

**FAIRFAX COUNTY  
BOARD OF SUPERVISORS  
JUNE 18, 2007**

**AGENDA**

<b>8:00</b>	<b>Held</b>	<b>Reception to Unveil the Fairfax Connectors' Newest Bus, the Green Diesel Conference Room 7</b>
<b>8:30</b>	<b>Held</b>	<b>Reception for Direct Care Workers Conference Rooms 2 &amp; 3</b>
<b>8:45</b>	<b>Held</b>	<b>Reception for A. Heath Onthank Awardees Conference Room 10</b>
<b>9:00</b>	<b>Done</b>	Presentations
<b>10:00</b>	<b>Done</b>	Presentation of the Volunteer Fire Service Awards
<b>10:15</b>	<b>Done</b>	Presentation of the A. Heath Onthank Awards
<b>10:30</b>	<b>Done</b>	Presentation of the TAC 2006 Transportation Achievement Award
<b>10:35</b>	<b>Done</b>	Appointments to Citizen Boards, Authorities, Commissions, and Advisory Groups
<b>10:35</b>	<b>Done</b>	Items Presented by the County Executive

**ADMINISTRATIVE ITEMS**

<b>1</b>	<b>Approved</b>	Streets into the Secondary System (Dranesville, Providence, and Sully Districts)
<b>2</b>	<b>Approved</b>	Authorization to Advertise Public Hearings on a Proposed Zoning Ordinance Amendment Re: Federal Emergency Management Agency References
<b>3</b>	<b>Approved</b>	Authorization to Advertise Public Hearings on a Proposed Amendment to the Zoning Ordinance Re: Temporary Portable Storage Containers
<b>4</b>	<b>Approved</b>	Extension of Review Period for 2232 Review Application (Hunter Mill District)

**FAIRFAX COUNTY  
BOARD OF SUPERVISORS  
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**ADMINISTRATIVE ITEMS  
(CONTINUED)**

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|---|-----------------|---|
| 5 | <b>Approved</b> | Authorization for the Department of Family Services to Apply for and Accept Grant Funding from the U.S. Department of Health and Human Services, Administration for Children, Youth and Families, Children's Bureau   |
| 6 | <b>Approved</b> | Authorization to Advertise a Public Hearing Regarding a Reenactment and Extension of the Real Estate Tax Abatement Program  |
| 7 | <b>Approved</b> | Approval of Traffic Calming Measures as Part of the Residential Traffic Administration Program (Springfield and Braddock Districts)   |
| 8 | <b>Approved</b> | Board Approval of the Establishment of a Citizen Transportation Bond Committee, Approval of Transportation Bond Public Information Activities to be Conducted by the Office of Public Affairs, and Approval and Authorization of the Distribution of Plain English Information Statements for the 2007 School and Transportation Bond Referendums |

**ACTION ITEMS**

- |   |                 |   |
|---|-----------------|---|
| 1 | <b>Approved</b> | Adoption of an Emergency Uncodified Ordinance to Provide for a One Dollar Taxicab Fuel Surcharge and Authorization to Advertise a Public Hearing on an Uncodified Ordinance that Will Provide for up to a One Dollar Taxicab Fuel Surcharge |
| 2 | <b>Approved</b> | Appointment of Towing Advisory Board Members  |
| 3 | <b>Approved</b> | Approval of Proposed Amendments to the By-laws for the Fairfax County History Commission  |
| 4 | <b>Approved</b> | Approval of an Agreement Between the Fairfax County Police Department and the United States Park Police   |
| 5 | <b>Approved</b> | Approval of the Fairfax County Emergency Operations Plan  |

**FAIRFAX COUNTY  
BOARD OF SUPERVISORS  
JUNE 18, 2007**

**ACTION ITEMS  
(CONTINUED)**

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|----|--------------------------------|--|
| 6  | <b>Approved</b>                | Resolution to Adopt the Fairfax County Supplement of the Northern Virginia Regional Hazard Mitigation Plan   |
| 7  | <b>Approved</b>                | Approval for Fairfax County to Join the Virginia Nutrient Credit Exchange Association (The Exchange) as Part of its Compliance Plan to Meet the New and More Stringent Nitrogen and Phosphorus Limits for the County's Noman M. Cole, Jr., Pollution Control Plant                     |
| 8  | <b>Approved</b>                | Revisions to Chapters 3, 4, 9, 10, 16 and 17 of the Personnel Regulations  |
| 9  | <b>Approved</b>                | Authorization to Execute a Local Funding Agreement and a Cooperative Agreement with the Metropolitan Washington Airports Authority and to Expend Funds from the Dulles Corridor Phase 1 Special Improvement Tax District for the Construction of the Dulles Corridor Metrorail Project |
| 10 | <b>Approved w/modification</b> | Sale of Eleven Oaks School Property to the City of Fairfax   |

**INFORMATION ITEMS**

- |       |              |   |
|-------|--------------|---|
| 1     | <b>Noted</b> | 2007 Election Year Policies   |
| 2     | <b>Noted</b> | Cooperative Agreement – A Water Resources Monitoring Network for Fairfax County in Partnership with the United States Geological Survey |
| 3     | <b>Noted</b> | Contract Award – Consultant Services, Legacy System Replacement Project   |
| 11:05 | <b>Done</b>  | Matters Presented by Board Members  |
| 11:55 | <b>Done</b>  | Closed Session  |

**FAIRFAX COUNTY  
BOARD OF SUPERVISORS  
JUNE 18, 2007**

**PUBLIC HEARINGS**

3:30	<b>Approved</b>	Public Hearing on PCA 2004-DR-023-02 (Oakcrest School) (Dranesville District)
3:30	<b>Approved</b>	Public Hearing on SEA 00-D-006-03 (Oakcrest School) (Dranesville District)
3:30	<b>Approved</b>	Public Hearing on SE 2007-DR-003 (Reformed Theological Seminary) (Dranesville District)
3:30	<b>Approved</b>	Public Hearing on SEA 2004-DR-031 (River Bend Golf and Country Club, Inc.) (Dranesville District)
3:30	<b>Approved</b>	Public Hearing on SEA 99-S-012-02 (The Country Club of Fairfax, Inc.) (Springfield District)
3:30	<b>Approved</b>	Public Hearing on SEA 77-C-190-02 (Fairfax County Water Authority, D/B/A Fairfax Water) (Sully District)
4:00	<b>Approved</b>	Public Hearing on Approval of Amendments to Chapter 4 (Taxation and Finance) of the Fairfax County Code to Increase the Courthouse Security Fee
4:00	<b>Approved</b>	Public Hearing on Amendments to the Code of the County of Fairfax, Chapter 82, Motor Vehicles and Traffic, Section 82-1-6, Adoption of State Law
4:00	<b>Approved</b>	Public Hearing on Amendment to The Code of the County of Fairfax, Article 7 of Chapter 3 Regarding a Change to the Police Officers Retirement System
4:00	<b>Approved</b>	Public Hearing on Amendment to The Code of the County of Fairfax, Articles 2 and 3 of Chapter 3 Regarding a Change in the Social Security Offset to Service-Connected Disability Benefits
4:30	<b>Approved</b>	Joint Public Hearing on the Proposed Six-Year Virginia Department of Transportation Secondary System Construction Program for Fiscal Years 2008 Through 2013
5:00	<b>Done</b>	Public Comment from Fairfax County Citizens and Businesses on Issues of Concern



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

**Monday**  
**June 18, 2007**

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9:00 a.m.

RECOGNITION of the County Expo winners of the Celebrate Fairfax! Festival.

PRESENTATIONS

1. CERTIFICATE – To recognize the Freddie Mac Corporation for its commitment to the environment. Requested by Supervisor Smyth.
2. PROCLAMATION – To designate June 18, 2007, as Direct Care Workers Day in Fairfax County. Requested by Chairman Connolly.
3. PROCLAMATION – To designate June 27, 2007, as HIV Testing Day in Fairfax County. Requested by Chairman Connolly.
4. RESOLUTION – To recognize Oakton High School athlete Jasmine Thomas for her accomplishments. Requested by Supervisors Frey, Hudgins and Smyth.
5. CERTIFICATE – To recognize Russell Klosk for his service on the Animal Services Advisory Commission. Requested by Supervisor Bulova.
6. PROCLAMATION – To designate June 25-29, 2007, as Mosquito Awareness Week Fairfax County. Requested by Chairman Connolly.

STAFF:

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

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Board Agenda Item  
June 18, 2007

10:00 a.m.

Presentation of the Volunteer Fire Service Awards

ENCLOSED DOCUMENTS:

None

PRESENTED BY:

Shawn Stokes, Chief, Dunn Loring VFD, and Member of the Fire Commission

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Board Agenda Item  
June 18, 2007

10:15 a.m.

Presentation of the A. Heath OnThank Awards

ENCLOSED DOCUMENTS:

None

PRESENTED BY:

Honorable Rosemarie Annunziata, Chairman of the Civil Service Commission

Joe Blackwell, Onthank Award Committee Chairman

Gerald Connolly, Chairman, Board of Supervisors

Dr. Daniel Storck, Chairman, Fairfax County School Board

Anthony Griffin, County Executive

Dr. Richard Moniuszko, Deputy Superintendent, Fairfax County Schools

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Board Agenda Item  
June 18, 2007

10:30 a.m.

Presentation of the TAC 2006 Transportation Achievement Award

ENCLOSED DOCUMENTS:

None

PRESENTED BY:

George Barker, Chair, Transportation Advisory Commission

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Board Agenda Item  
June 18, 2007

10:35 a.m.

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

ENCLOSED DOCUMENTS:  
Appointments to be Heard June 18, 2007

STAFF:  
Nancy Vehrs, Clerk to the Board of Supervisors

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Board Agenda Item  
June 18, 2007

10:35 a.m.

Items Presented by the County Executive

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Board Agenda Item  
June 18, 2007

ADMINISTRATIVE – 1

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

ISSUE:

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

RECOMMENDATION:

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

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
Fox Run Section Two	Dranesville	Lilly Loch Way Fox Crest Court Wynfield Woods Drive
Cedar Crossing Section 2	Providence	Hilltop Road (Route 744) (Additional ROW only)
Hunters Crossing		Hunter Mill Road (Route 674) (Additional ROW only) Vale Road (Route 672) (Additional ROW only)
First Addition to Cannon Ridge	Sully	Castner Court (Route 3150) Lee Highway (Route 29) (Additional ROW only)
Jocelyne Hill		Jocelyne Court

TIMING:

Routine.

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BACKGROUND:

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

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

Street Acceptance Form

STAFF:

Robert A. Stalzer, Deputy County Executive

Jimmie D. Jenkins, Director, Department of Public Works and Environmental Services (DPWES)

James W. Patteson, Director, Land Development Services, DPWES

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ADMINISTRATIVE - 2

Authorization to Advertise Public Hearings on a Proposed Zoning Ordinance  
Amendment Re: Federal Emergency Management Agency References

ISSUE:

The proposed amendment replaces all Zoning Ordinance references to the Federal Insurance Administration with references to the Federal Emergency Management Agency.

RECOMMENDATION:

The County Executive recommends the authorization of the advertisement of the proposed amendment by adopting the resolution set forth in Attachment 1.

TIMING:

Board action is requested on June 18, 2007, to provide sufficient time to advertise the proposed Planning Commission public hearing on July 19, 2007, at 8:15 p.m., and proposed Board of Supervisors' public hearing on September 10, 2007, at 4:00 p.m.

BACKGROUND:

The proposed Zoning Ordinance Amendment is on the 2007 Priority 1 Zoning Ordinance Amendment Work Program and replaces all Zoning Ordinance references to the Federal Insurance Administration with references to the Federal Emergency Management Agency (FEMA). These text changes are the result of FEMA's replacement of the Federal Insurance Administration as the primary Federal agency responsible for oversight of the National Flood Insurance Program (NFIP), which includes the floodplain management and mapping components of the Program. This proposed amendment updates appropriate references and does not alter the intent of the applicable provisions as originally adopted by the Board of Supervisors.

REGULATORY IMPACT:

The proposed amendment enhances the existing regulations by identifying the correct Federal agency that is responsible for floodplain areas.

FISCAL IMPACT:

None.

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ENCLOSED DOCUMENTS:

Attachment 1 – Resolution  
Attachment 2 – Staff Report

STAFF:

Robert A. Stalzer, Deputy County Executive  
James P. Zook, Director, Department of Planning and Zoning (DPZ)  
Eileen M. McLane, Zoning Administrator, DPZ  
Andrew B. Hushour, Senior Assistant to the Zoning Administrator, DPZ

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ADMINISTRATIVE - 3

Authorization to Advertise Public Hearings on a Proposed Amendment to the Zoning Ordinance Re: Temporary Portable Storage Containers

ISSUE:

The proposed amendment addresses temporary portable storage uses by establishing new regulations for portable storage containers on lots that are developed with dwelling units.

RECOMMENDATION:

The County Executive recommends authorization of the advertisement of the proposed amendment by adopting the resolution set forth in Attachment 1.

TIMING:

Board action is requested on June 18, 2007, to provide sufficient time to provide notice and advertisements for the proposed Planning Commission public hearing on July 19, 2007, at 8:15 p.m., and for the proposed Board of Supervisors' public hearing on September 10, 2007, at 4:00 p.m.

