



**FAIRFAX COUNTY  
BOARD OF SUPERVISORS  
JUNE 2, 2008**

**ADMINISTRATIVE ITEMS  
(CONTINUED)**

- |    |                                   |  |
|----|-----------------------------------|--|
| 9  | <b>Approved</b>                   | Authorization to Advertise a Public Hearing on a Proposed Zoning Ordinance Amendment Re: Recodification of Title 63.1, Chapter 10 of the Code of Virginia to Title 63.2, Chapter 17  |
| 10 | <b>Approved</b>                   | Authorization to Advertise a Public Hearing on a Proposed Zoning Ordinance Amendment Re: Public Hearing Notice Requirements for Levy and Fee Amendments  |
| 11 | <b>Approved 6-month extension</b> | Additional Time to Commence Construction for Special Exception SE 98-L-063, Mobil Oil Corporation (Lee District)   |
| 12 | <b>Approved</b>                   | Additional Time to Establish the Use for Special Exception SE 2002-HM-014, HBL Incorporated (Hunter Mill District)   |
| 13 | <b>Approved</b>                   | Confirmation of the Directors of the Department of Administration for Human Services (DAHS) and Department of Systems Management (DSM) Representatives to the Fairfax-Falls Church Community Policy and Management Team (CPMT) |
| 14 | <b>Approved</b>                   | Authorization for the Department of Community and Recreation Services to Apply for and Accept a Grant from the Virginia Department of Education for the 2008-2009 21 <sup>st</sup> Century Community Learning Centers          |
| 15 | <b>Approved</b>                   | Authorization to Advertise a Public Hearing to Amend Article 7 of Chapter 3 RE: Police Officers Retirement System – Change in Employee Contribution Rate   |
| 16 | <b>Approved</b>                   | Authorization to Advertise a Public Hearing to Amend Articles 2 and 3 of Chapter 3 RE: Uniformed and Employees' Retirement Systems - Change in Social Security Offset to Service-Connected Disability Benefits                 |

**ACTION ITEMS**

- |   |                 |   |
|---|-----------------|---|
| 1 | <b>Approved</b> | Approval of a Memorandum of Agreement Between the Fairfax County Police Department and the United States Bureau of Alcohol, Tobacco, Firearms, and Explosives |
|---|-----------------|---|

**FAIRFAX COUNTY  
BOARD OF SUPERVISORS  
JUNE 2, 2008**

**ACTION ITEMS  
(CONTINUED)**

- |   |                 |   |
|---|-----------------|---|
| 2 | <b>Approved</b> | Approval of Fall Bond Referendum Authorizing County General Obligation Bonds and Authorization of Public Information Materials and Activities for County Referendum |
| 3 | <b>Approved</b> | Amended Parking Reduction for Shell Oil Park, Lot 11 (Mason District)   |
| 4 | <b>Approved</b> | Fairfax County Economic Development Authority Transportation Contract Revenue Bonds (Route 28 Project) Series 2008  |
| 5 | <b>Approved</b> | Authorization to Purchase Optical Scan Voting Equipment for Use in Fairfax County Election Precincts  |

**CONSIDERATION ITEMS**

- |   |  |   |
|---|--|---|
| 1 | <b>Chairman Connolly – Delegate<br/>Supervisor Hyland - Alternate<br/>Supervisor Gross - Alternate</b> | National Association of Counties' Annual Conference |
|---|--|---|

**INFORMATION ITEMS**

- |   |              |  |
|---|--------------|--|
| 1 | <b>Noted</b> | Comments Regarding Proposed Revisions to the Virginia Department of Transportation (VDOT) Secondary Street Acceptance Requirements   |
| 2 | <b>Noted</b> | Environmental Assessment for Base Realignment and Closure Recommendation Number 133 to Relocate Approximately 6,200 Personnel to Fort Belvoir, Virginia (Mount Vernon, Lee, and Springfield Districts)   |
| 3 | <b>Noted</b> | Work Plan Agreement Between the Natural Resources Conservation Service, the Northern Virginia Soil and Water Conservation District, and Fairfax County for the Rehabilitation of Pohick Creek Dam Site Number 3, Woodglen Lake (Braddock District) |
| 4 | <b>Noted</b> | Oakton Library Receives an American Public Works Association Project of the Year Award (Providence District)   |
| 5 | <b>Noted</b> | Retirement Systems Cost-of-Living Increases for 2008   |

**FAIRFAX COUNTY  
BOARD OF SUPERVISORS  
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10:30	<b>Done</b>	Matters Presented by Board Members
11:20	<b>Done</b>	Closed Session
<b>PUBLIC HEARINGS</b>		
3:30	<b>Approved</b>	Public Hearing on RZ 2007-MA-017 (Amerikor Properties, LLC) (Mason District)
3:30	<b>Approved</b>	Public Hearing on SE 2007-MA-032 (Amerikor Properties, LLC) (Mason District)
3:30	<b>Public hearing deferred to 6/30/08 at 3:00 p.m.</b>	Public Hearing on PCA 2005-PR-039 (Dunn Loring Metro, LLC) (Providence District)
3:30	<b>Public hearing deferred to 6/30/08 at 3:00 p.m.</b>	Public Hearing on PCA 88-P-030-02 (Dunn Loring Metro, LLC) (Providence District)
3:30	<b>Approved</b>	Public Hearing on PRC 82-C-060 (Athena/Renaissance Reston LLC and the Unit Owners Association of the Parcreston Condominium) (Hunter Mill District)
3:30	<b>Approved</b>	Public Hearing for the Conveyance of County-Owned Property Known as Summers Cemetery to the Fairfax County Park Authority (Mason District)
4:00	<b>Approved</b>	Public Hearing for the Continued Leasing of County-Owned Property Known as the Hollin Hall Facility Located at 1500 Shenandoah Road, to A Child's Place (Mount Vernon District)
4:00	<b>Approved</b>	Public Hearing to Consider Adopting an Ordinance Expanding the Robinson Residential Permit Parking District, District 17 (Braddock District)
4:00	<b>Public hearing deferred to 7/21/08 at 3:30 p.m.</b>	Public Hearing on a Proposal to Abandon Part of the Right-of-Way of Sanger Street (Mount Vernon District)
4:00	<b>Approved</b>	Public Hearing to Expand the Hillside Community Parking District (Springfield District)
4:00	<b>Approved</b>	Public Hearing to Establish the Golf Course Square Community Parking District (Hunter Mill District)

**FAIRFAX COUNTY  
BOARD OF SUPERVISORS  
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**PUBLIC HEARINGS  
(CONTINUED)**

- |      |                 |   |
|------|-----------------|---|
| 4:30 | <b>Approved</b> | Public Hearing to Establish the Burke Station Square Community Parking District (Springfield District)  |
| 4:30 | <b>Approved</b> | Public Hearing on Amendments to The Code of the County of Fairfax, Articles 2, 3 and 7 of Chapter 3 Regarding a Change to the Employees', Police Officers and Uniformed Retirement Systems to Extend the Deferred Retirement Option Programs (DROP)     |
| 4:30 | <b>Approved</b> | Public Hearing on Amendments to The Code of the County of Fairfax, Article 2 of Chapter 3 to Make a Technical Correction to the Employees' Retirement System to Comply With IRS Regulations Regarding Mandatory Payments of Refunds to Former Employees |
| 4:30 | <b>Approved</b> | Public Hearing on SE 2007-MA-028 (The Montessori School of Northern Virginia, Inc.) (Mason District)  |



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

**Monday**  
**June 2, 2008**

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9 a.m.

