. Blackford, Property Maintenance Code Official for Fairfax County, Virginia v. Samya Ahmed Salih and Mustafa Abdel Magee Younis, Case No. GV13-018971 (Fx. Co. Gen. Dist. Ct.) (Mason District)*
59. *Jeffrey L. Blackford, Property Maintenance Code Official for Fairfax County, Virginia v. Beatrice C. Garcia, Case No. GV12-026004 (Fx. Co. Cir. Ct.) (Sully District)*
60. *Leslie B. Johnson, Fairfax County Zoning Administrator v. James H. Miller and Marian H. Miller, Case No. GV13-019640 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)*
61. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Harlan Y.M. Lee and Mary Jane Lee, Case No. GV12-026231 (Fx. Co. Gen. Dist. Ct.) (Providence District)*
62. *Leslie B. Johnson, Fairfax County Zoning Administrator v. 8228 Richmond Highway, LLC, Case No. GV13-018972 (Fx. Co. Gen. Dist. Ct.) (Lee District)*
63. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Daniel De Torres Perez and Beverly A. Youmans, Case No. GV13-018117 (Fx. Co. Gen. Dist. Ct.) (Mason District)*
64. *Jeffrey L. Blackford, Property Maintenance Code Official for Fairfax County, Virginia v. Charles J. Caridi and Assadullah Yosufzai, Case No. GV13-020892 (Fx. Co. Gen. Dist. Ct.) (Lee District)*
65. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Melvin R. Palma, Case No. GV13-020767 (Fx. Co. Gen. Dist. Ct.) (Lee District)*
66. *Jeffrey L. Blackford, Property Maintenance Code Official for Fairfax County, Virginia v. Ali H. Shwikhat and Anisa H. Sayoud, Case No. GV13-020154 (Fx. Co. Gen. Dist. Ct.) (Springfield District)*
67. *Jeffrey L. Blackford, Property Maintenance Code Official for Fairfax County, Virginia v. Alice B. Gentry, Case No. GV13-020153 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)*
68. *Jeffrey L. Blackford, Property Maintenance Code Official for Fairfax County, Virginia v. Shaita Ijaz, Civil Case No. GV13-020257 (Fx. Co. Gen. Dist. Ct.) (Hunter Mill District)*
69. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Francisco Javier Arcentales, Rosario Arcentales, and Javier Arcentales, Case No. GV13-019827 (Fx. Co. Gen. Dist. Ct.) (Lee District)*

70. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Salvador Martinez*, Case No. GV13-019697 (Fx. Co. Gen. Dist. Ct.) (Lee District)
71. *Jeffrey L. Blackford, Property Maintenance Code Official for Fairfax County, Virginia v. Pourak Kiumarsi*; Case Nos. GV13-019519 and GV13-019520 (Fx. Co. Gen. Dist. Ct.) (Lee District)
72. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Mary Ann Torregrossa*, Case No. GV13-020137 (Fx. Co. Gen. Dist. Ct.) (Dranesville District)
73. *Jeffrey L. Blackford, Property Maintenance Code Official for Fairfax County, Virginia v. Beverly K. Lester*, Case No. GV13-020155 (Fx. Co. Gen. Dist. Ct.) (Braddock District)
74. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Jeffrey A. Maisel*, Case No. GV13-020398 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
75. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Richard C. Arnold*, Case No. GV13-021384 (Fx. Co. Gen. Dist. Ct.) (Braddock District)
76. *Jeffrey L. Blackford, Property Maintenance Code Official for Fairfax County, Virginia v. Richard C. Arnold*, Case No. GV13-021277 (Fx. Co. Gen. Dist. Ct.) (Braddock District)
77. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Janet L. Perry*, Case No. GV13-021966 (Fx. Co. Gen. Dist. Ct.) (Mason District)
78. *Jeffrey L. Blackford, Property Maintenance Code Official for Fairfax County, Virginia v. Brian Walsh*, Case No. GV13-023000 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
79. *Leslie B. Johnson, Fairfax County Zoning Administrator v. YG Land Holdings, LLC*, Case No. GV13-022998 (Fx. Co. Gen. Dist. Ct.) (Springfield District)
80. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Orlando Torrez*, Case No. GV13-022999 (Fx. Co. Gen. Dist. Ct.) (Lee District)
81. *Board of Supervisors of Fairfax County, Virginia v. Williamson Group Land Development, LLC*, Case No. CL-2013-0015394 (Fx. Co. Cir. Ct.) (Hunter Mill District)

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Board Agenda Item  
October 29, 2013

3:30 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)

The Board public hearing is to be deferred to November 19, 2013, at 4:00 p.m.