BACKGROUND:

The proposed amendment is on the 2007 Priority 1 Zoning Ordinance Amendment Work Program and was initiated by a Board request that staff review how temporary portable storage units are and should be used on residential properties. It follows a prior proposed amendment on this issue for which the Planning Commission held a public hearing earlier this year. However, certain considerations regarding duration, location requirements and signage size were not possible under the scope of what was advertised. The proposed amendment comes at a time when portable storage activity is increasing on residential properties. The proposed amendment introduces a new definition to the Zoning Ordinance in order to distinguish temporary portable storage containers from other, non-portable, accessory storage uses. The proposed amendment provides use limitations for portable storage containers with respect to their permitted size, number, location, signage and duration of use. The proposed amendment also provides a new temporary special permit (TSP) use for temporary portable storage containers when used in association with a dwelling that has suffered a casualty and the dwelling is to be rebuilt or repaired. The proposed regulations are intended to provide a reasonable balance between the appropriate use of portable storage containers and the protection of nearby properties. If the current proposed

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amendment is adopted, staff will provide information regarding the new portable storage regulations to the public via a publication and on the internet. A more detailed discussion of the proposed amendment is set forth in the Staff Report enclosed as Attachment 2.

REGULATORY IMPACT:

The proposed amendment facilitates the placement of temporary portable storage containers on lots developed with dwelling units subject to limitations. The amendment also creates a new TSP use that allows the administrative approval of the placement of temporary portable storage containers for up to six months (advertised range is 3 to 12 months) or the duration of an active Building Permit, whichever is shorter, when a dwelling has been destroyed or damaged by casualty and when such dwelling is to be rebuilt or repaired and upon BZA approval for a longer time period.

FISCAL IMPACT:

Although staff is recommending that there be no application fee for the new TSP use given that this use concerns a dwelling unit that has experienced a casualty, an application fee of up to \$130 could be imposed and still be within the scope of the advertisement. If the Board desires to adopt a fee within the range other than zero, a slight increase in revenue from the new TSP may occur. All other TSP applications that are reviewed by the Zoning Administrator have an application fee of \$130.

ENCLOSED DOCUMENTS:

Attachment 1 – Resolution  
Attachment 2 – Staff Report

STAFF:

Robert A. Stalzer, Deputy County Executive  
James P. Zook, Director, Department of Planning and Zoning (DPZ)  
Eileen M. McLane, Zoning Administrator, DPZ  
Jack Reale, Senior Assistant to the Zoning Administrator, DPZ

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ADMINISTRATIVE – 4

Extension of Review Period for 2232 Review Application (Hunter Mill District)

ISSUE:

Extension of the review period for specific 2232 Review application 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 application FS-H07-17 to August 20, 2007.

TIMING:

Board action is required on June 18, 2007, to extend the review period of the application noted above before its expiration.

BACKGROUND:

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

The Board should extend the review period for the following application, which was accepted for review by the Department of Planning and Zoning on March 23, 2007:

FS-H07-17                      Sprint/Nextel Communication  
    Antenna colocation on existing transmission tower  
    1977 Hunter Mill Road  
    Hunter Mill District

This application is for a telecommunications facility. Therefore, in accordance with State Code requirements, the Board may extend the time required for the Planning

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Commission to act on this application by no more than sixty additional days. 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

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

David B. Marshall, Planning Division, DPZ

David S. Jillson, Planning Division, DPZ

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ADMINISTRATIVE – 5

Authorization for the Department of Family Services to Apply for and Accept Grant Funding from the U.S. Department of Health and Human Services, Administration for Children, Youth and Families, Children's Bureau

ISSUE:

Board authorization for the Department of Family Services (DFS) to apply for and accept grant funding, if received, from the U.S. Department of Health and Human Services, Administration on Children, Youth and Families, Children's Bureau to use comprehensive family assessments to improve child welfare outcomes. If awarded, this grant will provide funding of \$444,444 per year for five years, including a 10 percent Local Cash Match of \$44,444 per year. The Department of Family Services will develop, implement and evaluate an enhanced protocol for assessing and serving families referred to the Children, Youth and Families Division in the Northern region of Fairfax County. The enhanced utilization of comprehensive family assessments, community outreach and engagement, and community resource development will improve child welfare outcomes for families served by the proposed project. If the actual award received or required Local Cash Match is significantly different from the application amount, another item will be submitted to the Board requesting appropriation of grant funds. Otherwise, staff will process the award administratively as per Board policy.

RECOMMENDATION:

The County Executive recommends that the Board authorize the Department of Family Services to apply for and accept funding, if received, from the U.S. Department of Health and Human Services, Administration for Children and Families, Children's Bureau in the amount of \$444,444 per year for five years, including a 10 percent Local Cash Match of \$44,444 per year, to improve child welfare outcomes through the use of comprehensive family assessments. The Local Cash Match is available in Fund 102, Federal and State Grant Fund. If awarded, this grant will create up to 3/3.0 SYE new grant positions. The County has no obligation to fund these positions after the grant period ends.

TIMING:

Board approval is requested on June 18, 2007, as the application is due June 25, 2007.

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**BACKGROUND:**

The Administration on Children, Youth and Families, Children's Bureau announced a Request for Proposals (RFP) to award projects that: implement comprehensive assessments of children, youth and families in order to improve service provision and service outcomes; implement the federally funded Comprehensive Family Assessment Guidelines; and evaluate the implementation of comprehensive family assessments and the assessment guidelines to record linkages between comprehensive family assessments and improved outcomes. The Department of Family Services will develop, implement and evaluate an enhanced protocol for assessing and serving families referred to the Children, Youth and Families Division in the Northern region of Fairfax County. Approximately 60 families will participate in the study during each of the five project years. The objectives of the program are to: minimize the need to remove children from their families, reduce repeat maltreatment of children, improve family functioning, and shorten the length of service required to strengthen and stabilize families.

The enhanced protocol will: provide additional assessment tools, including parent assessment tools, to assist workers in gathering more useful information about a family's functioning; ensure coordinated assessments of safety and risk along with strengths and needs assessments of each family member; ensure that the results of the comprehensive assessments are used to inform individualized service plans that are created with the family's input; and support the delivery of community-based services that will address the needs identified in the assessments.

In order to implement this protocol and determine the effectiveness of the program, enhanced training will be provided to staff on how to use the assessment tools and they will also receive enhanced clinical supervision. In addition, an evaluation will be conducted which will compare the outcomes of families served by the project to similar families served in the Central region in order to determine the effectiveness of the enhanced assessment protocol.

**FISCAL IMPACT:**

If awarded, the Department of Family Services would receive \$444,444 per year for five years, including the 10 percent Local Cash Match of \$44,444 per year, which will support up to 3/3.0 SYE new grant positions, as well as operating costs such as staff training, enhanced clinical supervision and project evaluation to develop and test a more comprehensive family assessment protocol. Indirect costs, estimated to be \$30,000, are allowable. Funding includes \$400,000 from the U.S. Department of Health and Human Services and a required 10 percent Local Cash Match of \$44,444. The Local Cash Match is available from the unanticipated Local Cash Match Reserve in Fund 102, Federal and State Grant Fund. This action does not increase the

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expenditure level in Fund 102, Federal/State Grant Fund, as funds are held in reserve for unanticipated grant awards in FY 2008.

CREATION OF NEW POSITIONS:

If awarded, this grant will provide funding to create up to 3/3.0 SYE new grant positions. The County has no obligation to fund these positions after the grant period ends.

ENCLOSED DOCUMENTS:

Attachment 1 - Executive Summary

STAFF:

Verdia L. Haywood, Deputy County Executive

Dana W. Paige, Director, Department of Family Services (DFS)

Katherine A. Froyd, Director, Children, Youth and Families Division, DFS

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ADMINISTRATIVE - 6

Authorization to Advertise a Public Hearing to Consider a Reenactment and Extension of the Real Estate Tax Abatement Program

ISSUE:

Board decision whether to reenact the Real Estate Tax Abatement program currently scheduled to sunset as of September 1, 2007.

RECOMMENDATION:

The County Executive recommends that the Board authorize the advertisement of the proposed ordinance amendment in Attachment 1 to reenact and extend the Real Estate Tax Abatement program. The attached ordinance amendment proposes a final program extension until September 1, 2010. In addition to extending the sunset provision, the proposed ordinance amendment includes several changes to enhance the usefulness of this program in promoting certain projects within the Commercial Revitalization Districts (CRD). The proposed ordinance also takes advantage of a recent Virginia Constitutional amendment concerning tax abatements on new structures, but limits this to mixed use projects.

TIMING:

Board action is requested on June 18, 2007, to authorize advertisement of a public hearing on the proposed ordinance amendments to be held at 4:00 p.m., on July 23, 2007. In order to reenact and extend the Tax Abatement program, a public hearing needs to be advertised and held prior to September 1, 2007.

BACKGROUND:

Article 24, Chapter 4, of The Code of the County of Fairfax provides for the partial abatement of real estate taxes for certain commercial structures within the five Commercial Revitalization Districts (CRD's). Certain multifamily structures countywide are also eligible for the tax abatement program as long as the projects meet guidelines for providing affordable rents.

The Tax Abatement program was first adopted on September 1, 1997, and was subsequently amended in 1999, and again in 2002. Unless reenacted by the Board, the program is currently scheduled to expire by the sunset date of September 1, 2007. At its meeting on April 20, 2007, the Board's Community Revitalization and Reinvestment

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Committee endorsed advertising the reenactment and extension of the Tax Abatement program. In order to be eligible under the current program, commercial structures located within the five CRD's must be at least 25 years old or older. Eligible multifamily structures countywide must be at least 20 years old or older. For both types of property, the market value due to renovation or replacement construction must increase by 25% or more. It is this added value that is subsequently abated at 100% over 12 years for CRD commercial structures, and at 100% over 10 years for multifamily structures. Commercial revitalization in excess of 80,000 square feet must be mixed use projects. Multifamily structures must offer at least 6.25% "moderate" rent units as defined by statute. The current ordinance is provided for reference in Attachment 2.

Since the amendment in 2002, the County has received 14 tax abatement applications, or about 3 applications per year. Of these, 10 are commercial properties located within CRD's and 4 are multifamily projects. Attachment 3 shows the location of these 14 properties.

While the offer of tax abatement may not be the economic driver in undertaking a revitalization project, it may offer some useful marginal incentive. Attachment 4 provides a summary of the type of renovation projects being completed by the last 14 applicants, and a qualitative indicator as to the importance of the tax abatement to the property owner.

Should the Board decide to extend the program staff recommends several modifications that may help make the program more useful to revitalization efforts.

First, staff proposes that the definition of "Commercial or Industrial Structure" in section 4-24-1 of the County Code be amended to mean "real property improved with a structure [*or substructure*] that is used for commercial or industrial purposes...." This is a minor technical amendment to insert the phrase "*or substructure.*" "Substructure" is already defined elsewhere in the current ordinance. This is simply a clarification to reflect current administration of the program. Staff also recommends the same technical amendment, to insert the phrase "or substructure", be made to the definition of "Multifamily Structure" in the same ordinance section.

Another change would amend the definition of "Substantially rehabilitated, renovated, or replaced", also found in section 4-24-1. The proposed amendment to this section would strike existing language that precludes the "construction of a freestanding, independent structure" when the new structure is "merely connected to an existing structure by an atrium, a breezeway, or similar connecting element." This language originated from concerns when tax abatement on commercial properties was a countywide program. However, staff recommends that restricting participation to the CRD's is already

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sufficiently limiting and that this added constraint is unnecessary. Moreover, the added flexibility may provide greater incentive for more creative revitalization efforts.

A fourth amendment is recommended to Section 4-24-3.1(D). At present, "if the total floor area of a commercial or industrial structure that is substantially rehabilitated, renovated, or replaced is more than 80,000 square feet", then tax abatement is applicable "only if the improved or replacement structure is a Mixed Use Project." Again, as defined in the ordinance, "Mixed Use Project" refers to "two or more physically integrated uses, such as retail, office, or apartment uses within a single structure." Staff recommends that this language be tempered to allow for mixed uses within a given project site, rather than within a single building. This change also requires an amendment to the General Requirements under Section 4-24-7, specifically deleting the first sentence that reads "No improvements made to unimproved real property shall be eligible for partial tax exemption pursuant to this Article."

This amendment effectively incorporates a constitutional amendment approved by referendum last November into the proposed ordinance, but limits this to mixed use projects. The enabling legislation for this amendment has already been enacted by the General Assembly (see Va. Code, Section 58.1-3219.4). In short, the constitutional amendment, provided in Attachment 5, expands tax abatement to more than just the renovation, rehabilitation or replacement of "existing" structures. Now localities can also provide abatement for "real estate with new structures and improvements in conservation, redevelopment, or rehabilitation areas."

Staff does not recommend employing the constitutional amendment beyond mixed use projects simply because there is no way to gauge the potential fiscal impact of exempting the construction of a completely new building on currently vacant land. Staff recommends that limiting this change to mixed use projects will help advance the goals of revitalization within the CRD's while limiting somewhat the potential financial exposure.

The last amendment staff recommends is to add a provision that allows for a discontinuance of the tax abatement if the authorized use substantially changes. For example, qualifying multifamily structures can benefit from the tax abatement, but staff recommends discontinuance in the event a multifamily project changes to residential condominiums. Aside from these technical changes, the only other proposed amendment is the extension of the sunset date to September 1, 2010, in Section 4-24-7(H).

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FISCAL IMPACT:

The annual abatement for the 14 properties since the last amendment in 2002 when all are completed, will equal approximately \$511,700 in revenue. Over the full period of abatement, the cumulative foregone revenue is expected to roughly equal approximately \$5.9 million. While there is no way to clearly estimate future projects, this gives a minimum benchmark of the abatement pattern that can be expected to continue over the next three years if the program is extended.