Presentation of the Colors by the Army Continental Color Guard and an element of the Old Guard Fife and Drum Corps.

PRESENTATIONS

1. PROCLAMATION – To designate June 8-14, 2008, as Army Strong Week in Fairfax County. Requested by Chairman Connolly.
2. RESOLUTION – To recognize Col. Brian Lauritzen for his leadership and service. Requested by Supervisor Hyland.
3. CERTIFICATE – To recognize the 2008 Lord and Lady Fairfax honorees. Requested by Chairman Connolly.
4. PROCLAMATION – To designate June 14, 2008, as Hepatitis Awareness Day in Fairfax County. Requested by Chairman Connolly.
5. CERTIFICATE – To recognize individuals from the Reston Association, Friends of Reston, Wetland Studies and Solutions Inc., and the Department of Public Works and Environmental Services for their efforts for the Northern Virginia Stream Restoration Bank Project. Requested by Supervisor Hudgins.
6. CERTIFICATE – To recognize the participants in the 2007-2008 Hypothermia Prevention Services project for partnering with Fairfax County to address homelessness throughout the county. Requested by Supervisor Hudgins.
7. CERTIFICATE – To recognize county staff who received a U.S. Communities Government Purchasing Alliance Meritorious Service Award. Requested by Supervisor Hyland.

— more —

Board Agenda Item  
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8. CERTIFICATE – To recognize the agency with the highest number of participants and the agency with the highest percentage of merit employees that participated in Bike to Work Day. Requested by Chairman Connolly.

STAFF:

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

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10:00 a.m.

Items Presented by the County Executive

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Board Agenda Item  
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ADMINISTRATIVE - 1

Authorization to Advertise a 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:

Board authorization to advertise amendments to Chapter 82, Motor Vehicles and Traffic. These amendments adopt actions of the 2008 General Assembly into Chapter 82 of the *Code of the County of Fairfax, Virginia*.

RECOMMENDATION:

The County Executive recommends that the Board authorize the advertisement of a public hearing on the proposed amendments to Chapter 82.

TIMING:

Authorization to advertise the proposed amendments on June 2, 2008; Board of Supervisors' public hearing scheduled for June 30, 2008 at 4:30 p.m. The provisions of these amendments will become effective July 1, 2008.

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 2008 General Assembly. A summary of these changes, which become effective July 1, 2008, 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 2008 General Assembly Amendments Affecting Chapter 82, Motor Vehicles and Traffic

STAFF:

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

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## ADMINISTRATIVE – 2

### Extension of Review Periods for 2232 Review Applications (Braddock, Dranesville, Hunter Mill, Lee, Mason, Providence, Springfield, and Sully Districts)

#### ISSUE:

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

#### RECOMMENDATION:

The County Executive recommends that the Board extend the review periods for the following applications: applications FS-P08-8, FS-Y08-9, and FS-S08-10 to August 2, 2008; applications FS-D08-11, FS-B08-12, FS-S08-13, and FS-Y08-16 to August 8, 2008; application FSA-H97-7-1 to August 11, 2008; applications FS-M08-17 and FS-D08-18 to August 17, 2008; application FSA-M00-32-3 to August 21, 2008; applications FS-P08-19 and 2232A-D00-4-4 to August 22, 2008; applications FS-D08-20 and FSA-Y99-29-2 to August 23, 2008; application FS-L08-21 to August 25, 2008; and applications 2232-D06-21, 2232-M07-12, and 2232-Y07-16 to December 8, 2008.

#### TIMING:

Board action is required on June 2, 2008, to extend the review periods of the applications noted above before their expirations.

#### 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 periods for applications 2232-D06-21, 2232-M07-12, and 2232-Y07-16, which were accepted for review by the Department of Planning and Zoning (DPZ) between November 27, 2006, and November 1, 2007.

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These applications are for public facilities, and thus are not subject to the State Code provision for extending the review periods by no more than sixty additional days.

The Board also should extend the review periods for applications FS-P08-8, FS-Y08-9, FS-S08-10, FS-D08-11, FS-B08-12, FS-S08-13, FS-Y08-16, FS-M08-17, FS-D08-18, FS-P08-19, FS-D08-20, FS-L08-21, FSA-H97-7-1, FSA-M00-32-3, 2232A-D00-4-4, and FSA-Y99-29-2, which were accepted for review by DPZ between March 5, 2008, and March 28, 2008. These applications are for telecommunications facilities, and thus are subject to the State Code provision that the Board may extend the time required for the Planning Commission to act on these applications by no more than sixty additional days.

- |             |   |
|-------------|---|
| 2232-D06-21 | Fairfax County Dept. of Public Works and Environmental Services<br>Expansion of Dolley Madison Library<br>1244 Oak Ridge Avenue<br>Dranesville District           |
| 2232-M07-12 | Columbia Crossroads LP<br>East County Human Services Center (PPEA proposal)<br>5837 Columbia Pike<br>Mason District   |
| 2232-Y07-16 | Upper Occoquan Sewage Authority<br>Replacement of approximately 25,000 feet of sanitary sewer line<br>Cub Run Stream Valley park<br>Sully District                |
| FS-P08-8    | Sprint-Nextel<br>Antenna colocation on existing radio broadcasting tower<br>7330 Ronald Street<br>Providence District   |
| FS-Y08-9    | Verizon Wireless<br>Antenna colocation on existing electric transmission tower<br>6700 Centreville Road<br>Sully District   |
| FS-S08-10   | Verizon Wireless<br>Antenna colocation on existing monopole (athletic field light pole)<br>4201 Stringfellow Road (Chantilly High School)<br>Springfield District |

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- FS-D08-11      FiberTower  
Antenna colocation on existing tower  
9916 Georgetown Pike (Great Falls fire station)  
Dranesville District
- FS-B08-12      FiberTower  
Antenna colocation on existing monopole  
9537 Helenwood Drive  
Braddock District
- FS-S08-13      FiberTower  
Antenna colocation on existing monopole  
9501 Old Burke Lake Road (Burke fire station)  
Springfield District
- FS-Y08-16      FiberTower  
Antenna colocation on existing monopole  
3725 Stonecroft Boulevard  
Sully District
- FS-M08-17      FiberTower  
Antenna colocation on existing monopole  
6800 Versar Center  
Mason District
- FS-D08-18      FiberTower  
Antenna colocation on existing monopole  
Interstate 495 at Georgetown Pike  
Dranesville District
- FS-P08-19      T-Mobile Northeast LLC  
Rooftop antennas  
8350 Greensboro Drive  
Providence District
- FS-D08-20      T-Mobile Northeast LLC  
Antenna colocation on existing monopole (tree pole)  
1927 Pimmit Drive  
Dranesville District
- FS-L08-21      T-Mobile Northeast LLC  
Rooftop antennas  
5911 Kingstowne Village Parkway  
Lee District

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- FSA-H97-7-1      Sprint-Nextel  
Add dish antennas  
11800 Sunrise Valley Drive  
Hunter Mill District
- FSA-M00-32-3      Sprint-Nextel  
Add new antennas  
3100 South Manchester Street  
Mason District
- 2232A-D00-4-4      Sprint-Nextel  
Add antennas, remove antennas, add equipment cabinets  
Interstate 495 at Old Dominion Drive  
Dranesville District
- FSA-Y99-29-2      Sprint-Nextel  
Replace antennas, add equipment cabinets  
2750 Towerview Road  
Sully District

The need for the full time of these extensions 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  
David B. Marshall, Planning Division, DPZ  
David S. Jillson, Planning Division, DPZ

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ADMINISTRATIVE – 3

Streets into the Secondary System (Hunter Mill and Providence Districts)

ISSUE:

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

RECOMMENDATION:

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

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
TST Woodland (Woodland Park)	Hunter Mill	Sunrise Valley Drive (Route 5320) (Additional Right of Way (ROW) Only)
Hearthstone Village Oakton Section 2	Providence	Miller Road (Route 663) (Additional ROW only)

TIMING:

Routine.