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Board Agenda Item  
October 29, 2013

3:30 p.m.

Public Hearing on SE 2013-PR-004 (Inova Health Care Services) to Permit a Medical Care Facility, Located on Approximately 4.87 Acres of Land Zoned C-3 (Providence District)

This property is located in the South East quadrant of the intersection of Williams Drive and Arlington Boulevard. Tax Map 49-3 ((39)) 3.

PLANNING COMMISSION RECOMMENDATION:

On Thursday, October 3, 2013, the Planning Commission voted unanimously (Commissioner Sargeant was absent from the meeting) to recommend the following actions to the Board of Supervisors:

- Approval of SE 2013-PR-004, subject to the development conditions dated September 18, 2013;
- Reaffirmation of a waiver of the service drive requirement along Route 50 (Arlington Boulevard);
- Reaffirmation of a modification of the loading space requirements for the office uses to permit a maximum of three loading spaces per building shown on the SE Plat;
- Direct the Director of The Department of Public Works and Environmental Services to permit a deviation from the tree preservation target percentage in favor of the proposed landscaping shown on the SE Plat and as conditioned;
- Modification of the trail requirement along Route 50 (Arlington Boulevard) in favor of the existing sidewalk;
- Waiver of the Use Limitations on Corner Lots in Section 2-505 of the Zoning Ordinance to permit landscaping and sign walls within the sight triangles formed by the streets along the corner lot as shown on the SE Plat;
- Modification of Section 9-308.5 of the Zoning Ordinance to allow the medical care facility to be located 40 feet from the street lines consistent with the C-3 District, as shown on the SE Plat;
- Modification of Section 10-104.3 of the Zoning Ordinance to allow an eight foot tall retaining wall in a portion of the Rout 50 (Arlington Boulevard) front yard, to enclose the loading service area as shown on the SE Plat; and

- Modification of the Merrifield Streetscape Guidelines in the Comprehensive Plan to allow the streetscape and landscaping as shown on the SE Plat and as conditioned.

ENCLOSED DOCUMENTS:

Attachment 1: Planning Commission Verbatim

Staff Report previously furnished and available online at:

<http://ldsnet.fairfaxcounty.gov/ldsnet/ldsdfw/4429186.PDF>

STAFF:

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

William O'Donnell, Planner, DPZ

Planning Commission Meeting  
October 3, 2013  
Verbatim Excerpt

SE 2013-PR-004 – INOVA HEALTH CARE SERVICES

After Close of the Public Hearing

Commissioner Lawrence: Thank you very much. Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF SE 2013-PR-004, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED SEPTEMBER 18<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 SE 2013-PR-004, say aye.

Commissioners: Aye.

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

Commissioner Lawrence: Finally, I MOVE THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF THE LIST OF MODIFICATIONS AND WAIVERS DATED OCTOBER 3<sup>RD</sup>, 2013, THAT WERE PROVIDED TO YOU TODAY AND FURTHER DISCUSSED IN THE STAFF REPORT. THAT LIST SHALL BE MADE A PART ON THE RECORD OF THIS CASE.

Commissioners Flanagan and Hall: Second.

Chairman Murphy: Seconded by Ms. Hall and Mr. Flanagan. 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. Thank you very much. Thank you, Mr. Sampson. Thank you, Mr. O'Donnell.

//

(Each motion carried by a vote of 11-0. Commissioner Sargeant was absent from the meeting.)

JLC

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3:30 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 Thursday, November 7, 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/4431522.PDF>

STAFF:

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

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Board Agenda Item  
October 29, 2013

REVISED

3:30 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)

This property 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.

and

This property 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:

The Planning Commission public hearing was held on Wednesday, October 16, 2013, and the decision was deferred to November 6, 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/4430163.PDF>

STAFF:

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

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3:30 p.m.