ENCLOSED DOCUMENTS:

Attachment 1 - Proposed Tax Abatement Ordinance Amendment to Article 24, Fairfax County Code

Attachment 2 - Current Tax Abatement Ordinance, Article 24, Fairfax County Code

Attachment 3 - Location of the 14 tax abatement applications since 2002

Attachment 4 - Summary of the type of renovation projects being completed by the last 14 tax abatement applicants since 2002

Attachment 5 - Virginia Constitutional Amendment approved at referendum November, 2006

STAFF:

Edward L. Long, Jr., Deputy County Executive

Kevin C. Greenlief, Director, Department of Tax Administration

Janet E. Coldsmith, Director, Real Estate Division, Department of Tax Administration

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ADMINISTRATIVE - 7

Approval of Traffic Calming Measures as Part of the Residential Traffic Administration Program (Springfield and Braddock Districts)

ISSUE:

Board endorsement of traffic calming measures as part of the Residential Traffic Administration Program (R-TAP).

RECOMMENDATION:

The County Executive recommends that the Board endorse traffic calming measures for Tuttle Road (Attachment I) and Wakefield Drive (Attachment II), consisting of the following:

- Two speed tables on Tuttle Road and pavement markings at the Tuttle Road/Garden Road intersection (Springfield District)
- Speed table, speed hump and pedestrian refuge on Wakefield Drive (Braddock District)

In addition, the County Executive recommends that the Virginia Department of Transportation (VDOT) be requested to install the approved measures as soon as possible.

TIMING:

Board action is requested on June 18, 2007.

BACKGROUND:

As part of the R-TAP, roads are reviewed for traffic calming when requested by a Board member on behalf of a homeowners or civic association. Traffic calming employs the use of physical devices such as speed humps, speed tables, raised pedestrian crosswalks, chokers, median islands, or traffic circles to reduce the speed of traffic on a residential street. Staff performed engineering studies documenting the attainment of qualifying criteria for Tuttle Road and Wakefield Drive. Subsequently, petitions were gathered from each community evidencing support for further study. A task force was formed with each community to develop a traffic calming plan to reduce the speed of traffic. Once a plan for each road was adopted and approved by staff and VDOT, the plans were submitted for approval to residents of the petition area in each community.

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The local supervisor has verified support for the proposed traffic calming plan by residents in the respective petition areas. On May 3, 2007 (Tuttle Road), and May 14, 2007 (Wakefield Drive), the Department of Transportation received written verification from the appropriate local supervisor confirming community support for the referenced traffic calming plans.

FISCAL IMPACT:

The estimated cost of \$33,000 for traffic calming measures is to be paid out of the VDOT secondary road construction budget.

ENCLOSED DOCUMENTS:

Attachment I: Traffic Calming Plan for Tuttle Road

Attachment II: Traffic Calming Plan for Wakefield Drive

STAFF:

Robert A. Stalzer, Deputy County Executive

Katharine D. Ichter, Director, Fairfax County Department of Transportation (FCDOT)

Ellen Gallagher, Chief, Capital Projects and Operations Division, FCDOT

Karyn Moreland, Chief, Traffic Operations Section, FCDOT

Douglas W. Hansen, Senior Transportation Planner, FCDOT

Michael Jollon, Senior Transportation Planner, FCDOT

Steven K. Knudsen, Transportation Planner, FCDOT

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ADMINISTRATIVE - 8

Board Approval of the Establishment of a Citizen Transportation Bond Committee, Approval of Transportation Bond Public Information Activities to be Conducted by the Office of Public Affairs, and Approval and Authorization of the Distribution of Plain English Information Statements for the 2007 School and Transportation Bond Referendums

ISSUE:

Board (1) approval of the establishment of a citizen committee to provide information concerning the forthcoming County transportation bond referendum, (2) approval of the public information activities of the Office of Public Affairs for the transportation bond referendum, and (3) approval and authorization of the printing and publication of explanatory statements on whether (i) the County can issue bonds in the maximum aggregate principal amount of \$365,200,000 for the Fairfax County Public Schools and (ii) the County can issue bonds in the maximum aggregate principal amount of \$110,000,000 for transportation improvements. Staff plans to make these explanatory statements available to citizens before the election and at County polling places for absentee voters prior to the referendum and for all other voters on Election Day.

RECOMMENDATION:

The County Executive recommends that the Board approve the establishment of a citizen committee for the transportation bond referendum, approve the public information activities of the Office of Public Affairs for the transportation bond referendum, and authorize the distribution of plain English statements for both bond referendums.

TIMING:

Immediate. If the citizen committee is authorized, the members of the citizen committee could be appointed by the Board as soon as July 9, 2007. Board early action also is recommended to provide time for the printing and distribution of these explanations to citizens prior to the election.

BACKGROUND:

On April 26, 2007, the School Board of the Fairfax County Public Schools adopted a resolution asking the Board of Supervisors to petition the Fairfax County Circuit Court to order a referendum on whether the Board of Supervisors shall be authorized to contract a debt and issue bonds in the maximum aggregate principal amount of \$365,200,000 in

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order to provide funds for public school purposes and to provide funds for a garage to service school buses and other school vehicles, as well as other large County vehicles. On May 7, 2007, the Board of Supervisors considered the request from the School Board and then adopted a resolution asking the Circuit Court to order such a referendum on Tuesday, November 6, 2007. The County Attorney then petitioned the Circuit Court for such an order, and on May 21, 2007, Chief Circuit Court Judge Michael P. McWeeny entered an order for the school bond referendum as requested.

On May 7, 2007, the Board also adopted a resolution asking the Circuit Court to order a referendum on Tuesday, November 6, 2007, on whether the Board shall be authorized to contract a debt and issue bonds in the maximum aggregate principal amount of \$110,000,000 in order to provide funds for constructing, reconstructing and improving and acquiring transportation improvements, including the County's share of capital costs allocable to the County pursuant to the provisions of the Washington Metropolitan Area Transit Authority Compact. The County Attorney also petitioned the Circuit Court for such an order, and on May 21, 2007, Chief Circuit Court Judge Michael P. McWeeny entered an order for the transportation bond referendum as requested.

Subsequently, the County Attorney submitted both proposed referendums to the United States Department of Justice for preclearance pursuant to Section 5 of the federal Voting Rights Act of 1965, as amended. County staff expects favorable responses from the Department of Justice in late July 2007.

Traditionally, the Board has appointed citizen committees to support such County bond referendums. In the past, such committees have been composed of members nominated by each of the ten members of the Board and one representative each nominated by the Chamber of Commerce, the League of Women Voters, and the Federation of Civic Associations. Past citizen committees have expressed the importance of having members with past experience on such board committees. In addition, the Board has established a County Transportation Advisory Commission, whose members have expertise in transportation matters. Staff will make lists available of the members of the 2006 Bond Committee and the Transportation Advisory Committee.

In addition, the Office of Public Affairs has supported those citizen committees and prepared an informational pamphlet that has been mailed to all Fairfax County households in previous referendums. Please note that Virginia law does not permit the County to use the state list of registered County voters to provide information about forthcoming elections, so a commercial mailing firm will be engaged to distribute these pamphlets. If approved by the Board, the Office of Public Affairs will prepare a pamphlet for the 2007 general elections to address the transportation bond question, and prior to release, any such pamphlet will be provided to the Board for review. Staff also plans to translate this pamphlet into Korean, Spanish, and Vietnamese, the most

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commonly spoken non-English languages in the County, and these translations, along with the English versions, will be distributed through County facilities and online.

Finally, Virginia Code § 24.2-687 permits the governing body of any county or city to provide for the preparation of an explanation of each referendum question. Such explanation shall contain the ballot question and a statement of not more than 500 words. Such explanations shall be written in plain English, and they shall be prepared by the attorney for the county or city.

The Board has authorized the preparation of such statements in past bond referendums, and staff recommends that the Board authorize the printing and distribution of such plain English statements for these two referendums in sufficient copies to make it available to citizens prior to the election, to voters at County polling places for absentee voters prior to November 6, 2007, and to voters at all polling places during the general elections on November 6, 2007. If the Board authorizes the distribution of these plain English statements, the copies of the school bond explanation will be printed on distinctive yellow paper so that they will be readily recognizable to poll workers and voters. Copies of the transportation bond explanation will be printed on distinctive blue paper.

In the past, such explanations for County bond referendums have been prepared in Korean, Spanish, and Vietnamese, and staff again plans to prepare and distribute such explanations to interested citizens. However, given that Virginia Code § 24.2-687 only permits the distribution of "plain English" explanations within polling places, these translations will be made available at places other than polling places.

FISCAL IMPACT:

The cost of supporting the citizen transportation bond committee, printing and mailing the transportation bond informational pamphlet, and translating and printing both plain English explanations is estimated at \$154,000. This request is approximately \$54,000 more than the costs incurred in 2006, primarily due to increases in the cost of paper and postage and an increase in the number of County residences. An appropriate adjustment will be made at a future quarterly review.

ENCLOSED DOCUMENTS:

Attachment 1 –Virginia Code § 24.2-687

Attachment 2 – Draft Explanatory Statement for School Bonds

Attachment 3 – Draft Explanatory Statement for Transportation Bonds

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STAFF:

Edward L. Long, Jr., Deputy County Executive  
Merni Fitzgerald, Director, Office of Public Affairs  
Leonard P. Wales, County Debt Manager  
Michael Long, Senior Assistant County Attorney

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ACTION - 1

Adoption of an Emergency Uncodified Ordinance to Provide for a One Dollar Taxicab Fuel Surcharge and Authorization to Advertise a Public Hearing on an Uncodified Ordinance that Will Provide for up to a One Dollar Taxicab Fuel Surcharge

ISSUE:

Murphy Brothers, Inc., owner of Falls Church Yellow Cab and Red Top Cab, has requested the Board enact an emergency gasoline surcharge rate relief pursuant to Chapter 84.1 of the Fairfax County Code, Section 84.1-6-2 (Attachments 1 and 2). In order to mitigate the impact of current fuel prices on taxicab drivers, staff suggests that the Board should first consider adoption of the attached emergency uncodified ordinance that will establish a \$1.00 per trip taxicab fuel surcharge effective from June 19, 2007 until August 6, 2007 (Attachment 3). Secondly, staff suggests the Board should consider authorization to advertise a public hearing on the adoption of an uncodified ordinance authorizing a temporary per trip fuel surcharge of up to \$1.00, effective from August 7, 2007 until January 31, 2008 (Attachment 4).

RECOMMENDATION:

The County Executive recommends that the Board adopt the emergency uncodified ordinance providing for a one dollar (\$1.00) per trip fuel surcharge, and authorize the advertisement of a public hearing for August 6, 2007 on the adoption of an uncodified ordinance to provide for a temporary per trip fuel surcharge of up to \$1.00, effective from August 7, 2007 until January 31, 2008.

TIMING:

Board adoption on June 18, 2007, of an emergency per trip taxicab fuel surcharge to become effective on June 19, 2007, and authorization to advertise a public hearing for August 6, 2007, on the adoption of an uncodified ordinance to provide for a temporary per trip fuel surcharge of up to \$1.00, effective from August 7, 2007 until January 31, 2008.

BACKGROUND:

This proposal responds to a request submitted on May 30, 2007 by Murphy Brothers, Inc. to implement a gasoline surcharge of \$1.00 per trip on taxicab rates to address the escalating levels of gasoline prices.

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Taxicab fare rates were last set in June 2005, based on average regular-grade gasoline prices in March 2005 of \$2.13 a gallon. Retail gasoline prices have experienced wide price swings since that time, resulting in the periodic approval of emergency and temporary fuel surcharges. Since the last fuel surcharge expired, on January 31, 2007, retail gasoline prices in the County have increased dramatically, with prices rising approximately \$0.78 gallon, or about 35 percent, since February 2007. According to the American Automobile Association (AAA), the average price of a gallon of regular-grade gasoline in late February 2007 was approximately \$2.25, whereas for the month of May 2007 gasoline costs averaged approximately \$3.03 per gallon (Attachment 5).

Section 84.1-6-2 (c) of the Fairfax County Code (Code) provides for a biennial review of taxi rates in odd-numbered years upon petition by a certificate holder or a driver association. That petition must be filed by March 31 of the odd-numbered year. No such petitions were filed in 2007. Section 84.1-6-2(g), however, provides for emergency rate relief when petitioners demonstrate dire financial needs as a result of circumstances beyond their control. Further, under Section 84.1-6-2(b), the Board may consider changes in rates, fares or charges upon recommendation of the Director of the Department of Cable Communications and Consumer Protection, or the Consumer Protection Commission (CPC).

Staff has analyzed the request for an emergency taxicab fuel surcharge and for the reasons set forth in the attached staff report has concluded that a \$1.00 per trip surcharge appears justified (Attachment 6). As staff's report notes, the U.S. Department of Energy's Energy Information Administration projects an average 2007 summer gasoline price of \$2.95 per gallon, due to strong global demand and continuing problems for refineries in the United States and abroad. As Table 3 in that report illustrates, a \$1.00 per trip fuel surcharge should offset gasoline costs up to about \$2.94 per gallon. Consequently, a \$1.00 surcharge should provide significant relief to current taxi drivers, who are suffering economic hardship as a result of high gasoline prices, and may help attract new drivers.

The Chairman of the CPC has been advised of the request for an emergency per trip fuel surcharge of \$1.00 and has endorsed staff's recommendation. The CPC will hold its public hearing in July on the rate increase request.

Among area jurisdictions, the District of Columbia and the City of Alexandria have recently approved a \$1.00 per trip fuel surcharge. Arlington County is also considering such a surcharge, but has not yet enacted one. Montgomery County increased taxicab fares in February 2006, in part to offset the increased costs of gasoline. The initial charge, or drop-fee, in Montgomery County is now \$4.00, which is almost 50 percent higher than Fairfax County's drop-fee of \$2.75.