BACKGROUND:

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

FISCAL IMPACT:

None.

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ENCLOSED DOCUMENTS:

Attachment 1 - Street Acceptance Form

STAFF:

Robert A. Stalzer, Deputy County Executive

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

Howard J. Guba, Deputy Director, DPWES

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

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ADMINISTRATIVE - 4

Installation of “No Parking” Signs on the Service Drive on the North Side of Lee Highway from East Side of 8522 Lee Highway to West Side of 8500 Lee Highway (Providence District)

ISSUE:

Board approval for the County installation of “No Parking” signs on the Service Drive on the north side of Lee Highway from the east side of 8522 Lee Highway to the west side of 8500 Lee Highway.

RECOMMENDATION:

The County Executive recommends that the Board adopt the attached resolution (Attachment I) restricting parking on the above-referenced street. The County Executive further recommends that staff be directed to install these signs at the earliest possible date.

TIMING:

Routine.

BACKGROUND:

The Providence District Supervisor’s office has requested that “No Parking” signs on the Service Drive on the north side of Lee Highway from the east side of 8522 Lee Highway to the west side of 8500 Lee Highway. Businesses are concerned that when fire trucks and large commercial vehicles (such as garbage and delivery trucks) travel this section, it is difficult for them to turn to the delivery area, creating the possibility of an accident when vehicles are parked on both sides of the road. Staff reviewed the roadway and determined that parked vehicles do create a safety hazard for motorists traveling along this road.

Section 82-5-37 of *The Code of the County of Fairfax, Virginia*, provides that the Board of Supervisors may designate, by resolution, areas for restricted parking upon any part of the secondary road system within the County if the Board finds that any of the following conditions exist:

1. That parking along any secondary road is damaging property/and or landscaping within the right-of-way limits; or

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2. That parking along local residential streets is so restricting the primary purpose of the road as to interfere with that purpose; or
3. That parking along any secondary road creates a safety hazard for pedestrians, cyclists, or motorists entering or exiting the roadway from driveways or for pedestrians, cyclists, or motorists traveling along that road; or
4. That statutory parking violations pursuant to Fairfax County Code section 82-5-1 occur with frequency in a particular location and compliance with section 82-5-1 will be facilitated by the installation of "No Parking" signs; or
5. That, in the case of any street which serves as a boundary between an area zoned for residential use and an area zoned for non-residential use on which parking is restricted on the residential side of the street pursuant to Fairfax County Code section 82-5-7, the prohibition of parking of commercial vehicles, as defined by section 82-5-7, on the side of that street which is zoned for a use other than residential would further the residential character of the abutting residential community, would facilitate the free and unrestricted vehicular travel along that street, and would promote the health, safety and general welfare of the abutting residential community.

In accordance with subsection (3) referenced above, staff believes that parking along the service drive on the north side of Lee Highway from the east side of 8522 Lee Highway to the west side of 8500 Lee Highway is creating a safety hazard for motorists traveling along this road, and parking should be prohibited 24 hours a day.

FISCAL IMPACT:

The cost of installing the signs is estimated at \$200 to be paid out of Department of Transportation funds.

ENCLOSED DOCUMENTS:

Attachment I: Proposed Restricted Parking Resolution

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  
Hamid Majdi, FCDOT

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ADMINISTRATIVE - 5

Authorization to Advertise a Public Hearing to Consider Amending Parking Regulations in Fairfax County Code Section 82-5A Residential Permit Parking

ISSUE:

Board authorization to advertise a public hearing for June 30, 2008, at 4:00 p.m., to consider the proposed amendments to Section 82-5A of *The Code of the County of Fairfax, Virginia* (Fairfax County Code).

RECOMMENDATION:

The County Executive recommends that the Board authorize advertisement of a public hearing for June 30, 2008, at 4:00 p.m. (Attachment II) to consider adopting the proposed amendment (Attachment I) to the Fairfax County Code.

TIMING:

The Board should take action on June 2, 2008, to advertise a public hearing for June 30, 2008, at 4:00 p.m.

BACKGROUND:

Staff is recommending a change to the Residential Permit Parking District regulations to impose vehicle weight restrictions. The current County Code Chapter 82, Article 5A allows for the issuing of decals and visitor passes to residents that reside within a Residential Permit Parking District without regard to the vehicle weight. Virginia statute 46.2-1222.1 B(iii) allows Fairfax County to restrict the parking of "any vehicle that has a gross vehicle weight rating of 12,000 or more pounds" on public highways in residential districts.

The omission of any type of vehicle restriction in Chapter 82, Article 5A, allows for non-commercial vehicles with a gross weight of twelve thousand (12,000) pounds or more to be issued a decal or display a visitor pass. Staff does not feel that vehicles over 12,000 pounds should be eligible for decals in Residential Permit Parking Districts.

Staff is therefore recommending changes to County Code Section 82-5A as indicated in Attachment I:

1. In Section 82-5A-2, define an *RPPD allowable vehicle* as a motor vehicle having

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a Gross Vehicle Weight Rating (GVWR) of less than twelve thousand (12,000) pounds.

2. In Section 82-5A-9, specify *RPPD allowable vehicles* in the overall parking restriction.
3. In Section 82-5A-10, restrict the issuing of a decal to an *RPPD allowable vehicle* with an address in the Residential Parking District.
4. In Section 82-5A-11, restrict the display of a visitor pass to an *RPPD allowable vehicle*.

FISCAL IMPACT:

The recommended changes should have no fiscal impact.

ENCLOSED DOCUMENTS:

Attachment I: Proposed Amendment to Section 82-5A

Attachment II: Notice of Public Hearing

STAFF:

Robert A. Stalzer, Deputy County Executive

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

Cherie L. Halyard, Office of the County Attorney

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

Maria Turner, FCDOT

Hamid Majdi, FCDOT

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ADMINISTRATIVE – 6

Supplemental Appropriation Resolution AS 08129 for the Office of Emergency Management to Accept a Department of Homeland Security Urban Area Security Initiative Sub-Grant Award from the District of Columbia Office of the Deputy Mayor for Public Safety and Justice Through the State Administrative Agency for the National Capital Region

ISSUE:

Board approval of Supplemental Appropriation Resolution AS 08129 in the amount of \$139,000 for Fairfax County to accept Department of Homeland Security (DHS) FY 2007 Urban Area Security Initiative (UASI) Sub-Grant Award from the State Administrative Agency (SAA). These funds are made available by DHS through the District of Columbia who is serving as the SAA. DHS provides financial assistance to address the unique planning, training, equipment, and exercise needs of high-threat, high-density urban areas to assist them in building an enhanced and sustainable capacity to prevent, respond to, and recover from acts of terrorism. No Local Cash Match or in-kind match will be required. The grant period for the FY 2007 sub-grant awards are retroactive from July 1, 2007 through June 30, 2009.