Public Hearing on AR 96-S-002-02 (Nila M. Castro Trust & Castro Colchester Farms, LLC) to Permit Renewal of a Previously Approved Agricultural and Forestal District, Located on Approximately 118.25 Acres of Land Zoned R-C and WS (Springfield District)

This property is located at 11720 Chapel Road, Clifton, 22024. Tax Map 76-3 ((1)) 13Z and 76-4 ((1)) 15Z.

PLANNING COMMISSION RECOMMENDATION:

On Thursday, October 24, 2013, the Planning Commission voted unanimously (Commissioners Lawrence, Litzenberger, and Murphy absent from the meeting) to recommend to the Board of Supervisors that AR 95-S-002-02 be approved and Appendix F of the Fairfax County Code be amended to renew the Castro Local Agricultural and Forestal District, subject to Ordinance Provisions dated October 9, 2013.

ENCLOSED DOCUMENTS:

Attachment 1: Planning Commission Verbatim  
Staff Report previously furnished and available online at:  
<http://ldsnet.fairfaxcounty.gov/ldsnet/ldsdfw/4430568.PDF>

STAFF:

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

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AR 96-S-002-02 – NILA M. CASTRO TRUST AND CASTRO COLCHESTER FARMS, LLC

After Close of the Public Hearing

Vice Chairman de la Fe: Close the public hearing; Commissioner Hedetniemi.

Commissioner Hedetniemi: Therefore, may I present a motion to approve? I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT AR 95-S-002-02 BE APPROVED AND APPENDIX F OF THE FAIRFAX COUNTY CODE BE AMENDED TO RENEW THE CASTRO LOCAL AGRICULTURAL AND FORESTAL DISTRICT, SUBJECT TO ORDINANCE PROVISIONS DATED OCTOBER 9, 2013.

Commissioner Donahue: Second.

Vice Chairman de la Fe: It has been moved and seconded by Commissioner Donahue. Any discussion? Hearing and seeing none, all those in favor please signify by saying aye.

Commissioners: Aye.

Vice Chairman de la Fe: Opposed? The motion carries unanimously.

//

(The motion carried by a vote of 9-0 with Commissioners Lawrence, Litzenberger, and Murphy absent from the meeting.)

JLC

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Board Agenda Item  
October 29, 2013

4:00 p.m.

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)

The Planning Commission public hearing was deferred to October 30, 2013; the Board public hearing is to be deferred to November 19, 2013, at 4:00 p.m.

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Board Agenda Item  
October 29, 2013

4:00 p.m.

Public Hearing on the Endorsement of the FY 2015 Virginia Department of Transportation's Transportation Alternatives Program Grant Applications

ISSUE:

The Transportation Alternatives Program (TAP), included in the Federal Surface Transportation Act, Moving Ahead for Progress in the 21st Century (MAP-21), replaced Transportation Enhancements Program (TEP), Recreational Trails, Safe Routes to School, and several other discretionary programs, wrapping them into a single funding source in FY 2014. As a requirement of the TAP, a public hearing must be held by the sponsoring locality for public comment on each project that will move forward with an application. Each application also requires a separate resolution of support from the locality.

RECOMMENDATION:

The County Executive recommends the Board endorse the proposed list of applications and their respective resolutions for the FY 2015 Transportation Alternatives Program. Applications are due to VDOT on November 1, 2013. The applications submitted to VDOT will be reviewed by both VDOT staff with recommendations forwarded to the Commonwealth Transportation Board and the Transportation Planning Board (TPB). Both the CTB and TPB will make announcements on funding decisions this upcoming summer.

The Board should be aware that any approved funds will be distributed through the jurisdiction endorsing the project, and that the jurisdiction endorsing the TAP project will be responsible for any cost overruns. Although the Project Endorsement Resolution indicates Fairfax County agrees to pay 20 percent of the total cost of a project, staff has advised each applicant that they alone will be completely responsible for the 20 percent match and any cost overruns. Proposed applications to be completed by County staff have the source of the local match identified in the project listing.

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

Board Agenda Item  
October 29, 2013

TIMING:

Board endorsement is requested on October 29, 2013, to meet the November 1, 2013, application deadlines.