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The proposed emergency surcharge would remain in effect until August 6, 2007, when a public hearing, if approved, would be held on a proposal to adopt a temporary per trip fuel surcharge of up to \$1.00 until January 31, 2008.

ENCLOSED DOCUMENTS:

Attachment 1 – Letter of Charles O. King, Vice President, Murphy Brothers Inc.  
Attachment 2 – Section 84.1-6-2  
Attachment 3 – Emergency Uncodified Ordinance  
Attachment 4 – Proposed Public Hearing Advertisement  
Attachment 5 – Local Gasoline Price Trends  
Attachment 6 – Staff Report on Emergency Rate Relief

STAFF:

David J. Molchany, Deputy County Executive  
Michael Liberman, Acting Director, Department of Cable Communications and Consumer Protection (DCCCP)  
Dave Reidenbach, Chief, Regulatory and Licensing Branch, DCCCP  
Steve Sinclair, Chief, Utilities Branch, DCCCP  
Susan Hafeli, Utility Analyst, DCCCP  
Rene Faulkner-MacDonagh, Assistant County Attorney

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ACTION - 2

Appointment of Towing Advisory Board Members

ISSUE:

Board appointment of members to the Towing Advisory Board to advise County staff on terms and conditions of a proposed contract for police-directed towing.

RECOMMENDATION:

The County Executive recommends that the Board appoint the members to the Towing Advisory Board as presented on the attached document, Towing Advisory Board Membership.

TIMING:

Board action is requested on June 18, 2007.

BACKGROUND:

The current County contract for police-directed towing expires on June 30, 2007. The Department of Purchasing and Supply Management (DPSM) is working with the Fairfax County Police Department (FCPD) to prepare a draft solicitation to invite proposals to establish a new contract. This procurement process has the unique statutory requirement (Code of Virginia § 462.-1217, Local governing body may regulate certain towing) of involvement of a Towing Advisory Board to advise the Board of Supervisors with regard to the appropriate provisions of the ordinance or terms of the contract. The Towing Advisory Board is comprised of representatives of local law-enforcement agencies, towing and recovery operators, and the general public. The Towing Advisory Board will meet to review the draft solicitation and make its recommendations. DPSM and the FCPD will incorporate those changes, as appropriate, and issue the solicitation.

This is the second request to appoint a Towing Advisory Board for the purpose of establishing a police-directed towing contract to replace the current agreement. On December 5, 2005, the Board-appointed Towing Advisory Board provided guidance on the appropriate provisions of the terms of a Police-requested towing contract to replace the existing agreement that is due to expire this year. County staff issued a Request for Proposals (RFP) on January 6, 2006, received five proposals, and conducted an evaluation of the proposals. The RFP was cancelled on December 21, 2006, prior to awarding a contract. The Department of Purchasing and Supply Management took this

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action in order to provide clarification and additional information to aid in the submission and review of proposals.

FISCAL IMPACT:

None

ENCLOSED DOCUMENTS:

Attachment 1: Towing Advisory Board Membership

STAFF:

Edward L. Long, Jr., Deputy County Executive

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

David M. Rohrer, Colonel, Fairfax County Police Department

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ACTION - 3

Approval of Proposed Amendments to the By-Laws for the Fairfax County History Commission

ISSUE:

Approval of proposed amendments to the By-laws for the Fairfax County History Commission.

RECOMMENDATION:

The County Executive recommends that the Board approve the proposed amendments to the By-laws for the Fairfax County History Commission as set forth in the enclosed document.

TIMING:

Board action is requested on June 18, 2007.

BACKGROUND:

The Fairfax County History Commission (Commission) was established by the Board on April 9, 1969. The Board identified the Commission as the body primarily responsible for advising the Board and promoting and encouraging public interest in all matters bearing on the history of Fairfax County. The Commission has operated under the current By-laws since December 1998. The Commission has revised these By-laws to bring them up-to-date and reflect changes in current operations.

The principal amendments to the By-laws are:

- introduction of term limits for officers;
- creation of the officer positions of Recording and Corresponding Secretaries to replace the position of Secretary;
- stipulation of the officers authorized to issue checks;
- clarification of the duties of each officer;
- creation of an Executive Committee; and,
- clarification of the duties of each committee.

In addition to the six principal amendments noted above, a number of editorial modifications have been proposed. The editorial changes are not substantive and are not discussed herein.

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FISCAL IMPACT:  
None.

ENCLOSED DOCUMENTS:  
Attachment 1 – Proposed amendments to the By-laws for the History Commission

STAFF:  
Robert A. Stalzer, Deputy County Executive  
James P. Zook, Director, Department of Planning and Zoning (DPZ)  
Fred R. Selden, Director, Planning Division (PD), DPZ  
Sterling Wheeler, Chief, Policy and Plan Development Branch, PD, DPZ  
Linda Cornish Blank, Planner III, Policy and Plan Development Branch, PD, DPZ

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ACTION - 4

Approval of an Agreement Between the Fairfax County Police Department and the United States Park Police

ISSUE:

Board approval of an Agreement between the Fairfax County Police Department and the United States Park Police authorizing the Police Department to provide assistance for the Independence Day Celebration at the National Mall on July 4, 2007.

RECOMMENDATION:

The County Executive recommends that the Board authorize the Chief of Police to sign the interagency agreement between the Fairfax County Police Department and the United States Park Police.

TIMING:

Board action is requested on June 18, 2007.

BACKGROUND:

The Fairfax County Police Department has historically provided assistance to the United States Park Police during the annual Fourth of July Independence Day Celebration on the National Mall in Washington, D.C. The United States Park Police has again requested assistance for 2007 celebration. The Police Department's primary role will be to assist with crowd control, provide high visibility foot patrols on the Mall, and man security checkpoints along the Mall perimeter. Fairfax County will be reimbursed for associated costs, to include salaries.

FISCAL IMPACT:

None

ENCLOSED DOCUMENTS:

Attachment 1: Interagency Agreement between Fairfax County Police Department and the United States Park Police

STAFF:

Robert A. Stalzer, Deputy County Executive  
Colonel David M. Rohrer, Chief of Police  
Robert M. Ross, Assistant County Attorney

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ACTION – 5

Approval of the Fairfax County Emergency Operations Plan

ISSUE:

Section 44-146.19E of the Code of the Commonwealth of Virginia and Section 15-1-5 of the Fairfax County Code require the County to prepare and keep current a comprehensive Emergency Operations Plan.

RECOMMENDATION:

The County Executive recommends the approval of the Fairfax County Emergency Operations Plan.

TIMING:

Board action is requested on June 18, 2007. Local approval by each governing body is required every four years.

BACKGROUND:

The 2007 EOP is a result of the collective efforts of the Fairfax County Office of Emergency Management and the many other county departments and agencies with assigned emergency management roles and responsibilities. The final plan reflects many comments and suggestions received from a variety of stakeholders including participating county agencies, as well as other partner agencies and organizations that support the county during times of disasters.

This plan fulfills the Commonwealth of Virginia's requirement that each city and county prepare and keep current an Emergency Operations Plan to respond to disasters or large-scale emergencies.

- The new plan represents a revision from the 2002 EOP and meets the Virginia requirement for updating the plan every five years.
- The plan incorporates the National Incident Management System (NIMS) as the county standard for emergency response operations as adopted by the Board on November 21, 2005.
- The plan was developed to be in compliance with NIMS and the Emergency Management Accreditation Program (EMAP) standards.

The EOP establishes the overall agency roles and responsibilities for emergency operations as well as the concept of operations for emergency response and recovery.

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- A Letter of Agreement (LOA), signed by the agency and department directors, is included.
- The LOA commits these departments and agencies to undertake the necessary preparedness activities to ensure they are ready to carry out their assigned emergency management responsibilities in the event of an incident.

Successful implementation of the plan is contingent upon a collaborative approach with a wide range of partner agencies and organizations that provide crucial support to during emergency operations. The plan recognizes the significant role partner agencies and organizations perform during times of emergencies and disasters and their roles and responsibilities are also included in the plan. Separate memoranda of understanding/agreement will be established with each of these organizations

The EOP is organized into six (6) Sections:

- Section One is the Basic Plan and includes the federal, Commonwealth and Fairfax County authorities and other references that provide the basis for this plan. This section establishes the planning assumptions and defines the emergency management roles and responsibilities for county executives, departments and agencies, and partner agencies and organizations. This section also identifies the various Fairfax County committees, task forces and work groups established to address emergency preparedness issues and the specific roles and responsibilities assigned to each.

A key component of Section One is the concept of operations section that describes how the county will respond to and recover from a major incident. The County Executive, as the Director of Emergency Management, has overall responsibility for response and recovery operations. The EOP includes delegations of authority to on-scene commanders, the Coordinator for Emergency Management and department and agency directors.

The Incident Command System (ICS) is established as the county standard for conducting incident response. Based upon the scope and magnitude of the incident, the EOC may be activated to serve as the direction and coordination facility. The EOC will coordinate all requests for resources from outside the county that are not covered by existing automatic mutual aid/mutual assistance agreements.

- Section Two includes a functional annex for each of the 16 Emergency Support Functions (ESFs) established by the plan. The county departments and agencies are organized functionally in order facilitate planning and operations. The annexes define the mission and scope of each function as well as a brief concept of operations. Each ESF has a designated lead agency that is responsible for maintaining the annex, conducting ESF specific training and exercises, and developing supporting plans and procedures in coordination with their designated support agencies.

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Sections Three and Four are reserved for more detailed plan components. Some of these components are being developed now and others will be prepared in the future.

- Section Three will include support annexes that will address common functional processes such as damage assessment, evacuation and mass care, training and exercises, financial management and employee health and safety.
- Section Four will include incident specific annexes that address potential major hazards in Fairfax County as identified in the Fairfax County Hazard Identification and Risk Assessment (HIRA). Examples identified by the HIRA include Natural Hazards and Human-Caused Hazards. Natural Hazards include Biological (Pandemic Flu), Atmospheric (Severe Weather) and Hydrologic (Flooding) among others. Human-Caused Hazards are grouped into two categories, Accidental and Intentional and may include Biological, Chemical, Nuclear and Radiological.
- Section Five includes the Fairfax County Hazard Identification and Risk Assessment (HIRA) that discusses the major hazards faced by the county and assesses the risks those hazards pose. This plan is the subject of Board Agenda Item, Action 6.
- Section Six contains the EOP Appendices.
  - Appendix One (References) provides formats and samples of various reports, declarations and other related documents.
  - Appendix Two (Glossary) provides definitions of key terms and facilities.
  - Appendix Three (Acronyms) provides a listing for all acronyms included in the document.

FISCAL IMPACT:

None

ENCLOSED DOCUMENTS:

Attachment 1: Fairfax County Emergency Operations Plan (Delivered under Separate Cover to Board Members and on file in the Office of the Clerk to the Board)

STAFF:

Robert A. Stalzer, Deputy County Executive

Roy B. Shrout, III, Interim Coordinator, Office of Emergency Management

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ACTION – 6

Resolution to Adopt the Fairfax County Supplement of the Northern Virginia Regional Hazard Mitigation Plan

ISSUE:

The purpose of this regional initiative has been to develop a comprehensive multi-jurisdictional plan aimed at natural hazard mitigation. This is a prerequisite for continued area funding under the Pre-Disaster and Hazard Mitigation Grant Programs under Disaster Mitigation Act of 2000 (DMA2K)

RECOMMENDATION:

The County Executive recommends the adoption of the Fairfax County Supplement of the Northern Virginia Regional Hazard Mitigation Plan.

TIMING:

Board action is requested on June 18, 2007. Local approval by each governing body is required to put the plan into effect.

BACKGROUND:

The Virginia Department of Emergency Management (VDEM) awarded \$100,000 to Northern Virginia Regional Commission (NVRC) under the Disaster Mitigation Act of 2000 (DMA2K) to prepare pre-disaster hazard mitigation plans (HMP) for the region.

The purpose of this regional initiative has been to develop a comprehensive multi-jurisdictional plan aimed at natural hazard mitigation as a prerequisite for continued area funding under the Pre-Disaster and Hazard Mitigation Grant Programs under DMA2K.

Preparation of a plan has been a two-year process where the Hazard Mitigation Planning Committee (composed of staff from local planning and emergency management offices, as well as NVRC and VDEM) have worked with the consulting team lead by the planning firm of PBS&J and Dewberry and Davis, LLC.

The process included a local capacity analysis, a natural disaster risk

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assessment, and, preparing hazard mitigation strategies for each locality. The Plan outlines actions designed to address and reduce the impact of a full range of natural hazards facing the region, such as floods, tornadoes, hurricanes, earthquakes, wildfires and drought.

Local approval by each local governing body is required to put the plan into effect in that jurisdiction.

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

Attachment 1: Resolution to adopt the Northern Virginia Regional Hazard Mitigation Plan

Attachment 2: Fairfax County Supplement, Northern Virginia Regional Hazard Mitigation Plan (Delivered under Separate Cover to Board Members and on file in the Office of the Clerk to the Board)

STAFF:

Robert A. Stalzer, Deputy County Executive

Jimmie D. Jenkins, Director, Department of Public Works Environmental Services

Roy B. ShROUT, III, Interim Coordinator, Office of Emergency Management

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ACTION - 7

Approval for Fairfax County to Join the Virginia Nutrient Credit Exchange Association (The Exchange) as Part of its Compliance Plan to Meet the New and More Stringent Nitrogen and Phosphorus Limits for the County's Noman M. Cole, Jr., Pollution Control Plant

ISSUE:

To facilitate compliance with the new and more stringent nitrogen and phosphorus limits on the wastewater treatment plants discharging treated wastewater within the Chesapeake Bay watershed, the General Assembly in 2005 allowed for creation of the Virginia Nutrient Credit Exchange Association (The Exchange). The purpose of The Exchange is to coordinate and facilitate nutrient credit trading among its members with the goal of improving water quality in the Chesapeake Bay watershed efficiently and cost-effectively. Membership in The Exchange is voluntary and free. The Board of Supervisors' approval is required for the County to join The Exchange.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors approve the County's joining The Exchange and allow the County Executive to execute the Exchange Compliance Plan Participation Statement.