RECOMMENDATION:

The County Executive recommends that the Board approve Supplemental Appropriation Resolution AS 08129 in the amount of \$139,000. These funds support the continuation of efforts to recruit and retain affiliated volunteers in Fairfax County, and to expand and integrate the local regional coordination mechanism and capacity to mobilize large numbers of volunteers (spontaneous and affiliated) for response to a catastrophic natural or terrorism event. All projects will be implemented in accordance with the program guidance documents. No Local Cash or in kind match is required.

TIMING:

The Board of Supervisors approval is requested on June 2, 2008, as funding is available immediately.

BACKGROUND:

The Urban Area Security Initiative (UASI) provides Homeland Security Grant program (HSGP) funds from the Department of Homeland Security (DHS) as financial assistance to high risk urban areas, as defined in legislation, in order to address the unique planning, equipment, training, and exercise needs of those areas. These funds can also be used to build or sustain an enhanced capacity to prevent, respond to, and recover from acts of terrorism. These funds, however, may not be used to supplant ongoing, routine public

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safety activities, the hiring of staff for operational activities, or the construction and/or renovation of facilities. Fairfax County is one of 12 jurisdictions that currently comprise the National Capital Region (NCR) as defined in the HSGP guidelines.

Citizen participation is essential in the prevention, response, mitigation and recovery from all sorts of disasters including small incidents and large-scale catastrophes. Volunteer management practices indicate that three kinds of volunteers are needed to respond to the full range of emergency management situations from prevention to recovery. These are affiliated volunteers who work regularly with nonprofit and governmental organizations; unaffiliated or spontaneous volunteers who come forward at the time of a disaster and who can help meet surge capacity or who can be disruptive if not handled properly, and specialized volunteers such as medical or emergency personnel who will be needed under specific situations.

A multi-step process was created to determine the grant allotments for each volunteer program this year. A group consisting of representatives from Office of Emergency Management (OEM), Volunteers in Police Service (VIPS), Medical Reserve Corps (MRC), Neighborhood Watch (NW), Community Emergency Response Team (CERT), Fire Corps (FC) and Volunteer Fairfax (VF), met on April 22 to present their proposals. The Citizen Corps Council grants committee determined what project areas were most critical to be funded. The recommendation was sent to the Citizen Corps Council chair, vice-chair and secretary, OEM financial and senior management, and program managers. At the April 30 Citizen Corps Council meeting, the Council voted 9-1 to endorse the recommendation of the grants committee, after accepting an amendment to the recommendation that gave the Council \$2,525 to print their own outreach materials, independent of the materials currently in development that OEM offered to provide.

After OEM retains 2.5% for grants management and administration costs which amounts to \$3,475, the breakdown is as follows:

- Medical Reserve Corps (Health Dept.): \$30,000 for targeted recruitment, CPR program sustainment, interpreter training, mental health professional role specific training, and the development of mental health (critical incident stress management) training for all county volunteers.
- Community Emergency Response Team (Fire and Rescue Dept.): \$39,000 for the continuation of county CERT programs and for a mobile trailer that will allow CERT classes to be taught anywhere in the county without losing its hands-on segments.
- Volunteers in Police Service (Police Dept.): \$41,000 for the continuation of the Auxiliary Police Officers academy, Citizen's Police Academy and administrative volunteer training; training for the Citizen's Police Academy coordinator.
- Neighborhood Watch (Police Dept.): \$23,000 for Neighborhood, Business and Park Watch signs with their associated installation supplies; digital light meters for assessing the safety of citizen patrols; printed materials for new Watch groups; and a centralized and shared storage trailer for signs and supplies for all eight district stations.

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- Citizen Corps Council: \$2,525 for printed outreach materials for the core county programs as well as affiliated organizations.

FISCAL IMPACT:

Grant funding in the amount of \$139,000 is available in the DHS UASI grant funds through the District of Columbia. These funds will be used to enhance capabilities in emergency management, police, fire service, and interoperable communications. This action does not increase the expenditure level in Fund 102, Federal/State Grant Fund, as funds are held in reserve for unanticipated grant awards in FY 2008. No Local Cash or in kind match is required. Indirect costs are only recoverable for those awards where positions have been created.

CREATION OF NEW POSITIONS:

No new positions will be created by this grant.

ENCLOSED DOCUMENTS:

Attachment 1 – Grant Award Documents

Attachment 2 – Supplemental Appropriation Resolution AS 08129

STAFF:

Robert A. Stalzer, Deputy County Executive

Michael Wood, Acting Coordinator, Office of Emergency Management

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ADMINISTRATIVE - 7

Authorization to Advertise a Public Hearing on Proposed Transportation Enhancement Program Projects

ISSUE:

Board authorization to advertise a public hearing for August 4, 2008, at 4:00 p.m., to solicit comments and input on proposed FY 2010 Transportation Enhancement Projects.

RECOMMENDATION:

The County Executive recommends that the Board authorize advertisement and posting of a notice of intent to conduct a public hearing that is in substantial conformance with Attachment I.

TIMING:

The Board should take action on June 2, 2008, to advertise a public hearing for August 4, 2008, at 4:00 p.m.

BACKGROUND:

The Safe, Accountable, Flexible, and Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) continues the Enhancement Program that was established in the Intermodal Surface Transportation Efficiency Act (ISTEA), that provides ten percent of funds apportioned to a State under the Surface Transportation Program (STP) be made available for transportation enhancement activities. It is estimated that approximately \$21-22 million will be available statewide for enhancement projects this year. In FY 2009, approximately \$22 million was available in this program. This amount represents the federal 80 percent share and does not include the 20 percent local match.

The Virginia Department of Transportation (VDOT) staff announced that the Commonwealth Transportation Board (CTB) will be accepting new applications for FY 2010, and, therefore, County staff recommends that the County proceed with the public hearing process necessary to solicit new projects.

A list of projects tentatively approved by the CTB for FY 2009 enhancement funds is provided as Attachment II.

Under VDOT guidelines, enhancement projects may be initiated by any group or individual, but need to be formally endorsed by a local jurisdiction or public agency.

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Transportation enhancement projects are financed with up to 80 percent STP funds and require a minimum 20 percent local match. Any project endorsed by the Board must have an identified source of funding for the 20 percent match. VDOT will generally administer an enhancement project, if it is located within the VDOT right-of-way.

Final selection of projects will be made by the CTB working through the VDOT Programming and Scheduling Division. The deadline to identify potential projects for FY 2010 funds to Fairfax County for inclusion on the agenda for the September 22, 2008, Board meeting is August 29, 2008. The deadline for submitting applications to VDOT is November 1, 2008.

Staff proposes the following schedule for the FY 2009 enhancement grant program:

June 2, 2008	Board Authorization to Advertise a Public Hearing on Enhancement Requests
August 4, 2008	Board Public Hearing
August 29, 2008	Deadline to Submit Projects for Board Consideration
September 22, 2008	Board Endorsement of Recommended Projects
October 1, 2008	Letters to Applicants Announcing Applications Endorsed by the Board
November 1, 2008	VDOT Submission Deadline

Criteria for Project Eligibility

Transportation enhancements are activities or improvements that increase the value or growth of a project or make it more aesthetically pleasing. In other words, the project is “enhanced” by doing something that is not a common practice. Eligible transportation enhancement activities are:

1. Provision of facilities for bicycles and/or pedestrians;
2. Provision of safety and educational activities for pedestrians and bicycles;
3. Acquisition of scenic easements and scenic or historic sites;
4. Scenic or historic highway programs;
5. Landscaping and other scenic beautification;
6. Historic preservation;

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7. Rehabilitation and operation of historic transportation buildings, structures, or facilities including historic railroad facilities and canals;
8. Preservation of abandoned railway corridors, including the conversion and use thereof for pedestrian and bicycle trails;
9. Control and removal of outdoor advertising;
10. Archaeological planning and research;
11. Environmental mitigation to address water pollution due to highway runoff or reduce vehicle-caused wildlife mortality while maintaining habitat connectivity;
12. Establishment of transportation museums.