BACKGROUND:

The TAP program is similar in nature to the old TEP. Applicants will be required to make the same 20 percent match, with grant awards covering the 80 percent remaining. Some of the major differences are outlined as follows:

- TEP included twelve categories of projects that were eligible. TAP now includes nine. No County projects were affected by this change. The project types removed include beautification, operation of historic transportation facilities, and scenic or historic highway programs.
- Since the Safe Routes to School and Recreational Trails Programs merged with the enhancement program in the TAP, Safe Routes to School applicants will now need to provide the 20 percent local match.

County staff recommends forwarding three applications for FY2015. These will include one existing project, the Cross County Trail in Lorton and two new projects, Cinderbed Bikeway and Westbriar Elementary School Access Improvements. Each project will request a \$400,000 grant award with the required local match being provided by the County. Details of each project are in Attachment 1.

FISCAL IMPACT:

If any of the projects are awarded grant allocations, FCDOT staff will return to the Board to appropriate the funding. TAP projects require a minimum 20 percent local match. Any project endorsed by the Board must have an identified source of funding for the 20 percent match. VDOT has implemented new requirements for jurisdictional sponsors (like Fairfax County) to provide technical guidance and oversight throughout project development. Additionally, the sponsor must ensure that the budget accurately reflects project cost and accept responsibility for future maintenance and operating cost of the completed project.

The identified local cash match of \$100,000 for each project is in Fund 40000 (Commercial and Industrial Tax) reserve for grant matches. Staff will also pursue future funding opportunities, such as future TAP grants or other resources, to reduce the total commitment from the County.

Board Agenda Item  
October 29, 2013

CREATION OF POSITIONS:

No positions will be created through this action.

ENCLOSED DOCUMENTS:

Attachment 1: Proposed Transportation Alternative Projects, FY2015

Attachment 2: Project Endorsement Resolutions

STAFF:

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

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

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

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Proposed Transportation Alternatives Projects, FY2015  
(Descriptions Based on Information Provided by Applicant)

1. Cross-County Trail (CCT) in Lorton

Fairfax County is proposing the design and construction of a new multi-use trail to provide non-motorized access between the Occoquan Regional Park and the Laurel Hill Greenway, both of which are portions of the CCT. The trail connects users with the historic Workhouse Arts Center, a program of the Lorton Arts Foundation, which is listed on the National Register of Historic Places, and enhances an already significant historic destination.

The CCT will connect with the regional network of existing and planned trails, including: High Point Trail, Fairfax CCT, the Laurel Hill Greenway, and the Potomac Heritage National Scenic Trail. Specifically, the Potomac Heritage National Scenic Trail system consists of a braided network of trails identified as a trunk line in the greenways task force study, and a key historic and scenic element running from the mouth of the Potomac to Pittsburgh Pennsylvania. The Potomac Heritage National Scenic Trail (PHNST) is one of the 24 Congressionally-designated trails in the National Trails System and one of seven scenic trails in the US. The PHNST sites identified for this project will offer communities significant enhancements to existing recreational amenities, leverage heritage tourism and economic benefits, expand non-motorized transportation networks, create educational and interpretive experiences, connect neighborhoods, historic sites and parkland, and rebuild community connections.

The improvements to this section of trail will provide residents of higher density neighborhoods and the newer developments that surround the Workhouse Arts Center buildings with safe multi-use trail access to many recreational facilities and places of historic interest in the area including: Occoquan Regional Park, The Town of Occoquan, and to the other sections of the Cross County Trail. The LAF portion of the trail is three miles west of South County Secondary School and will offer expanded recreational opportunities for their athletic programs. Residents and visitors will have a safe pedestrian and bicycle route to businesses, bus stops, and other commuter transportation facilities in Lorton.

The CCT will also provide rest areas for trail users to include bike racks, horse tie-ups, water fountains, a concession stand, picnic area, and interpretive and directional signs. Trail users will have easy access to the Workhouse Arts Center buildings and facilities, which include visual and performing arts venues,

restaurants, restrooms and other recreational offerings, all ADA accessible. The Workhouse will provide safe secure parking for walkers, joggers and cyclists.

To make the CCT truly a multi-use trail, it will be 18 feet wide. There will be a natural surface for horses, 4 feet wide; a paved bike/pedestrian portion, 10 feet wide; plus an additional 4 feet on the sides.