TIMING:

Board action is requested on June 18, 2007, as the County's participation in The Exchange needs to be finalized by June 28, 2007.

BACKGROUND:

As an update on the County's compliance status with the new phosphorus limit, the County has been in compliance with the Potomac Embayment Standards for the past 25 years. These standards require more stringent phosphorus limit than those required under the 2005 legislation. With respect to the nitrogen level, the County has voluntarily reduced the nitrogen discharge from the Noman Cole Plant to levels below the new Waste Load Allocation. However, as the flows increase at the treatment plant, the plant will require upgrades to remain below the nitrogen limit. A two-phase plant upgrade is planned for the Noman Cole Plant. The first phase is construction of a Methanol Feed System, which is under construction and the completion is anticipated by the end of 2008. The chemical methanol is added to the wastewater to improve nitrogen removal

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during treatment process. The second phase is construction of the Enhanced Nutrient Removal facilities to reduce nitrogen discharge to the required level of “state of the art” technology. This phase is under design and the completion date is anticipated by the end of 2012.

As part of the 2005 General Assembly, State Legislation (HB 2862 and SB 1275) was enacted requiring wastewater treatment plants to reduce nitrogen and phosphorus levels in their discharges in the Chesapeake Bay watershed by January 1, 2011, or as soon as possible. This legislation put a cap on the total pounds of nitrogen and phosphorus that each plant can discharge. This is referred to as Waste Load Allocation. The same legislation allowed for the creation of The Exchange to coordinate and facilitate nutrient credit trading among its members with the goal of improving water quality in the Chesapeake Bay watershed efficiently and cost-effectively. Funding for the creation of The Exchange was provided by a grant from the state’s Water Quality Improvement Fund. Membership in The Exchange is voluntary and free.

The Exchange allows dischargers to work out nutrient trading scenarios among participating members so instead of upgrading all the plants by January 1, 2011, a small group of plants would upgrade to reduce the nutrients in their discharges. Those upgraded plants will create enough nutrient credits resulting in all the member plants to meet their cumulative nutrient limit or cumulative waste load allocation for their watershed, i.e. Potomac Shenandoah watershed in the case of Fairfax County. The created nutrient credits would then be sold to the members in need of credits at a very reasonable price until those members can be financially ready to upgrade their facilities in the future. Buying credits instead of upgrading will allow all the plants in the watershed to be in compliance with the new limits at a reasonable cost without escalation of construction cost due to flooding of the construction market with the upgrade projects for all the plants.

All wastewater plant dischargers are required to submit a compliance plan to the Department of Environmental Quality (DEQ) by August 1, 2007, outlining their plan on how and when they intend to be in compliance with the new nitrogen and phosphorus limits. The members of The Exchange only need to submit one plan for The Exchange, thus capitalizing on the strength of the whole group instead of the individual discharger. It is anticipated that The Exchange’s compliance plan will include a compliance date of 2013, as allowed in the legislation under the “...compliance by January 1, 2011, or as soon as possible.” This extended compliance date is justified due to the number of member plant upgrades in progress. If approved by DEQ, this extended compliance date would allow for any unforeseen construction delays in the County’s plant upgrades.

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FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

Attachment 1: Exchange Compliance Plan Participation

Attachment 2: The Virginia Credit Exchange Association Brochure

STAFF:

Robert A. Stalzer, Deputy County Executive

Jimmie D. Jenkins, Director, Department of Public Works and Environmental Services

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ACTION - 8

Revisions to Chapters 3, 4, 9, 10, 16 and 17 of the Personnel Regulations

ISSUE:

Board approval of revisions to Chapters 3, 4, 9, 10, 16 and 17 of the Personnel Regulations implementing changes to the policies related to promotion, reclassification, regrade, pay for performance, reemployment of annuitants, bereavement and volunteer activity leave and revisions to the Standards of Conduct for county employees.

RECOMMENDATION:

The County Executive recommends that the Board approve the proposed revisions to Chapters 3, 4, 9, 10, 16 and 17 of the Personnel Regulations. The Employees' Advisory Council has reviewed and commented on the proposed revisions.

TIMING:

Immediate. Implementation of changes is scheduled for July 7, 2007.

BACKGROUND:

At the direction of the Board of Supervisors, the county engaged Kennedy and Rand, a compensation consultant, to review the county's compensation system and provide recommendations for improvement. In addition, the county executive assembled a 23-member employee task force to support the compensation study, respond to the consultant's information requests and serve as a liaison for communication with the work force.

A key component of the review was a series of focus groups that allowed employees to provide input and identify specific concerns. Approximately 500 randomly selected employees attended 28 focus groups held at various county facilities. In addition, there were "shared experience" focus groups consisting of members of the EAC, long-tenured employees or supervisors, recently hired employees or supervisors, members of a trades job class and department heads. The task force also solicited and received more than 200 e-mails, phone messages and letters from employees. An employee survey generated more than 4,500 responses. Information gathered from the focus groups and the employee survey was posted on the task force Web site. The consultant, with assistance from the task force and other county staff, gathered a significant amount of data, surveyed other jurisdictions, compared pay ranges and compensation best

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practices and analyzed data on the county work force to generate recommendations for changes to the compensation system.

Changes were recommended for the county's promotion, regrade, reclassification and pay for performance policies. The changes recommended for FY2008 are reflected in attachment 2.

The Board also directed staff to review county leave policies to determine if the county remains competitive with other jurisdictions. This review was conducted and revealed that in general, county policies were equal to or better than that of competitors. Two areas were identified where improvements could be made to enhance the county's support for the work/life balance of the work force. Accordingly, effective in July 2008 merit employees will be eligible to use up to 16 hours of bereavement or volunteer activity leave per calendar year. This leave is not carried over from year to year and is not paid out upon an employee's departure from the county. Bereavement leave will be used for the death of a member of an employee's immediate family or household. Volunteer activity leave will be used by employees to participate in volunteer activities and initiatives to include educational and charitable institutions, religious/faith based and community service entities.

At the February 12, 2007 Personnel Committee, the Board authorized changes to the county's reemployed annuitant policy to streamline the reemployment process and to ensure compliance with federal requirements. The changes to the policy are reflected in attachment 2.

At the April 19, 2007 meeting, the Board approved revisions to the Code of Ethics for county employees (Addendum 1 to Chapter 16 of the Personnel Regulations). Staff, working with the Employees Advisory Council, have now revised the Standards of Conduct (Addendum 2 to Chapter 16 of the Personnel Regulations) to more closely tie the Standards to the revised Code of Ethics and to more accurately reflect the types of issues faced in the workplace today.

In accordance with the Merit System Ordinance, the proposed revisions were forwarded to the Civil Service Commission for public hearing. The public hearing was held on May 30, 2007. The Commission's comments are included as attachment 3 and have been addressed through changes to the language in the Standards of Conduct.

**FISCAL IMPACT:**

FY 2008 funding requirements associated with the proposed changes will be absorbed within existing appropriations.

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ENCLOSED DOCUMENTS:

Attachment 1: Proposed revisions to Chapters 3, 4, 9, 10, 16 and 17 of the Personnel Regulations

Attachment 2: Summary of Proposed Revisions

Attachment 3: Memorandum from the Civil Service Commission

STAFF:

Edward L. Long, Jr., Deputy County Executive

Peter Schroth, Director, Department of Human Resources

Jay Wilcox, Assistant County Attorney

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ACTION – 9

Authorization to Execute a Local Funding Agreement and a Cooperative Agreement with the Metropolitan Washington Airports Authority and to Expend Funds from the Dulles Corridor Phase 1 Special Improvement Tax District for the Construction of the Dulles Corridor Metrorail Project

ISSUE:

The Dulles Corridor Metrorail Project is the Board's highest transportation priority. The project is a 23.1 mile extension of Metrorail into Tysons Corner and the Dulles Corridor to Reston, Herndon, Dulles International Airport, and Loudoun County. The project has been divided into two phases, with Phase 1 extending through Tysons Corner to Wiehle Avenue and Phase 2 completing the project through Dulles International Airport to Loudoun County. Phase 1 of the project has completed its Environmental Impact Statement (EIS), received a Record of Decision from the Federal Transit Administration (FTA) and the Federal Aviation Administration (FAA), and completed Preliminary Engineering. The next steps in FTA's project development process are to obtain approval to enter Final Design and then to apply for a Full Funding Grant Agreement to construct the rail extension.

In order to apply to FTA to enter Final Design and to obtain a Full Funding Grant Agreement, FTA requires a Local Funding Agreement and a Cooperative (or Intergovernmental) Agreement among the parties seeking to construct, fund, and operate the project. In this instance, a Local Funding Agreement and a Cooperative Agreement are necessary between Fairfax County and the Metropolitan Washington Airports Authority (MWAA).

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors take the following actions:

1. Authorize the County Executive to execute a Local Funding Agreement (Attachment 1) with MWAA for the construction of Phase 1 of the Dulles Corridor Metrorail Project subject to the following conditions:
  - a. That the project scope remains as defined in the agreement approved on June 6, 2007, between MWAA and Dulles Transit Partners and that no alterations or modifications are made to the project scope without prior approval of the Board.
  - b. That the project receives a risk assessment rating satisfactory to FTA.

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- c. That the total project cost accompanying the request for a Full Funding Grant Agreement not exceed \$2.647 billion.
  - d. That the Local Funding Agreement be executed as part of the request to FTA for a Full Funding Grant Agreement.
2. Authorize the County Executive to execute a Cooperative Agreement (Attachment 2) between Fairfax County and MWAAs which defines the policies and procedures that will be used to design, review, and approve Phases 1 and 2 of the Dulles Corridor Metrorail Project, subject to the Commonwealth of Virginia's continuing role in the project following the transfer of the project to MWAAs (Attachment 3).
  3. Authorize the County Executive to expend funds from the Dulles Rail Phase 1 Special Improvement Transportation District in accordance with the terms of the petition of the tax district and in accordance with the cash-flow requirements of the project, and to establish a buy-out procedure for commercial and industrial properties that may in the future be converted to residential use (Attachment 4).

TIMING:

Board action is requested on June 18, 2007, in order to allow the project to submit the application for Final Design to the FTA and enter Final Design in the August/September 2007 time period, and to maintain the viability of the Dulles Transit Partners bid price offer.

BACKGROUND:

The Dulles Corridor Metrorail extension had its genesis over 45 years ago when the FAA planned Dulles International Airport and preserved the median of the Dulles Connector Road and the Dulles International Airport Access Highway for a future rail extension to the airport. Since that time four major studies have been conducted on how to best serve the airport and Northern Virginia with a rail extension.

In 1999, Virginia Secretary of Transportation Martinez established the Dulles Corridor Task Force to proceed with a phased implementation of rail service in the corridor. That same year, the Board established rail in the Dulles Corridor as its highest transportation priority.

A Draft Environmental Impact Statement was prepared for the corridor that examined various public transportation alternatives, alignments, and aerial and tunnel options in Tysons Corner. After more than 250 public meetings and 9 public hearings by the project team and 8 public hearings conducted by Fairfax County on various aspects of the project, the public defined the Locally Preferred Alternative as a 23 mile seamless extension of Metrorail from the Orange Line along the Dulles Connector Road into Tysons Corner as an aerial structure along Routes 123 and 7, proceeding along the Dulles International Airport Access Highway into the airport and continuing into Loudoun County. A total of 11 stations

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were defined for the project; 8 in Fairfax County, one station at the airport, and 2 stations in Loudoun County. The project is expected to provide for approximately 63,000 daily person trips when Phase 1 is operational in 2013 and 95,000 daily person trips when the entire project is operational in 2015/2016. The project has the ability to increase person travel capacity in the Dulles Corridor by approximately 50%.

The Board of Supervisors adopted the Locally Preferred Alternative on October 28, 2002. This was followed by the Washington Metropolitan Area Transit Authority (WMATA) and MWA in November 2002, and the Commonwealth Transportation Board in December 2002. The Locally Preferred Alternative was incorporated into the Metropolitan Washington Council of Governments' Constrained Long Range Transportation Plan on January 15, 2003. The Final EIS was completed in 2004, the FAA and FTA issued Records of Decision in the spring of 2005, and FTA issued an amended Record of Decision in November 2006 for alignment changes in Tysons Corner.

The project has completed Preliminary Engineering for Phase 1 and is now awaiting FTA approval to enter Final Design and to obtain a Full Funding Grant Agreement. The project is currently conducting property acquisition and is expecting to begin utility relocations in September 2007. If FTA approves the request to enter Final Design in a timely manner and issues a Full Funding Grant Agreement in February 2008, heavy construction will begin in the first quarter of 2008. Rail passenger service would begin to Tysons Corner and Wiehle Avenue in late 2013. Phase 2 service could begin in the 2015/2016 time period.

With regard to the Dulles Rail Phase 1 Special Transportation Improvement District buy-out formula, Section 33.1-437(A) of the Code of Virginia requires the payment by the property owner of a sum representing the present value of the future Special Improvements Taxes to be lost as a result of such zoning change (i.e. from commercial or industrial to residential) estimated in accordance with a formula approved by the Board as a condition precedent to such rezoning. If the landowner fails to make this lump sum payment as and when required, the change in zoning classification shall not become effective and the ordinance shall be void. In addition, Section 33.1-437(B) also requires the lump sum payment upon a change in use from residential property subject to the tax to one not subject to the tax. Conversion of multi-unit rental apartments to condominium ownership would be one example of such change in use.