The Federal Highway Administration (FHWA) has determined that the above list is exclusive. Only those activities listed are eligible for transportation monies.

FISCAL IMPACT:

Transportation enhancement projects will require a minimum 20 percent local match. Any project endorsed by the Board must have an identified source of funding for the 20 percent match.

ENCLOSED DOCUMENTS:

Attachment I: Notice of intent to conduct a public hearing

Attachment II: List of projects tentatively approved by CTB for FY 09 enhancement funds

STAFF:

Robert A. Stalzer, Deputy County Executive

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

Tom Biesiadny, Chief, Coordination and Funding Division, FCDOT

Jay Guy, FCDOT

Carl Winstead, FCDOT

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ADMINISTRATIVE - 8

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

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 Cedar Break Drive (Attachment I), consisting of the following:

- Two speed humps on Cedar Break Drive (Sully 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 2, 2008.

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 Cedar Break Drive. Subsequently, petitions were gathered from the community evidencing support for further study. A task force was formed with the community to develop a traffic calming plan to reduce the speed of traffic. Once a plan for the road was adopted and approved by staff and VDOT, the plan was submitted for approval to residents of the petition area in the community. On May 5, 2008, the Department of Transportation received written verification from the local supervisor confirming community support for the referenced traffic calming plan.

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FISCAL IMPACT:

The estimated cost of \$5,000 for traffic calming measures is to be paid out of the VDOT secondary road construction budget.

ENCLOSED DOCUMENTS:

Attachment I: Traffic Calming Plan for Cedar Break 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

William P. Harrell, Transportation Planner, FCDOT

Steven K. Knudsen, Transportation Planner, FCDOT

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ADMINISTRATIVE - 9

Authorization to Advertise a Public Hearing on a Proposed Zoning Ordinance  
Amendment Re: Recodification of Title 63.1, Chapter 10 of the Code of Virginia to Title  
63.2, Chapter 17

ISSUE:

The proposed amendment replaces all references in the Zoning Ordinance to Title 63.1, Chapter 10 and Sect. 63.1-196 of the Code of Virginia (Virginia Code) with Title 63.2, Chapter 17.

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 2, 2008, to provide sufficient time to advertise the proposed Planning Commission public hearing on June 26, 2008, at 8:15 p.m., and proposed Board of Supervisors public hearing on July 21, 2008, at 4:00 p.m.

BACKGROUND:

The proposed Zoning Ordinance amendment is on the 2008 Priority 1 Zoning Ordinance Amendment Work Program and replaces all references to Title 63.1, Chapter 10, and Sect. 63.1-196 of the Virginia Code with Title 63.2, Chapter 17, due to the recodification of Title 63.1 of the Virginia Code. These references identify state regulations regarding licensure and registration procedures for child-related facilities, which are classified in the Zoning Ordinance as including child care centers, nursery schools, private schools of general education, private schools of special education, and home child care facilities. The proposed amendment updates appropriate Virginia Code references set forth in the Zoning Ordinance and does not alter where or how these uses are permitted.

REGULATORY IMPACT:

None.

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FISCAL IMPACT:

None.

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

Douglas W. Hansen, Senior Assistant to the Zoning Administrator, DPZ

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ADMINISTRATIVE - 10

Authorization to Advertise a Public Hearing on a Proposed Zoning Ordinance  
Amendment Re: Public Hearing Notice Requirements for Levy and Fee Amendments

ISSUE:

The proposed amendment is the result of a state code change regarding the public hearing notice requirements for levy and fee related amendments.

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 2, 2008, to provide sufficient time to advertise the proposed Planning Commission public hearing on June 26, 2008, at 8:15 p.m. and the proposed Board of Supervisors' public hearing on July 21, 2008, at 4:00 p.m.

BACKGROUND:

The proposed Zoning Ordinance amendment is on the 2008 Priority 1 Zoning Ordinance Amendment Work Program and is the result of a state code revision to Sect. 15.2-107 of the Code of Virginia. The proposed amendment revises Sect. 18-110 of the Zoning Ordinance concerning the public hearing notice requirements for any ordinance amendment which imposes or increases levies and fees, and eliminates the provision that 14 days must elapse since the last public notice before the amendment can be adopted. As a result, the notice time requirements are now the same as non-levy or fee related amendments, requiring 2 notices not more than 21 days or less than 6 days before the public hearing, with at least 6 days between notices. This proposed amendment would make the Zoning Ordinance provision consistent with the Code of Virginia pertaining to the public hearing notice requirements for any ordinance amendment which imposes or increases levies and fees.

REGULATORY IMPACT:

The proposed amendment revises Sect. 18-110 of the Zoning Ordinance to bring it into conformance with Sect. 15.2-107 of the Code of Virginia.

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FISCAL IMPACT:  
None.

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  
Douglas W. Hansen, Senior Assistant to the Zoning Administrator, DPZ

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ADMINISTRATIVE - 11

Additional Time to Commence Construction for Special Exception SE 98-L-063, Mobil Oil Corporation (Lee District)

ISSUE:

Board consideration of additional time to commence construction for SE 98-L-063 pursuant to the provisions of Sect. 9-015 of the Zoning Ordinance.

RECOMMENDATION:

The County Executive recommends that the Board approve twelve months additional time for SE 98-L-063 to November 24, 2008.

TIMING:

Routine

BACKGROUND:

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

On May 24, 1999, the Board of Supervisors approved Special Exception SE 98-L-063, subject to development conditions. The special exception application was filed in the name of Mobil Oil Corporation, to permit an existing service station/quick service food store with canopy to be enlarged, redesigned and designated as a service station/mini-mart in a Highway Corridor (HC) Overlay District and in the Commercial Revitalization District (CRD) with a modification to the rear yard setback, pursuant to Sects. 9-611 and 9-622 of the Fairfax County Zoning Ordinance. The property is located at 8300 Richmond Highway, west of the intersection of Richmond Highway and Russell Road, Tax Map 101-4 ((4)) 14C (see Locator Map in Attachment 1).

SE 98-L-063 was approved with a condition that the use be established or construction commenced and diligently prosecuted within thirty months of the approval date unless the Board granted additional time. The SE Plat and development conditions for SE 98-L-063 are included as part of the Clerk to the Board's letter contained in Attachment 2.

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On January 7, 2002, the Board of Supervisors approved thirty months additional time to commence construction for SE 98-L-063 until May 24, 2004, pursuant to the provisions of Sect. 9-015 of the Zoning Ordinance. A copy of the Clerk to the Board's letter regarding the approval of additional time is contained in Attachment 3.

On June 7, 2004, the Board of Supervisors approved thirty months additional time to commence construction for SE 98-L-063 until November 24, 2006, pursuant to the provisions of Sect. 9-015 of the Zoning Ordinance. A copy of the Clerk to the Board's letter regarding the approval of additional time is contained in Attachment 4.