Project Estimate: \$2,328,841

TEP/TAP Awards to Date: Through FY 2014 - \$1,252,000

Local Match Pledged Through FY 2014 - \$313,000

FY 2015 TAP Request: \$400,000

FY 2015 Local Match: \$100,000

Remaining County Commitment: \$ 576,841

## 2. Cinderbed Bikeway

As part of the County's bicycle master planning efforts, staff identified an opportunity to improve non-motorized access to the Franconia-Springfield Metrorail Station from the south including Fort Belvoir. This project will provide approximately three miles of bikeway, the majority being shared use path extending from the Fairfax County Parkway to the south near Telegraph Road north to the south side of the Metrorail station. The southern segment could utilize portions of an abandoned railroad spur previously serving Fort Belvoir, then transition to an on-road facility on Cinderbed Road to the roadway end, and then travel on a pathway ending at the Metrorail station. The grant will provide funding for preparing preliminary engineering (30%) plans. This will provide staff ample information to initiate conversations with major land owners, Fort Belvoir, and impacted communities.

Project Estimate: \$4,000,000

TAP Awards to Date: \$0 (New Application)

FY 2015 TAP Request: \$400,000

Local Match: \$100,000

Remaining County Commitment: \$3,500,000

## 3. Westbriar Elementary School Access Improvements

The Westbriar Elementary School PTA and Fairfax County Public Schools have identified a list of improvements that encompasses an improvement plan for connectivity to Westbriar Elementary. This application will be for connectivity

improvements along Old Courthouse Road. The project encompasses filling in three gaps of sidewalk along the south side of Old Courthouse Road between Creek Crossing Road and Country Club Drive. Approximately 1000' of new sidewalk in will be required for this project. By constructing this sidewalk there will be complete connectivity to Westbriar Elementary School for a distance greater than one mile. In addition to the benefits to the school, the Fairfax Connector has a bus route that traverses Old Courthouse Road. This project will improve trips to and from the bus stops along this route.

Project Estimate: \$850,000

TEP/TAP Awards to Date: \$0 (New Application)

FY 2015 TAP Request: \$400,000

Local Match: \$100,000

Remaining County Commitment: \$450,000

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium in the Fairfax County Government Center of Fairfax, Virginia on Tuesday, October 29, 2013, at which meeting a quorum was present and voting, the following resolution was adopted.

PROJECT ENDORSEMENT RESOLUTION

WHEREAS, in accordance with Commonwealth Transportation Board construction allocation procedures, it is necessary that a request by resolution be received from the local government or state agency in order that the Virginia Department of Transportation program a Transportation Alternatives project in the County of Fairfax.

NOW, THEREFORE, BE IT RESOLVED that the County of Fairfax requests the Commonwealth Transportation Board to provide additional funding for the Cross County Trail in Lorton.

BE IT FURTHER RESOLVED, that the County of Fairfax hereby agrees to pay a minimum 20 percent of the total cost for planning and design, right-of-way, and construction of this project, and that, if the County of Fairfax subsequently elects to cancel this project, the County of Fairfax hereby agrees to reimburse the Virginia Department of Transportation for the total amount of the costs expended by the Department through the date the Department is notified of such cancellation.

Adopted this 29<sup>th</sup> day of October, 2013, Fairfax, Virginia

BY \_\_\_\_\_  
Catherine A. Chianese  
Clerk to the Board of Supervisors

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium in the Fairfax County Government Center of Fairfax, Virginia on Tuesday, October 29, 2013, at which meeting a quorum was present and voting, the following resolution was adopted.

PROJECT ENDORSEMENT RESOLUTION

WHEREAS, in accordance with Commonwealth Transportation Board construction allocation procedures, it is necessary that a request by resolution be received from the local government or state agency in order that the Virginia Department of Transportation program a Transportation Alternatives project in the County of Fairfax.

NOW, THEREFORE, BE IT RESOLVED that the County of Fairfax requests the Commonwealth Transportation Board to provide additional funding for the Cinderbed Bikeway

BE IT FURTHER RESOLVED, that the County of Fairfax hereby agrees to pay a minimum 20 percent of the total cost for planning and design, right-of-way, and construction of this project, and that, if the County of Fairfax subsequently elects to cancel this project, the County of Fairfax hereby agrees to reimburse the Virginia Department of Transportation for the total amount of the costs expended by the Department through the date the Department is notified of such cancellation.