In order to implement a rezoning buy-out formula in the Dulles Rail Phase I Tax District it is necessary for the Board to formally adopt a policy and a formula. The statement and formula calculation methodology (Attachment 4) are based on the successful Route 28 formula in use for many years. Normally, the use of the formula is triggered as a condition before completion of an approved rezoning action from a taxable commercial or industrial use to a residential use that is not taxable. However, the Dulles Rail District tax also applies to commercial apartment dwellings that are already zoned residential. Therefore, the proposed policy contains a provision that allows the Department of Tax Administration

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to identify and collect the lump sum buy-out amount whenever taxable multi-family residential use is converted to non-taxable use through a conversion to condominium ownership through recording of the condominium documents.

FISCAL IMPACT:

The total cost of Phase 1 of the Rail to Dulles Project is estimated to be \$2.647 billion as negotiated by MWAA on behalf of the Commonwealth. The Phase 2 costs have not been determined but have been estimated by MWAA to be approximately \$2.5 billion to complete the line through the airport into Loudoun County. Fairfax County's share of the total cost of the project is 16.1%, of which the first \$400 million is due with construction of Phase 1. This amount will be fully funded by the Phase 1 Dulles Rail Transportation Improvement District established in 2004 in accordance with the terms of the district petition. Close to \$50 million has already been collected and is available in Fund 121 for this purpose. Should Phase 2 not proceed as planned, the County will be obligated to pay 16.1% of Phase 1 total costs, or approximately \$426 million. A source of funds for the required payment in excess of \$400 million will need to be identified from available resources at the time should a decision to proceed with Phase 2 be made in the future. All obligations to make payments are contingent upon annual appropriation by the Board.

ENCLOSED DOCUMENTS:

Attachment 1: Agreement to Fund Metrorail Construction in the Dulles Corridor  
Attachment 2: Cooperative Agreement between the Metropolitan Washington Airports Authority and Fairfax County, Virginia  
Attachment 3: Commonwealth of Virginia Letter on a Continuing State Role in the Dulles Corridor Metrorail Project, Draft  
Attachment 4: Dulles Rail Tax District Phase I Residential Rezoning Formula

STAFF:

Anthony H. Griffin, County Executive  
Edward L. Long, Chief Financial Officer  
Robert A. Stalzer, Deputy County Executive  
Katharine D. Ichter, Director, Department of Transportation (FCDOT)  
Richard F. Stevens, Dulles Corridor Metrorail Project Manager, FCDOT  
Leonard P. Wales, County Debt Manager, Department of Management and Budget

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ACTION – 10

Sale of Eleven Oaks School Property to the City of Fairfax

ISSUE:

Board approval of a resolution (Attachment 1) to approve the sale of the Eleven Oaks School parcels, located at 10515 School Street within the City of Fairfax and the County of Fairfax, to the City of Fairfax and for the School Board to retain the proceeds for other School Board construction, renovation and major maintenance requirements.

RECOMMENDATION:

The County Executive recommends approval of Attachment 1, a Board of Supervisors' resolution approving the sale of the property to the City of Fairfax and the School Board's retention of the proceeds from this sale.

TIMING:

The School Board requests approval in order to close the transaction as soon as possible following Board approval on June 18, 2007.

BACKGROUND:

On May 16, 2007, the School Board held a public hearing concerning the sale of this property (see Attachment 2, School Board Agenda Item) and on May 24, 2007, the School Board adopted a resolution (see Attachment 3) declaring the property as surplus and approving the sale of the property to the City of Fairfax, subject to the Board of Supervisors' approval of the School Board's retention of the proceeds of such sale. Attachment 4 is the Purchase and Sale Agreement between the School Board and the City of Fairfax.

There is no requirement for the Board of Supervisors to hold a public hearing concerning this sale of property. Virginia Code § 22.1 -129 requires that whenever a school board declares real property as surplus and desires to sell the property, they may retain the proceeds of the sale upon approval by the Board of Supervisors. The School Board requests that the Board of Supervisors approve the School Board to retain the proceeds from the sale for the funding of other School Board construction, renovation and major maintenance requirements.

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The Eleven Oaks property consists of two parcels of improved land, including approximately 1 acre of land located in the City of Fairfax, Virginia, and approximately 6.157 acres of land located in Fairfax County, Virginia identified as Tax Map 57-4- ((1)) - 6. This property is not currently used for instruction and, in the opinion of the School Board, is not required by the school system to meet present or anticipated educational needs.

It should be noted that the City of Fairfax plans to construct a road through the Eleven Oaks property southward from School Street to University Drive on the George Mason University campus to improve traffic flow, as proposed under Application FS-B05-41 and approved by the Fairfax County Planning Commission on March 29, 2006. Also the purchase and sales agreement specifies that the City will find a suitable location (or no more than two separate locations) for bus parking within 2.5 miles of Eleven Oaks. Until such time as the City accomplishes this requirement, the buses will remain at Eleven Oaks. Currently, 46 full-size school buses are parked at Eleven Oaks on a daily basis. In addition, a small passive recreation area was originally proposed by the City of Fairfax for the western portion of the property under Application FS-BO5-41 as part of the road improvement project if a permanent bus parking facility were to be constructed on this property. The Fairfax County Park Authority notes that the proposed passive recreation area will have limited recreational potential due to its size and location. The property is currently planned for public facility use and is zoned R-1. The City may chose to sell any surplus land for future development following the provision of the road and school bus parking.

FISCAL IMPACT:

The sales price is \$4,000,000. This is consistent with an appraisal of the property performed by outside appraisers for the School Board. The School Board plans to use the funds from the sale of Eleven Oaks for facility enhancements necessary to relocate programs previously located at Eleven Oaks. The Alternative Learning Center (ALC) program is moving from Eleven Oaks to Mountain View which necessitates the construction of a modular addition at that school. The construction cost estimate for this is \$3.5 million. The remaining proceeds will primarily be used for costs associated with moving the Occupational Therapy Program (OTP) from Eleven Oaks to a previously unfinished section of the Westfield High School addition which will require construction of classrooms, bathrooms, and other facility modifications.

ENCLOSED DOCUMENTS:

Attachment 1: Board of Supervisors' Resolution  
Attachment 2: School Board Agenda Item

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Attachment 3: School Board Resolution and cover letter from Dean A. Tistadt, Chief Operating Officer, to Anthony Griffin, County Executive, dated May 30, 2007  
Attachment 4: Purchase and Sale Agreement

STAFF:

Edward L. Long, Jr., Deputy County Executive  
Dean A. Tistadt, Chief Operating Officer, Fairfax County Public Schools  
Jose A. Comayagua, Director, Facilities Management Department  
Leonard P. Wales, County Debt Manager  
Michael Long, Senior Assistant County Attorney

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## INFORMATION – 1

### 2007 Election Year Policies

The following are the 2007 Election Year Policies adopted by the Board of Supervisors on December 4, 2006:

- Responses to Board of Supervisors and candidates requests for information are to be provided by centralized responses from the Office of the County Executive
- Beginning July 1, 2007, and continuing until election day, November 6, 2007, recurring information detailing County government actions will be made available for non-incumbent Board of Supervisors candidates. This material includes the following:
  - Board Meeting Agenda and Package of Materials
  - Not-in-package items (NIPs) sent to the Board
  - Clerk's Board Summary
  - News Releases
  - Land Use Affidavits
  - Calendar for Board Members

Non-incumbents will be directed to pick-up the above information from the Office of the Clerk to the Board of Supervisors at 12000 Government Center Parkway, Suite 533, Fairfax.

- A moratorium on land-use public hearings and the appointment of citizens to Board, Authorities and Commissions from election day until the new Board takes office
- Beginning July 1, 2007, and continuing until election day, November 6, 2007, County printing and mailing services are not to be used for the purpose of district-wide newsletters
- Links from a magisterial district's web page to a Board incumbent's personal or campaign web site are to be prohibited

### ENCLOSED DOCUMENTS:

None.

### STAFF:

Catherine A. Chianese, Assistant to the County Executive

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INFORMATION – 2

Cooperative Agreement – A Water Resources Monitoring Network for Fairfax County in Partnership with the United States Geological Survey

Water quality Best Management Practices (BMPs) have been employed and constructed throughout the County for the past several decades and will continue to be implemented as part of the County's stormwater management efforts. BMPs are designed and constructed in an effort to reduce excess runoff and pollution reaching the receiving waters of Fairfax County that drain into the Potomac River; and eventually, the Chesapeake Bay.

Many BMPs have been shown to be effective at the site scale, but much less is known about the effect of multiple BMPs at the larger watershed scale. Evaluating BMPs effectiveness on the watershed scale is critical from regulatory compliance and watershed planning perspectives. Long-term monitoring is necessary to discern the processes and patterns occurring in the more urbanized watersheds typically found throughout Fairfax County.

With long-term water quality monitoring data, many questions can begin to be answered, such as:

- How well are the current BMPs working?
- How might they be improved?
- How can we create more cost and time-effective BMPs?
- Can we quantify the effects of the projects being implemented out of the current watershed planning process?
- Can these results be transferred to other watersheds with similar characteristics?
- How can we effectively implement BMPs and retrofits in older, less-protected watersheds?

To this end, the Department of Public Works and Environmental Services (DPWES), Stormwater Planning Division (SWPD) is proposing a partnership with the United States Geological Survey (USGS) to create a water resources monitoring network for Fairfax County. The SWPD has successfully partnered with USGS twice before (Accotink Creek Fecal Coliform Source Tracking Studies) and now has an opportunity to build on this partnership to develop a robust, countywide water monitoring network.

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This is intended to be an ongoing, long-term monitoring effort to describe current conditions and trends in both water quality (e.g. nutrients, sediment) and water quantity. Both dry and wet weather (storm event) data will be collected. Details of the proposed study are discussed in the attached document. The basic study framework consists of establishing four USGS water gauging stations throughout the County. These gages will collect flow data and water quality data every 15 minutes. This data will then be posted to a USGS web page typically one to two hours after collection. To supplement the data from these gauged stations, ten less-intensely monitored locations will also be established.

Unless otherwise directed by the Board of Supervisors, the County Executive will proceed to authorize the Joint Funding Agreement between the County and the USGS in the amount of \$170,000 for the construction and initial monitoring activities. At the County's option, the agreement may be extended annually to continue the monitoring program at a cost of approximately \$200,000 per year.

FISCAL IMPACT:

Funding for this project will be provided on a cost-share basis with the USGS and DPWES. Funding is available to award this Joint Funding Agreement from Fund 318, Stormwater Management Program in Project FX7000, Municipal Separate Storm Sewer Permit. Annual total (shared) costs for this project were identified at approximately \$250,000 (with projections allowing for inflation). The initial cost-share split will be one-third (\$80,000) by USGS and two-thirds (\$170,000) by the County to cover the cost of initial construction of gauging stations, study start-up, and partial-year monitoring activities. Under future extensions, the County will contribute approximately 80 percent of the operating costs, while USGS will be responsible for the remaining 20 percent which includes primary data collection, processing, and analysis. The USGS will be responsible for facility repair costs as ownership responsibilities will reside with them. This agreement may be extended annually at the County's option.

The County will also be providing in-kind services as follows:

1. Laboratory services for nutrient analysis (nitrogen and phosphorus) of up to 520 water samples per year will be performed by the Wastewater Management Division, DPWES at the Noman M. Cole Lower Potomac Pollution Control Plant's laboratory.
2. SWPD staff ecologists will provide support in water quality sample collection and biological sampling and processing.

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ENCLOSED DOCUMENTS:

Attachment 1: USGS Joint Funding Agreement Package

STAFF:

Robert A. Stalzer, Deputy County Executive

Jimmie Jenkins, Director, Department of Public Works and Environmental Services (DPWES)

Howard J. Guba, Deputy Director, Department of Public Works and Environmental Services

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## INFORMATION - 3

### Contract Award – Consultant Services, Legacy System Replacement Project

The Department of Purchasing and Supply Management identified a contract competitively solicited and awarded by Montgomery County [Maryland] Public Schools for services required by Fairfax County in support of the Legacy System Replacement Project. The Legacy System Replacement Project is an effort undertaken to review, evaluate and possibly replace the County's aging corporate systems including PRISM (personnel), FAMIS (financial), BPREP (budget) and CASPS (procurement). The contract awarded to The Research and Consulting Center of the Government Finance Officers Association included the Metropolitan Washington Council of Governments Cooperative Purchasing Program rider clause and GFOA has extended this contract to Fairfax County.

Services provided under this contract will include comprehensive consultative services for the planning and possible procurement and implementation of corporate systems to replace some or all of our current systems. The services will be contracted in five phases: I) Project Initiation, II) Process Mapping and Change Management, III) Requirements Definition, IV) System Selection, and V) Contract Negotiation Services. The contract will also provide for additional related consultant services during implementation on a task order basis at rates identified in the contract.

The Fairfax County Department of Tax Administration has verified that The Government Finance Officers Association does not require a Fairfax County Business, Professional & Occupational License (BPOL).

Unless otherwise directed by the Board of Supervisors, the County Purchasing Agent will proceed to award this contract to the Research and Consulting Center of the Government Finance Officers Association to provide Consultant Services for the planning and possible procurement and implementation of corporate systems.

#### FISCAL IMPACT:

The amount for the contract for specified phases and deliverables is \$239,825. Funding is available for this contract in the Department of Information Technology Fund 104. Additional related consultant services may be contracted on a task order basis at rates identified in the contract, and funded within existing appropriations.