On April 30, 2007, the Board of Supervisors approved twelve months additional time to commence construction for SE 98-L-063 until November 24, 2007, pursuant to the provisions of Sect. 9-015 of the Zoning Ordinance. A copy of the Clerk to the Board's letter regarding the approval of additional time is contained in Attachment 5.

On November 5, 2007, the Department of Planning and Zoning (DPZ) received a letter dated November 1, 2007, followed by a supplemental letter dated November 19, 2007, from Marie B. Travesky, agent for the applicant, requesting sixty days additional time to commence construction for the project. Ms. Travesky indicated that additional time was needed to complete the review and approval of the site plan. The applicant (Sunoco) is the fourth successor to the ownership of the property since approval of the SE. According to Ms. Travesky, the changes in ownership, due to unforeseen mergers and acquisitions, have resulted in the delay of the implementation of the SE. Ms. Travesky states that since the previous approval for additional time, the applicant has revised their plans for the site, prepared the site plan and surveyed the property. A request for an interpretation of proposed minor modifications to the SE Plat has been submitted to the Zoning Evaluation Division and is currently pending. Following consultation with the Lee District Supervisor and Land Use Committee to discuss the proposed site modifications and the additional time request, the applicant submitted a revised letter dated April 4, 2008, requesting twelve months additional time to commence construction. The site plan (SP #008097-SP-003-1) was submitted and accepted April 22, 2008, and is pending review in the Department of Public Works and Environmental Services (DPWES). The letters of request are included as Attachment 6.

Staff has reviewed Special Exception SE 98-L-063 and has established that, as approved, it is still in conformance with all applicable provisions of the Fairfax County Zoning Ordinance for a service station/mini-mart. Further, staff knows of no change in land use circumstances which affect the compliance of SE 98-L-063 with the special exception standards applicable to this use, or which should cause the filing of a new special exception application and review through the public hearing process. The Comprehensive Plan recommendation for this site has not changed since the SE was approved. Finally, the conditions associated with the Board's approval of SE 98-L-063 are still appropriate and remain in full force and effect. Staff believes that the request for additional time is in the public interest and recommends that twelve months additional time be approved.

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FISCAL IMPACT:

None

ENCLOSED DOCUMENTS:

Attachment 1: Locator Map

Attachment 2: Letter dated June 9, 1999, to Marie B. Travesky, agent for the applicant, from Nancy Vehrs, Clerk to the Board of Supervisors

Attachment 3: Letter dated January 14, 2002, from Nancy Vehrs, Clerk to the Board of Supervisors to Marie B. Travesky, agent for the applicant,

Attachment 4: Letter dated June 9, 2004, from Nancy Vehrs, Clerk to the Board of Supervisors to Marie B. Travesky, agent for the applicant,

Attachment 5: Letter dated April 30, 2007, from Nancy Vehrs, Clerk to the Board of Supervisors

Attachment 6: Letter dated November 1, 2007, from Marie B. Travesky, agent for the applicant, to Eileen M. McLane, Zoning Administrator, with supplemental letter dated November 19, 2007, and revised letter dated April 4, 2008 requesting additional time

STAFF:

Robert A. Stalzer, Deputy County Executive

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

Regina C. Coyle, Director, Zoning Evaluation Division (ZED), DPZ

Fred Selden, Director, Planning Division, DPZ

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

Carrie Lee, Staff Coordinator, ZED, DPZ

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ADMINISTRATIVE - 12

Additional Time to Establish the Use for Special Exception SE 2002-HM-014, HBL Incorporated (Hunter Mill District)

ISSUE:

Board consideration of additional time to establish the use for SE 2002-HM-014 pursuant to the provisions of Section 9-015 of the Zoning Ordinance.

RECOMMENDATION:

The County Executive recommends that the Board approve thirty months additional time to November 18, 2008.

TIMING:

Routine.

BACKGROUND:

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

On November 18, 2002, the Board of Supervisors approved Special Exception SE 2002-HM-014, subject to development conditions. This approval was concurrent with the Board's approval of RZ 2002-HM-012, and PCA 82-C-056, subject to proffers. The special exception application was filed in the name of HBL Incorporated for a vehicle sales, rental and ancillary service establishment, and a drive-in bank, pursuant to Sections 4-704 of the Fairfax County Zoning Ordinance, for the property described as Tax Map 29-3 ((20)) 1 (see the Locator Map in Attachment 1). SE 2002-HM-014 was approved with a condition that the use be established within 30 months of the approval date, unless the Board grants additional time. The development conditions for SE 2002-HM-014 and proffers for the RZ 2002-HM-012 and PCA 82-C-056 are contained in Attachment 2. On September 26, 2005, the Board of Supervisors granted twelve months of additional time to establish the use for SE 2002-HM-014 to May 18, 2006. The Clerk's letter documenting the previous approval of additional time is included in Attachment 3.

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On April 18, 2006, the Department of Planning and Zoning (DPZ) received a letter from Katherine D. Youngbluth, on behalf of HBL Incorporated, requesting six months additional time to establish the use for SE 2002-HM-014. On May 1, 2008, a second letter was submitted by Ms. Youngbluth updating the HBL request. The letters are presented in Attachment 4. In the original request, Ms. Youngbluth indicated that progress had been made in fulfilling the special exception development conditions, however development conditions related to the escrowing of funds for service drive and streetscape improvements along Leesburg Pike, and the provision of additional right-of-way along Route 7 for the Dulles Rail Project remained to be fully addressed. SE Development Condition 12 required the reservation of ten (10) feet of right-of-way along Leesburg Pike to be dedicated to the Board of Supervisors upon demand for the Dulles Rail Project. In her May 1, 2008 letter, Ms. Youngbluth indicated that these remaining development conditions have been satisfied and the applicant is prepared to legally establish the use.

Staff has reviewed Special Exception SE 2002-HM-014 and has found that there has been a change in land use circumstances since the last request for additional time was approved. The Dulles Rail Project has completed design plans for Phase I of the planned extension of Metrorail to Dulles. According Design Plans prepared by Dulles Transit Engineers, right-of-way and easements are needed from the subject property (Attachment 5). The right-of-way required along the property frontage is generally consistent with the 10 feet of right-of-way required to be reserved pursuant to Development Condition 12 of SE 2002-HM-014. The dedication area is slightly reconfigured, although the overall area of dedication remains approximately the same. The easements are primarily for underground utility and temporary construction purposes.

In the fall of 2006, the applicant agreed in concept to provide the requested reservations. Since that time, a deed of reservation was prepared by the applicant's attorneys, in consultation with staff from the Department of Planning and Zoning, the Office of the County Attorney, the Department of Transportation and the Dulles Rail Project. The deed of reservation required extensive review and discussion on the part of the ownership interests in the property (lessee, owner, and multiple lenders) and their attorneys. The final deed of reservation was reviewed by the Dulles Rail Project and the Office of the County Attorney and approved for recordation. It was recorded in the Land Records of Fairfax County, Virginia, on April 30, 2008, in Deed Book 19909 at Page 0691.

Given that the applicant has addressed this change in land use circumstances, staff finds that the SE 2002-HM-014 is still in conformance with the applicable provisions of the Zoning Ordinance for a vehicle sales, rental and ancillary service establishment, and a drive-in bank and with the special exception standards applicable to these uses. The conditions associated with the Board's approval of SE 2003-DR-039 are still appropriate and remain in full force and effect. Staff believes that approval of the request for additional time is in the public interest and recommends that thirty months additional time be approved.