Adopted this 29<sup>th</sup> day of October, 2013, Fairfax, Virginia

BY \_\_\_\_\_  
Catherine A. Chianese  
Clerk to the Board of Supervisors

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium in the Fairfax County Government Center of Fairfax, Virginia on Tuesday, October 29, 2013, at which meeting a quorum was present and voting, the following resolution was adopted.

#### PROJECT ENDORSEMENT RESOLUTION

WHEREAS, in accordance with Commonwealth Transportation Board construction allocation procedures, it is necessary that a request by resolution be received from the local government or state agency in order that the Virginia Department of Transportation program a Transportation Alternatives project in the County of Fairfax.

NOW, THEREFORE, BE IT RESOLVED that the County of Fairfax requests the Commonwealth Transportation Board to provide additional funding for Westbriar Elementary School Access Improvements.

BE IT FURTHER RESOLVED, that the County of Fairfax hereby agrees to pay a minimum 20 percent of the total cost for planning and design, right-of-way, and construction of this project, and that, if the County of Fairfax subsequently elects to cancel this project, the County of Fairfax hereby agrees to reimburse the Virginia Department of Transportation for the total amount of the costs expended by the Department through the date the Department is notified of such cancellation.

Adopted this 29<sup>th</sup> day of October, 2013, Fairfax, Virginia

BY \_\_\_\_\_  
Catherine A. Chianese  
Clerk to the Board of Supervisors

Board Agenda Item  
October 29, 2013

4:00 p.m.

Public Hearing on the Approval of Financing for the Purchase of a New Ambulance by the Bailey's Crossroads Volunteer Fire Department, Inc. (Mason District)

ISSUE:

Public hearing on the financing of an amount of up to \$220,000 for the purchase of a 2013 Braun Chief XL Ambulance by the Bailey's Crossroads Volunteer Fire Department, Inc. ("BXVFD"). In order to utilize favorable tax-exempt financing for this purchase, the United States Internal Revenue Code requires a governmental unit, such as the County, to approve of this purchase and financing arrangement.

RECOMMENDATION:

The County Executive recommends that the Board approve the resolution included in the Enclosed Documents.

TIMING:

On October 4, 2013, the Board authorized advertisement of a public hearing to consider this matter on October 29, 2013.

BACKGROUND:

BXVFD seeks to purchase a new 2013 Braun Chief XL Ambulance and to finance that purchase using tax-exempt bonds with a private bank. Such a purchase will reduce costs for BXVFD. In order for those bonds to be exempt from federal income taxes, such bonds must be approved by a governmental unit, and the volunteer fire department must be "a qualified volunteer fire department," which means it is organized to provide firefighting or emergency rescue services. BXVFD meets the statutory requirements to be a qualified department. Approval of this financing by the Board will not make the County responsible for repayment of this financing.

FISCAL IMPACT:

None to Fairfax County

Board Agenda Item  
October 29, 2013

ENCLOSED DOCUMENT:

Attachment 1: Public Hearing Minutes from the BXRVFD public hearing

Attachment 2: BXRVFD Executive Committee Meeting Minutes from the 9/9/13  
Executive Committee meeting

Attachment 3: BXRVFD Executive Committee Resolution approving the financing

Attachment 4: Fairfax County Board of Supervisors Resolution

STAFF:

Fire Chief Richard Bowers, Fire and Rescue Department

Jeffrey F. Katz, Volunteer Liaison, Fire and Rescue Department

**Public Hearing Minutes**  
**Public Hearing Concerning Proposed Financing of up to \$220,000.00**  
By the Bailey's Crossroads Volunteer Fire Department Inc. of Virginia for the  
purchase of a new 2013 Braun Ambulance

Pursuant to published notice, Bailey's Crossroads Volunteer Fire Department, Inc. of Virginia held a public hearing on Friday, September 6, 2013 at 6:00 p.m. at the Mason District Governmental Center in the Small Conference Room at 6507 Columbia Pike, Annandale, VA 22003.

Mr. Gerald Strider, President, called the hearing to order at 6:04 p.m.