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ENCLOSED DOCUMENTS:

Attachment 1: Metropolitan Washington Council of Governments Cooperative  
Purchasing Program Rider Clause, Montgomery County Public Schools RFP #4170.1

STAFF:

Edward Long, Deputy County Executive

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

Wanda Gibson, Director, Department of Information Technology

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11:05 a.m.

Matters Presented by Board Members

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11:55 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. *Condemnation Negotiations Between Transcontinental Gas Pipe Line Corporation and the Fairfax County Park Authority* (Sully District)
  - 2. *Board of Zoning Appeals of Fairfax County, Virginia v. Board of Supervisors of Fairfax County, Virginia, and Jimmie D. Jenkins, Director, Fairfax County Department of Public Works and Environmental Services*, Record No. 070318 (Sup. Ct. of Va.) (Providence District)
  - 3. *Virginia Department of Labor and Industry v. Fairfax County Department of Public Works and Its Successors*, Inspection No. 309234789 (Springfield District)
  - 4. *Great Socialist People's Libyan Arab Jamahiriya v. Arlington County, Virginia, and Fairfax County, Virginia*, Case No.1:07CV497 (E.D. Va.) (Providence District)
  - 5. *Darren T. Rooney v. Fallah M. Moiwah, Fairfax County, Veolia Transportation, Inc., Veolia Transportation Services, Inc., and Fairfax Connector*, Case No. CL07001581 (Alex. Cir. Ct.)

6. *Christopher Applegate, Eugenie Applegate, Michael Hathaway, Zoe Hathaway, Thomas Gallagher, and Nancy Gallagher v. The Board of Supervisors of Arlington County, Virginia, and the Board of Supervisors of Fairfax County, Virginia, Case No. 013CL07000673-00 (Arl. Co. Cir. Ct.) (Dranesville District)*
7. *Phillip Luther Moore, II v. Fairfax County, Virginia, Officer Ivancic, Officer Smuck, Officer Shugart, Officer Ankers, and David M. Rohrer, Chief of Police, Case No. L07CV410 (U.S.D.C. Alex.)*
8. *Nancy C. Welch and Mark T. Welch v. Fairfax County Board of Zoning Appeals, et al., Case No. CL-2006-0002456 (Fx. Co. Cir. Ct.) (Mount Vernon District)*
9. *Eileen M. McLane, Fairfax County Zoning Administrator v. Wilver Galindo, Case No. CL-2006-0008832 (Fx. Co. Cir. Ct.) (Braddock District)*
10. *Eileen M. McLane, Fairfax County Zoning Administrator v. Marec Corporation, Case No. CH-2005-0002342 (Fx. Co. Cir. Ct.) (Dranesville District)*
11. *Eileen M. McLane, Fairfax County Zoning Administrator v. Marcelino Lizarazu, Marisol M. Arnez, and Javier Espinoza, Case No. CL-2007-0002711 (Fx. Co. Cir. Ct.) (Providence District)*
12. *Eileen M. McLane, Fairfax County Zoning Administrator v. Jane Taylor and Sean Taylor, Case No. CL-2007-0000679 (Fx. Co. Cir. Ct.) (Mason District)*
13. *Eileen M. McLane, Fairfax County Zoning Administrator v. Adam J. Rodriguez, Case No. CL-2006-0008493 (Fx. Co. Cir. Ct.) (Lee District)*
14. *Fairfax County Redevelopment and Housing Authority v. Nectar Projects, Inc., Tigor Title Insurance Company of Florida, Mortgage Electronic Registration Systems, Inc., and First Magnus Financial Corporation, Case No. CL-2007-0004369 (Fx. Co. Cir. Ct.) (Mason District)*
15. *Eileen M. McLane, Fairfax County Zoning Administrator v. Rafael D. Sandoval and Victoria S. Sandoval, Case No. CL-2007-0006588 (Fx. Co. Cir. Ct.) (Mason District)*

16. *Eileen M. McLane, Fairfax County Zoning Administrator v. Thanh N. Mercer and Alan Thai*, Case No. CL-2007-0006665 (Fx. Co. Cir. Ct.) (Providence District)
17. *Eileen M. McLane, Fairfax County Zoning Administrator v. Raimundo Guevara and Santa L. Mendieta*, Case No. CL-2007-0006524 (Fx. Co. Cir. Ct.) (Lee District)
18. *Eileen M. McLane, Fairfax County Zoning Administrator v. Carl W. Gaston and Virginia D. Gaston*, Case No. CL-2007-0006523 (Fx. Co. Cir. Ct.) (Lee District)
19. *Board of Supervisors of Fairfax County, Virginia v. Oracle Corporation and Safeco Insurance Company of America*, Case No. CL-2007-0001189 (Fx. Co. Cir. Ct.) (Hunter Mill District)

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3:30 p.m.

Public Hearing on PCA 2004-DR-023-02 (Oakcrest School) to Amend the Proffers for PCA 2004-DR-023 Previously Approved for a Private School of General Education to Permit Modifications to the Approved Proffers with an Overall Floor Area Ratio of 0.11, Located on Approximately 5.46 Acres Zoned R-1, Dranesville District

and

Public Hearing on SEA 00-D-006-03 (Oakcrest School) to Amend SE 00-D-006 Previously Approved for a Private School of General Education to Decrease the Amount of Provided Parking, to Permit Outdoor Sports Courts, to Permit a 10-Foot High Fence to be Located Around the Outdoor Sports Courts Per Sect. 9-624 of the Zoning Ordinance, to Permit Existing Temporary Trailers to Remain Longer, to Permit Summer Activities, to Modify the Requirement for a Traffic Marshal, to Increase the Opportunities to Lease the Facility, to Reduce the SEA Land Area and to Permit Associated Modifications to Site Design and Development Conditions, Located on Approximately 5.46 Acres Zoned R-1, Dranesville District

The application property is located in the northwest quadrant of the intersection of Georgetown Pike and Balls Hill Road, at 850 Balls Hill Road, Tax Map 21-3 ((1)) 56A.

PLANNING COMMISSION RECOMMENDATION:

On Thursday, April 26, 2007, the Planning Commission voted 10-0-2 (Commissioners Harsel and Murphy abstaining) to recommend the following actions to the Board of Supervisors:

- Approval of PCA 2004-DR-023-2, subject to the execution of proffers consistent with those dated March 23, 2007;
- Approval of SEA 00-D-006-03, subject to the proposed Development Conditions dated April 26, 2007;
- Waiver of Sect. 2-414 to permit the modular classrooms to be located 30 feet, rather than the required minimum of 75 feet, from I-495, as shown on the GDP/SEA Plat;
- Modification of the transitional screening requirement along the eastern and southern property lines in favor of the existing landscaping, as shown on the GDP/SEA Plat;  
and
- Waiver of the barrier requirement along the eastern and southern property lines.

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ENCLOSED DOCUMENTS:

None. Staff Report previously furnished.

STAFF:

Barbara A. Byron, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)

Catherine Lewis, Senior Staff Coordinator, Zoning Evaluation Division, DPZ

Board Agenda Item  
June 18, 2007

3:30 p.m.

Public Hearing on SE 2007-DR-003 (Reformed Theological Seminary) to Permit a College/University with a Maximum Enrollment of 33 Students, Located on Approximately 7.5 Acres Zoned R-1 and R-2, Dranesville District

The applicant property is located at 1020 Balls Hill Road, Tax Map 21-3 ((1)) 50, 50A, 51 and 53; 21-3 ((15)) A1.

PLANNING COMMISSION RECOMMENDATION:

On Wednesday, May 16, 2007, the Planning Commission voted unanimously (Commissioners Flanagan, Hall, and Sargeant absent from the meeting) to recommend the following actions to the Board of Supervisors:

- Approval of SE 2007-DR-003, subject to the Development Conditions dated May 15, 2007;
- Modification of the transitional screening requirements along the eastern and southern lot lines of the subject property;
- Modification of the transitional screening requirements along the western lot line of the subject property; and
- Waiver of the barrier requirements along the northern, southern, and eastern lot lines of the subject property.

ENCLOSED DOCUMENTS:

None. Staff Report previously furnished.

STAFF:

Barbara A. Byron, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)

Stephen Varga, Staff Coordinator, Zoning Evaluation Division, DPZ

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Board Agenda Item  
June 18, 2007

3:30 p.m.

Public Hearing on SEA 2004-DR-031 (River Bend Golf and Country Club, Inc.) to Amend SE 2004-DR-031 Previously Approved for a Golf Course and Country Club to Permit Fill in the Floodplain, Site Modifications and Associated Changes to Development Conditions, Located on Approximately 175.8 Acres Zoned R-E, Dranesville District

The application property is located at 9900 Arnon Chapel Road and 9901 Beach Mill Road, Tax Map 7-2 ((1)) 21A; 8-1 ((1)) 22, 23 and 41; 8-3 ((1)) 4.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission public hearing will be held on Wednesday, June 13, 2007. The Commission's recommendation will be forwarded to the Board of Supervisors under separate cover subsequent to that date.

ENCLOSED DOCUMENTS:

None. Staff Report previously furnished.

STAFF:

Barbara A. Byron, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)

Jonathan Papp, Staff Coordinator, Zoning Evaluation Division, DPZ

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Board Agenda Item  
June 18, 2007

3:30 p.m.

Public Hearing on SEA 99-S-012-02 (The Country Club of Fairfax, Inc.) to Amend SE 99-S-012 Previously Approved for a Golf Course, Country Club and Uses in a Floodplain to Permit Building Additions and Associated Modifications to Site Design and Development Conditions, Located on Approximately 150.85 Acres Zoned R-C and WS, Springfield District

The application property is located at 5110 Ox Road and 11001 Braddock Road, Tax Map 68-1 ((1)) 17, 18 and 20.

PLANNING COMMISSION RECOMMENDATION:

On Wednesday, May 16, 2007, the Planning Commission voted unanimously (Commissioners Flanagan, Hall, and Sargeant absent from the meeting) to recommend the following actions to the Board of Supervisors:

- Approval of SEA 99-S-012-02, subject to the proposed Development Conditions dated May 15, 2007;
- Modification of the transitional screening requirements and waiver of the barrier requirements along all property boundaries in favor of that depicted on the SE Plat;
- Waiver of the service drive requirements for Route 123;
- Modification of Sect. 9-528, Par. 2, to permit three structures and tennis courts to be located within 50 feet of the lot line;
- Direct the Director of the Department of Public Works and Environmental Services to waive the requirement for construction of frontage improvements on Route 123.

ENCLOSED DOCUMENTS:

None. Staff Report previously furnished.

STAFF:

Barbara A. Byron, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)

Jonathan Papp, Staff Coordinator, Zoning Evaluation Division, DPZ

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Board Agenda Item  
June 18, 2007

3:30 p.m.

Public Hearing on SEA 77-C-190-02 (Fairfax County Water Authority, D/B/A Fairfax Water) to Amend SE 77-C-190 Previously Approved for a Water Storage Facility to Permit an Increase in the Number of Water Storage Tanks and Associated Modifications, Located on Approximately 7.48 Acres Zoned R-1, Sully District

The application property is located at 3663 West Ox Road, Tax Map 46-1 ((1)) 6A.

PLANNING COMMISSION RECOMMENDATION:

On Thursday, May 24, 2007, the Planning Commission voted 10-0-1 (Commissioner Alcorn abstaining; Commissioner Flanagan absent from the meeting) to recommend that the Board of Supervisors approve SEA 77-C-190-02, subject to the proposed Development Conditions dated May 9, 2007.

The Commission then voted unanimously (Commissioner Flanagan absent from the meeting) to recommend the following two actions to the Board of Supervisors:

- Modification of the transitional screening requirements, in favor of that shown on the SE Plat, to allow use of existing vegetation wherever possible; and
- Modification of the fence height to allow a height of 10.5 feet, as shown on the SE Plat.

In a related action, the Planning Commission voted unanimously (Commissioner Flanagan absent from the meeting) to approve 2232-Y07-05. The Commission noted that the application satisfied the criteria of location, character, and extent, as set forth in Sect. 15.2-2232 of the *Code of Virginia*, and was substantially in conformance with the Comprehensive Plan.

ENCLOSED DOCUMENTS:

None. Staff Report previously furnished.

STAFF:

Barbara A. Byron, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)

Tracy Strunk, Senior Staff Coordinator, Zoning Evaluation Division, DPZ

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Board Agenda Item  
June 18, 2007

4:00 p.m.

Public Hearing on Approval of Amendments to Chapter 4 (Taxation and Finance) of the Fairfax County Code to Increase the Courthouse Security Fee

ISSUE:

Public hearing to consider amendment of section 4-22-3 of the Fairfax County Code relating to an increase in the fee charged for Courthouse security.

RECOMMENDATION:

The County Executive recommends that the Board adopt the amendments to Section 4-22-3 (draft dated April 16, 2007) that are proposed in the enclosed documents.

TIMING:

Board action is requested on June 18, 2007, in order for the amendments to be effective on July 1, 2007.

BACKGROUND:

Since July 1, 2002, the County has imposed a fee of \$5.00 on each criminal or traffic case in its district or circuit courts in which the defendant is convicted of a violation of any statute or ordinance. Senate Bill 1082, signed into law on March 15, 2007, permits the Board to increase the fee from \$5.00 to \$10.00 effective July 1, 2007. The total assessment is intended to support the Office of Sheriff's costs associated with courthouse security personnel, as well as, equipment used in connection with providing courthouse security. There is no maintenance of effort clause, so the assessment can be used towards currently funded courthouse security efforts. The types of security currently provided by Sheriff Deputies include security within the courtroom itself, security in moving and overseeing prisoners within the court facility, and general security control for the lobbies and courthouse building perimeter.