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FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

Attachment 1: Locator Map

Attachment 2: Letter dated December 13, 2002, to John W. Farrell, agent for the applicant, from Nancy Vehrs, Clerk to the Board of Supervisors

Attachment 3: Letter dated September 29, 2005, from Nancy Vehrs, Clerk to the Board of Supervisors

Attachment 4: Letter dated April 18, 2006, from Katherine D. Youngbluth requesting additional time; Letter dated May 1, 2008, from Katherine D. Youngbluth requesting additional time

Attachment 5: Property Identification Plan prepared by Dulles Rail Project showing right-of-way and easement requirements (January 2008)

STAFF:

Robert A. Stalzer, Deputy County Executive

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

Regina C. Coyle, Director, Zoning Evaluation Division (ZED), DPZ

Fred R. Selden, Director, Planning Division, DPZ

Richard F. Stevens, Dulles Rail Project Coordinator, Department of Transportation

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

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ADMINISTRATIVE – 13

Confirmation of the Directors of the Department of Administration for Human Services (DAHS) and Department of Systems Management (DSM) Representatives to the Fairfax-Falls Church Community Policy and Management Team (CPMT)

ISSUE:

Confirmation for the Director of the DAHS to represent the administrative functional areas to the CPMT. Confirmation of the Director of the DSM to represent system-wide, regionally based expertise at engaging the community to leverage existing resources and build capacity to provide services to meet the needs of the community served by the Comprehensive Services Act (CSA).

RECOMMENDATION:

The County Executive recommends that the Board confirm Kenneth Garnes, Director of the DAHS, as DAHS representative to the CPMT and Kenneth Disselkoen, Director of the DSM as DSM representative to the CPMT.

TIMING:

Action is needed in June 2008 as the CPMT's next meeting is scheduled for June 20, 2008.

BACKGROUND:

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

The appointment of the Director of the DAHS will enhance the CPMT's knowledge and expertise in administrative functional areas and assist the team in policy and

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management decision-making. It will also help ensure the successful integration of CPMT policy and management decisions throughout the DAHS functions.

The Department of Systems Management (DSM) focuses on service access, building community capacity to provide services, raising public awareness of available resources, and strengthening public services to meet community needs. The DSM's efforts are both regionally based and system wide. DSM staff has expertise in streamlining business processes, developing measurable outcomes, and leveraging existing resources by engaging the community. The addition of the Director of the DSM to the CPMT will inform and enhance the CPMT's knowledge and expertise in these critical areas.

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

None.

STAFF:

Verdia L. Haywood, Deputy County Executive and Chair, Fairfax-Falls Church  
Community Policy and Management Team

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ADMINISTRATIVE – 14

Authorization for the Department of Community and Recreation Services to Apply for and Accept a Grant from the Virginia Department of Education for the 2008-2009 21<sup>st</sup> Century Community Learning Centers

ISSUE:

Board authorization for the Fairfax County Department of Community and Recreation Services' Computer Learning Centers Partnership to apply for and accept a grant, if received, from the Virginia Department of Education for the 21<sup>st</sup> Century Community Learning Centers Partnership (CLCP) in the amount of \$200,000. This grant targets three CLCP sites and aims to transform them into 21<sup>st</sup> Century Community Learning Centers—places where children and their families work together to improve their literacy, education, and opportunity. The program period will be for 12 months following receipt of a signed grant contract and is anticipated to be September 2008 to September 2009. Continuation funding is anticipated for an additional two years based upon a determination by the Virginia Department of Education that the grantee has made substantial progress toward meeting program objectives after the first year. There is no Local Cash Match required from the County. If the actual award received is significantly different from the application amount, another item will be submitted to the Board requesting appropriation of the grant funds. Otherwise, staff will process the award administratively in accordance with Board policy.

RECOMMENDATION:

The County Executive recommends that the Board authorize the Department of Community and Recreation Services' Computer Learning Centers Partnership to apply for and accept a grant, if received, in the amount of \$200,000 from the Virginia Department of Education for the 21<sup>st</sup> Century Community Learning Center.

TIMING:

Board approval is requested on June 2, 2008, as the application is due on June 3, 2008.

BACKGROUND:

The primary purpose of this grant is to improve the academic performance of students attending Hybla Valley Elementary School, Mount Vernon Woods Elementary School, and Annandale Terrace Elementary School Computer Learning Centers. Centers are open Tuesday through Friday from 2 p.m. to 7 p.m. and Monday from 1 p.m. to 7 p.m. A secondary goal will be to improve the educational opportunities for the students' parents, guardians, and siblings.

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This grant will implement a coordinated program with the Computer Learning Centers Partnership and the Fairfax County Public Schools and its faculty to increase children's achievement and learning in core subject areas. To accelerate success, this program will strengthen parent outreach and expand services to families, parents, and siblings so that the entire family participates in CLCP. Homework assistance and tutoring is the starting point, with the goal of parents being able to more successfully help their children achieve and, in the process, improve their own education.

This grant offers substantial help to working families by offering a free, stimulating after-school environment, with access to technology and the Internet. This grant will also provide childcare for evening activities, sponsor field trips, and reward participation. Finally, this grant will offer literacy and basic education services to working adults. Ultimately, these classes are a form of workforce development and a way by which the adults can more effectively help the children.

Partners in our application include Fairfax County Public Schools, including Mount Vernon Woods, Hybla Valley, and Annandale Terrace Elementary Schools.

FISCAL IMPACT:

If the grant application is successful, the Virginia Department of Education will fund \$200,000 for 21<sup>st</sup> Century Community Learning Centers over a 12-month period beginning September 2008 to September 2009. There is no Local Cash Match required, and the County is under no obligation to continue these service enhancements when the grant funding expires. If awarded, acceptance of this grant will not increase the expenditure level of Fund 102, Federal/State Grant Fund, as funds are held in reserve for unanticipated grant awards in FY 2009.

CREATION OF NEW POSITIONS:

Approval of this grant will provide for the creation of a 1/.75 SYE grant position. The County is under no obligation to continue this position when the grant period ends.

ENCLOSED DOCUMENTS:

Attachment 1 - Grant Application Summary

STAFF:

Verdia Haywood, Deputy County Executive  
Patricia D. Franckewitz, Director, Department of Community and Recreation Services (DCRS)  
Paulette Armstrong, Resource Development Manager, DCRS  
Chris Scales, Supervisor, Community Centers Division, DCRS  
Robert O'Quinn, CLCP Program Manager, DCRS

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ADMINISTRATIVE - 15

Authorization to Advertise a Public Hearing to Amend Article 7 of Chapter 3 RE: Police Officers Retirement System – Change in Employee Contribution Rate

ISSUE:

Authorization to advertise a public hearing to amend Article 7 of Chapter 3, County Employees. This change to the Police Officers Retirement System reduces the employee contribution rate from 11% to 10%.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors authorize advertisement of a public hearing regarding an amendment to the Police Officers Retirement System for the purpose of changing the employee contribution rate.

TIMING:

Board action is requested on June 2, 2008, to provide sufficient time to advertise the proposed public hearing on June 30, 2008 at 5:00 p.m.

BACKGROUND:

The employee contribution rate for police officers was reduced from 12% to 11% in FY 2008. The recommendation to decrease the rate to 10% beginning in FY 2009 is another step in improving the competitiveness of the police officers retirement benefits and in narrowing the disparities between public safety retirement systems within the County.

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 continues to be 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 Social Security age is lower than that of other County retirees who do participate in Social Security. Lowering the employee contribution rate will provide Police Officers with a more equitable and competitive benefits package. It is anticipated that additional adjustments will be made

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in subsequent years to continue to reduce the employee contribution rate for the Police Officers system.