The following is a list of persons who spoke at the hearing, and a summary of their comments:

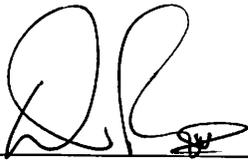
None

There being no further persons wishing to speak, Mr. Strider called and end to the hearing at 6:05 p.m.

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The foregoing constitutes a complete and accurate summary of the proceedings at a public hearing held by the Bailey's Crossroads Volunteer Fire Department, Inc. of Virginia at the time and place indicated above.

Dated this 9<sup>th</sup> day of September, 2013.



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David Presson, Chief  
Bailey's Crossroads Volunteer Fire Department, Inc. of Virginia

**Minutes of the Special Meeting of the Executive Committee of the Bailey's Crossroads Volunteer Fire Department, Inc. of Virginia to Consider a Motion to Adopt Financing Terms for a Loan from BB&T Bank for the Purchase of a New 2013 Braun Ambulance**

Pursuant to notice provided to members of the Executive Committee of the Bailey's Crossroads Volunteer Fire Department, Inc. of Virginia on Friday September 6, 2013, a Special Meeting of the Executive Committee of the Bailey's Crossroads Volunteer Fire Department, Inc. of Virginia was held via teleconference on Monday September 9, 2013.

Mr. Gerald Strider, President, called the meeting to order at 8:06 p.m.

President Strider, Chief David Presson, and Treasurer Upeksha Thilakawardana were present.

President Strider indicated that, consistent with the Bylaws of the Bailey's Crossroads Volunteer Fire Department, Inc. of Virginia, three members of the Executive Committee were present and therefore a quorum was present.

President Strider called the sole item of business, the consideration of the Resolution of the Executive Committee of the Bailey's Crossroads Volunteer Fire Department, Inc. of Virginia Approving Financing Terms.

Chief Presson read the proposed resolution and fielded questions from those present.

President Strider called the question.

President Strider, Chief Presson, and Treasurer Thilakawardana voted in favor of the resolution. There were no votes in opposition to the resolution.

President Strider declared that the resolution had been adopted.

There being no other business on the agenda, President Strider adjourned the meeting at 8:14 p.m.  
further persons wishing to speak, Mr. Strider called and end to the hearing at 6:05

Faithfully submitted this 9<sup>th</sup> day of September, 2013.



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David Presson, Chief  
Bailey's Crossroads Volunteer Fire Department, Inc. of Virginia

**Resolution of the Executive Committee of the  
Bailey's Crossroads Volunteer Fire Department, Inc. of Virginia  
Approving Financing Terms**

**WHEREAS:**

The Bailey's Crossroads Volunteer Fire Department, Inc. of Virginia ("VFD") has previously determined to undertake a project for the purchase of a new 2013 Braun Ambulance, and the Finance Officer has now presented a proposal for the financing of such Project.

**BE IT THEREFORE RESOLVED, as follows:**

1. The VFD hereby determines to finance the Project through Branch Banking and Trust Company ("BB&T"), in accordance with the proposal dated August 9, 2013. The amount financed shall not exceed \$220,000.00, the annual interest rate (in the absence of default or change in tax status) shall not exceed 2.34%, and the financing term shall not exceed (7) seven years from closing.
2. All financing contracts and all related documents for the closing of the financing (the "Financing Documents") shall be consistent with the foregoing terms. All officers and employees of the VFD are hereby authorized and directed to execute and deliver any Financing Documents, and to take all such further action as the may consider necessary or desirable, to carry out the financing of the Project as contemplated by the proposal and this resolution. The Financing Documents shall include a Financing Agree and Deed of Trust and a Project Fund Agreement as BB&T may request.
3. The Finance Officer is hereby authorized and directed to hold executed copies of the Financing Documents until the conditions for the delivery of the Financing Documents have been completed to such officer's satisfaction. The Finance Officers is authorized to approved changes to any Financing Documents previously signed by the VFD officers or employees, provided such changes shall not substantially alter the intent of such documents or certificates from the intent expressed in the forms executed by such officers. The Financing Documents shall be in such final forms as the Finance Officer shall approve, with the Finance Officer's release of any Financing Document for delivery constituting conclusive evidence of such officer's final approval of the Document's final form.
4. The VFD shall not take or omit to take any action the taking or omission of which shall cause its interest payments on this financing to be includable in the gross income for federal income tax purposes of the registered owners of the interest payment obligations. The VFD hereby designates its obligations

to make principal and interest payments under the Financing Documents as “qualified tax-exempt obligations” for the purpose of Internal Revenue Code Section 265(b)(3).