FISCAL IMPACT:

Based on staff estimates, the \$5.00 increase in the courthouse security fee will generate \$0.9 million annually. The fee, which is directed to courthouse security costs, would free up funding that could be redirected to other needs, such as the recruitment and retention issues in the Sheriff's Department. Upon approval, an appropriate revenue adjustment will occur as part of the *FY 2007 Carryover Review*.

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ENCLOSED DOCUMENTS:

Attachment I - Proposed Amendment to Chapter 4 of the *Code of the County of Fairfax, Virginia*.

STAFF:

Susan W. Datta, Director, Department of Management and Budget

Michael Long, Senior Assistant County Attorney

Marcia C. Wilds, Department of Management and Budget

Board Agenda Item  
June 18, 2007

4:00 p.m.

Public Hearing on Amendments to the Code of the County of Fairfax, Chapter 82, Motor Vehicles and Traffic, Section 82-1-6, Adoption of State Law

ISSUE:

Public hearing to amend Chapter 82, Motor Vehicles and Traffic. These amendments adopt actions of the 2006 General Assembly into Chapter 82 of the *Code of the County of Fairfax, Virginia*.

RECOMMENDATION:

The County Executive recommends that the Board adopt the proposed amendments to Chapter 82.

TIMING:

Board of Supervisors authorized the advertisement of a public hearing on the proposed amendments on May 21, 2007; Board of Supervisors' public hearing scheduled for June 18, 2007, at 4:00 p.m. If approved, the provisions of these amendments will become effective July 1, 2007.

BACKGROUND:

As a housekeeping measure to update Chapter 82, portions of Section 82-1-6 (Adoption of State Law) have been amended to reflect changes made to the *Code of Virginia* by the 2007 General Assembly. A summary of these changes, which become effective July 1, 2007, is provided in Attachment 2.

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

Attachment 1 - Proposed Amendments to Chapter 82, Motor Vehicles and Traffic  
Attachment 2 - Summary of 2007 General Assembly Amendments Affecting Chapter 82, Motor Vehicles and Traffic

STAFF:

Colonel David M. Rohrer, Chief of Police  
Robert M. Ross, Assistant County Attorney

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Board Agenda Item  
June 18, 2007

4:00 p.m.

Public Hearing on Amendment to The Code of the County of Fairfax, Article 7 of Chapter 3 Regarding a Change to the Police Officers Retirement System

ISSUE:

Board of Supervisors approval of an amendment to Article 7 of Chapter 3, County Employees. This change to the Police Officers Retirement System reduces the employee contribution rate from 12% to 11% and eliminates the thirty year cap on creditable service.

RECOMMENDATION:

The County Executive recommends that the Board approve an amendment to the Police Officers Retirement System for the purpose of changing the employee contribution rate and eliminating the thirty year cap on creditable service.

TIMING:

Board action is requested on June 18, 2007. Public Hearing was authorized for advertisement on May 21, 2007.

BACKGROUND:

The decrease in the employee contribution rate will reduce Police Officers' out-of-pocket costs and make the Police benefits package more competitive with surrounding jurisdictions. More specifically, the percentage of pay that Police Officers contribute to the retirement system is higher in Fairfax County than in several surrounding localities. Moreover, because Police Officers do not participate in Social Security nor receive Social Security benefits unless they qualify through other employment, Police officers' net income replacement ratio at retirement is lower than that of other County retirees who do participate in Social Security. Lowering the employee contribution rate will provide Police with a more equitable and competitive benefits package. It is anticipated that additional adjustments will be made in subsequent years to continue to reduce the employee contribution rate for the Police Officers system.

In addition, the maximum amount of creditable service that currently can be used in calculating a retirement benefit in the Police Officers System is thirty years. The Police Officers System is the only County retirement system that places a cap on the amount of service. Eliminating the cap on creditable service will help to retain experienced staff.

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FISCAL IMPACT:

The reduction in the employee contribution rate and the elimination of the cap on creditable service requires an increase in the employer contribution rate. The FY 2008 Adopted Budget Plan includes funding of \$1,000,000 for the cost of the increase in the employer contribution rate resulting from the reduction in the employee rate. Since the adoption of the budget, further actuarial analysis has determined that the cost of the increase in the employer contribution rate resulting from both the reduction in the employee contribution rate and the elimination of the cap on creditable service is \$1,000,000. Therefore, the FY 2008 General Fund impact of both of these changes is fully funded in the FY 2008 Adopted Budget Plan.

ENCLOSED DOCUMENTS:

Attachment 1: Amendment to Chapter 3, Article 7, Section 3-7-24

Attachment 2: Letter from Fiona Liston, Consulting Actuary, Cheiron, Inc. to Lurnz Swartz dated March 21, 2007

Attachment 3: Letter from Fiona Liston, Consulting Actuary, Cheiron, Inc. to Lurnz Swartz dated March 26, 2007

STAFF:

Lurnz A. Swartz, Executive Director to the Retirement Boards

Board Agenda Item  
June 18, 2007

4:00 p.m.

Public Hearing on Amendment to The Code of the County of Fairfax, Articles 2 and 3 of Chapter 3 Regarding a Change in the Social Security Offset to Service-Connected Disability Benefits

ISSUE:

Board approval of amendments to Articles 2 and 3 of Chapter 3, County Employees. This change to the Uniformed and Employees' Retirement Systems will revise service-connected disability retirement benefits by changing the reduction based on Social Security benefits from 64% to 40% of Social Security benefits.

RECOMMENDATION:

The County Executive recommends that the Board approve the amendments to the Uniformed and Employees' Retirement Systems for the purpose of reducing the Social Security offset to service-connected disability benefits.

TIMING:

Board action is requested on June 18, 2007. Public Hearing was authorized for advertisement on May 21, 2007.

BACKGROUND:

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 64% 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% or a 90% benefit, there is a 64% offset of the age-based Social

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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 64% of Social Security disability benefits received at any age, or, at age 62, by 64% of the age-based Social Security benefit.

Benefits in both Systems are also offset by any workers' compensation benefits that are being received.

Proposed Revision

The proposed amendments would enhance service-connected disability retirement benefits by reducing the Social Security offsets from 64% of the Social Security benefit to 40%.

FISCAL IMPACT:

Reduction of the 64% offset provisions would result in a modest impact on the retirement cost of current and future service. A larger 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 the increase in unfunded liability would be amortized over 15 years. The impact on the employer contribution rates for FY 2008 is an increase of 0.32% for the Uniformed System and 0.04% for the Employees' System. Based on FY 2008 budgeted payroll levels, the first year General Fund impact of reducing the 64% offset to a 40% offset is estimated at \$444,782 for the Uniformed System and \$121,288 for the Employees' System. Funding has been included in the FY 2008 Adopted Budget Plan.

ENCLOSED DOCUMENTS:

Attachment 1: Amendments to Chapter 3, Sections 3-2-36, 3-3-37 and 3-3-37.3  
Attachment 2: Letter from Fiona Liston, Consulting Actuary, Cheiron, Inc. to Lurnz Swartz dated May 4, 2007

STAFF:

Lurnz A. Swartz, Executive Director to the Retirement Boards

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4:30 p.m.

Joint Public Hearing on the Proposed Six-Year Virginia Department of Transportation  
Secondary System Construction Program for Fiscal Years 2008 Through 2013

ISSUE:

Board of Supervisors' consideration and approval of the proposed Six-Year Virginia Department of Transportation (VDOT) Secondary System Construction Program for Fiscal Years (FY) 2008 through 2013.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors approve the attached Secondary System Construction Program for FY 2008 through 2013 (Attachment I).

TIMING:

The Board of Supervisors should act on this item on June 18, 2007, following the public hearing.

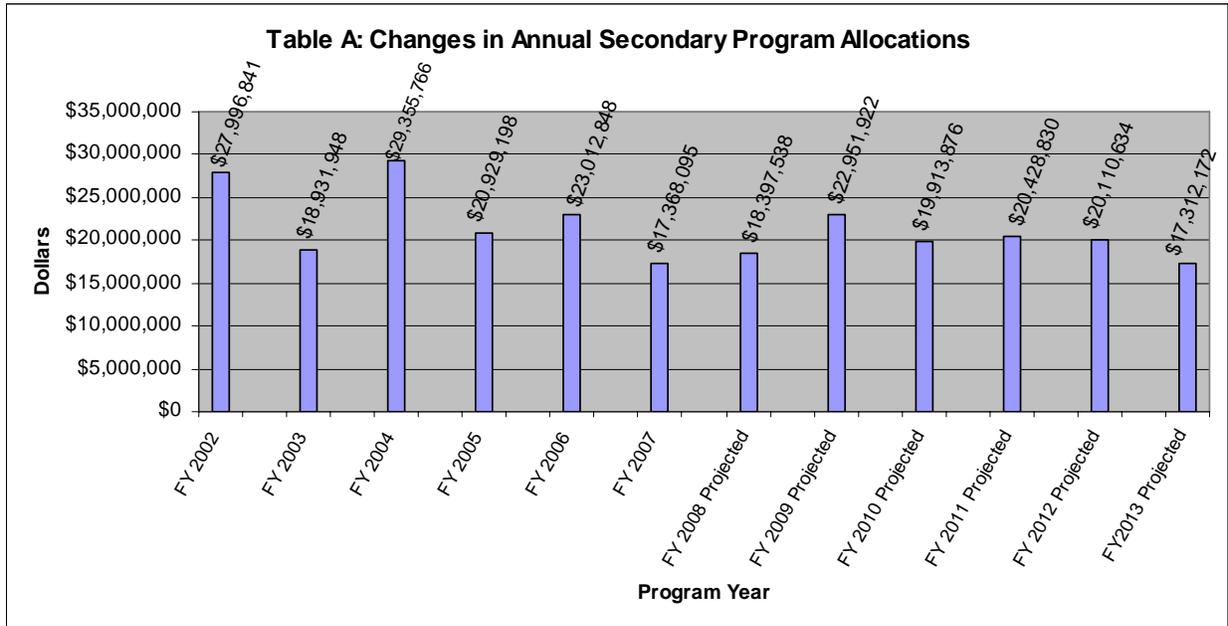
BACKGROUND:

The proposed Secondary System Construction Program has been prepared by VDOT, in coordination with County staff, pursuant to Section 33.1-70.01 of the *Code of Virginia*. This is an update of the previous Program which was the subject of a public hearing before the Board of Supervisors on July 31, 2006. Project schedule information is also included in the Program.

The total FY 2008 through FY 2013 Secondary Road Program is \$119.1 million. This is a 52.7 percent increase from the FY 2007 to 2012 Secondary Road Program of \$78 million approved on July 31, 2006. Although the size of VDOT's overall highway construction program has been declining for several years, the adoption of a new transportation funding bill by the General Assembly has resulted in increased Secondary Road funding.

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Table A shows the annual Fairfax County Secondary Road Program from FY 2002 through FY 2013.



In addition, Table B shows the changes in the total Program amounts from the FY 2002 to FY 2008 Program through the current Program.

Table B: Secondary Program Comparison

2002-2007	\$210,544,135
2003-2008	\$138,335,526
2004-2009	\$153,442,084
2005-2010	\$113,686,186
2006-2011	\$131,445,086
2007-2012	\$ 78,270,291
2008-2013	\$119,121,972

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As a result of the funding increases, the following changes to the Program are proposed:

- Change the design for widening the portion of Telegraph Road from Hayfield Road to South Kings Highway from “unscheduled” to FY 2008.
- Include widening of Telegraph Road from Beulah Street to Hayfield Road in the Secondary Program. Right-of-way and construction are tentatively scheduled in FY 2010 and FY 2012 respectively.
- Include funding for widening Rolling Road from DeLong Drive to Fullerton Road. Right-of-way and construction are tentatively scheduled in FY 2012 and FY 2015 respectively.
- Increase funding for several cost center budgets. Over the life of the Program, these include a \$512,000 increase in traffic calming funds; a \$11.5 million increase in traffic services (including the installation of traffic signals); a \$3.5 million increase in pedestrian projects; and a \$95,000 increase in engineering and survey services.
- Add funding for the replacement of the bridge on Twin Lakes Road over Johnny Moore Creek in FY 2012. This project is being funded through the federal bridge program. Federal funding provides 80 percent of the cost of the bridge program; however, the 20 percent match must be provided by the Secondary Road Program.
- Cost estimates and project schedules have also been updated from the estimates provided in July 2006. Several cost increases have been covered. A summary of the changes in cost estimates and schedules between the July 2006 Program and the proposed Program is included as Attachment II.

FISCAL IMPACT:

There is no impact to the Fairfax County budget at this time. The funds associated with this Program are VDOT Secondary System funds or funds from outside sources. At such time as individual projects are constructed, the County may send VDOT any related funds that have been collected by the County through proffers or construction escrows.

ENCLOSED DOCUMENTS:

Attachment I: Secondary System Construction Program for FY 2008 through FY 2013  
Attachment II: Secondary System Construction Program Schedule and Cost Change Summary

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STAFF:

Katharine D. Ichter, Director, Fairfax County Department of Transportation (FCDOT)

Ellen Gallagher, Chief, Capital Projects and Operations Division, FCDOT

Tom Biesiadny, Chief, Coordination and Funding Division, FCDOT

Dale Castellow, Chief, Capital Projects Section, FCDOT

Carl Winstead, Coordination and Funding Division, FCDOT

Leonard Siegel, Fairfax Preliminary Engineering Manager, Virginia Department of Transportation

Jan Vaughan, Virginia Department of Transportation

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5:00 p.m.

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

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