5. The VFD intends that the adoption of this resolution will be a declaration of the VFD’s official intent to reimburse expenditures for the project that is to be financed from the proceeds of the BB&T financing described above. The VFD intends that funds that have been advanced, or that may be advanced, from the VFD’s general fund, or any other VFD fund related to the project, for project costs may be reimbursed from the financing proceeds.
6. All prior actions of VFD officers in the furtherance of the purposes of this resolution are hereby ratified, approved and confirmed. All other resolutions (or parts thereof) in conflict with this resolution are hereby repealed, to the extent of conflict. This resolution shall take effect immediately.

Approved this 9<sup>th</sup> day of September, 2013.



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Gerald Strider, President  
Bailey’s Crossroads Volunteer Fire Department, Inc. of Virginia



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David Presson, Chief  
Bailey’s Crossroads Volunteer Fire Department, Inc. of Virginia

RESOLUTION OF THE BOARD OF SUPERVISORS OF FAIRFAX COUNTY, VIRGINIA,  
APPROVING THE FINANCING OF UP TO \$220,000.00 FOR A NEW 2013 BRAUN  
AMBULANCE BY BAILEY'S CROSSROADS VOLUNTEER FIRE DEPARTMENT, INC.  
OF VIRGINIA

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium of the County Government Center at 12000 Government Center Parkway in Fairfax, Virginia, on Tuesday, October 29, 2013, at which meeting a quorum was present and voting, the following resolution was adopted in public session, after giving notice by publication and after conducting a public hearing to approve the proposed financing of up to \$220,000 for the purchase of an ambulance by the Bailey's Crossroads Volunteer Fire Department, Inc. of Virginia.

WHEREAS, the Bailey's Crossroads Volunteer Fire Department, Inc of Virginia, is located at 3601 Firehouse Lane, Falls Church, in Fairfax County, Virginia; and

WHEREAS, Bailey's Crossroads Volunteer Fire Department, Inc of Virginia is organized and operates to provide firefighting and emergency medical services pursuant to written agreements to the Bailey's Crossroads service area of Fairfax County, Virginia; and

WHEREAS, Bailey's Crossroads Volunteer Fire Department, Inc of Virginia has decided to purchase and place into service a new 2013 Braun Chief XL Ambulance and to finance an amount of up to \$220,000 for that purchase; and

WHEREAS, Bailey's Crossroads Volunteer Fire Department, Inc of Virginia seeks to finance the purchase of that ambulance with a bank using private activity bonds that are accorded tax-exempt status under federal law; and

WHEREAS, on September 6 , 2013, Bailey's Crossroads Volunteer Fire Department, Inc of Virginia conducted a public hearing on the purchase and financing of that ambulance; and

WHEREAS, Section 147(f) of the United States Internal Revenue Code require that such bonds be given public approval by a governmental unit, and Bailey's Crossroads Volunteer Fire Department, Inc of Virginia has requested the Board of Supervisors to approve this transaction; and

WHEREAS, approval by a governmental unit of the financing of this purchase using tax-exempt bonds will not make Fairfax County, Virginia, responsible for the repayment of such bonds; now therefore, be it

RESOLVED, that the Fairfax County Board of Supervisors, the governing body of a political subdivision of Virginia, hereby approves the proposed purchase and financing of the previously described ambulance using tax-exempt bonds in an amount of up to \$220,000; and now be it

FURTHER RESOLVED, that the Clerk to the Board shall provide a certified copy of this resolution to Bailey's Crossroads Volunteer Fire Department, Inc. of Virginia.

GIVEN under my hand this \_\_\_\_\_ day of October 2013.

By: \_\_\_\_\_  
Catherine A. Chianese, Clerk to the Board of Supervisors

Board Agenda Item  
October 29, 2013

4:30 p.m.

Public Comment from Fairfax County Citizens and Businesses on Issues of Concern

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