FISCAL IMPACT:

The reduction in the employee contribution rate to 10% requires an increase 0.89% in the employer contribution rate to the Police Officers Retirement System. The FY 2009 Adopted Budget Plan includes \$894,365, the estimated cost of this amendment.

ENCLOSED DOCUMENTS:

- Attachment 1: Amendment to Chapter 3, Article 7, Sections 3-7-24
- Attachment 2: Letter from Fiona Liston, Consulting Actuary, Cheiron, Inc. to Lurnz Swartz dated April 15, 2008
- Attachment 3: Advertisement

STAFF:

Edward L. Long, Deputy County Executive  
Robert Mears, Executive Director to the Retirement Boards

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ADMINISTRATIVE - 16

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

ISSUE:

Authorization to advertise a public hearing to amend Articles 2 and 3 of Chapter 3, County Employees. These changes to the Uniformed and Employees' Retirement Systems revise service-connected disability retirement benefits by changing the reduction based on Social Security benefits from 40% to 30% of Social Security benefits.

RECOMMENDATION:

The County Executive recommends that the Board authorize advertisement of a public hearing regarding amendments to the Uniformed and Employees' Retirement Systems for the purpose of changing the level of service-connected disability benefits.

TIMING:

Board action is requested on June 2, 2008, to provide sufficient time to advertise the proposed public hearing on June 30, 2008, at 5:00 p.m.

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 40% 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 40% 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 40% of Social Security disability benefits received at any age, or, at age 62, by 40% 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 40% of the Social Security benefit to 30%.

FISCAL IMPACT:

Reduction of the 40% 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 2009 is an increase of 0.13% for the Uniformed System and 0.03% for the Employees' System. Based on FY 2009 budgeted payroll levels, the first year General Fund impact of reducing the 40% offset to a 30% offset is estimated at \$192,500 for the Uniformed System and \$67,500 for the Employees' System. Funding has been included in the FY 2009 Adopted Budget Plan.

ENCLOSED DOCUMENTS:

- Attachment 1: Amendment to Chapter 3, Section 3-2-36
- Attachment 2: Amendment to Chapter 3, Section 3-3-37
- Attachment 3: Amendment to Chapter 3, Section 3-3-37.3
- Attachment 4: Letter from Fiona Liston, Consulting Actuary, Cheiron, Inc. to Robert Mears dated May 13, 2008
- Attachment 5: Advertisement

STAFF:

Edward L. Long, Deputy County Executive  
Robert Mears, Executive Director to the Retirement Boards

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ACTION - 1

Approval of a Memorandum of Agreement Between the Fairfax County Police Department and the United States Bureau of Alcohol, Tobacco, Firearms, and Explosives

ISSUE:

Board approval of a Memorandum of Agreement between the Fairfax County Police Department and the United States Bureau of Alcohol, Tobacco, and Firearms (ATF), authorizing the assignment of Fairfax County Police officers to the ATF Task Force targeting organized criminal activity, illegal firearms, untaxed liquor and tobacco. The ATF will compensate the County for all incurred overtime and other costs related to the official use of task force officers.

RECOMMENDATION:

The County Executive recommends approval of the Agreement between the Police Department and the Bureau of Alcohol, Tobacco, Firearms, and Explosives.

TIMING:

Board action is requested on June 2, 2008.

BACKGROUND:

The Police Department and the ATF has identified the benefit of creating a closer partnership and creating a joint law enforcement task force to address organized and gang related criminal enterprises operating within Fairfax County.

The benefit of a joint task force includes the use of certain technical investigative support and surveillance systems, the sharing of investigative information, and leveraging state and federal law to combat emerging criminal enterprises operating regionally and within Fairfax County. Overtime costs are reimbursed by the ATF. This task force generates the revenue to sustain the operation under a federal statute.

FISCAL IMPACT:

None

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ENCLOSED DOCUMENTS:

Attachment 1 - Memorandum of Agreement between the Bureau of Alcohol, Tobacco, Firearms and Explosives and Fairfax County Police Department for Reimbursement of Overtime Salary Costs Associated with ATF Task Force

STAFF:

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

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ACTION - 2

Approval of Fall Bond Referendum Authorizing County General Obligation Bonds and Authorization of Public Information Materials and Activities for County Referendum

ISSUE:

- 1) Board approval of proposed bond referendum for County General Obligation Bond authorization to be held at the general election on November 4, 2008.
- 2) Board authorization of printing and distribution of the plain English statements explaining the county's park bond referendum and public information materials for this referendum.

RECOMMENDATION:

- 1) The County Executive recommends that the Board adopt the attached resolution authorizing a Parks and Parks Facilities Bond Referendum in the amount of \$77.0 million with \$65 million for the Fairfax County Park Authority and \$12 million for the Fairfax County contribution to the Northern Virginia Regional Park Authority. (Attachment 1).
- 2) The County Executive recommends that the Board authorize the printing and distribution of the plain English statements regarding the park bond referendum and that the Office of Public Affairs provide the public with information about this referendum.

TIMING:

Board action is requested now in order to provide sufficient time to petition the Circuit Court to order the special elections and to complete the federal preclearance process and prepare absentee ballots. Absentee ballots must be available no later than 45 days prior to the election and cannot be printed until receipt of pre-clearance from the U. S. Department of Justice. The federal preclearance procedure usually requires 61 days to complete. Attachment 2 identifies the proposed Schedule of Events.

BACKGROUND:

The 2008 bond referendum and amounts were approved during the Board's mark-up and approval of the FY 2009 - 2013 Capital Improvement Program (With Future Fiscal Years to 2018) on April 21, 2008. Included is the following referendum:

Parks and Park Facilities \$77.0 million. An amount of \$65.0 million is included for the Fairfax County Park Authority. This funding will provide \$14,300,000 for land acquisition, \$11,700,000 for stewardship – projects that enhance protection of the environment or cultural resources, \$19,500,000 for facility renovations and \$19,500,000 for park development. A memorandum from the Park Authority identifying the project funding categories is contained in Attachment 3. In addition, an amount of \$12 million is also

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included for allocation to the Northern Virginia Regional Park Authority (NVRPA) in accordance with its capital plan. This amount will sustain a contribution to the NVRPA of \$2.6 million in FY 2009 and approximately \$3.0 million for the following three years.

Public Information Campaign

The Office of Public Affairs traditionally implements the public information component of the Bond Referendum campaign. The campaign includes the development and distribution of printed materials. The Board is asked to authorize the development and distribution of these materials.

In prior years, the Board has established a citizen committee to provide information to County residents about bond referendums, and the Office of Public Affairs has provided staff support to this committee. Because multiple bond referendums are usually proposed in any single year, the committees were created to provide a single source of information about all the referendums. This year, the Fairfax County Park Authority Board will appoint a citizen committee to provide information to residents because only one bond referendum is proposed.

Printed materials

Virginia law permits the Board to provide for the preparation and distribution of a brief explanation of each bond question. These explanations, to be written by the County Attorney, may be made available at voter registration sites and posted at the polling places on the day of the election. Any such statement should be written in plain English, and it shall not exceed 500 words. Following the decision on the referendum, the County Attorney will produce an explanation of the referendum question that will go to the Board for approval on July 21, 2008. The Office of Public Affairs will coordinate production and distribution of the plain text statement, possibly including the statement in other languages.

Staff will also recommend that the Board authorize the Office of Public Affairs to prepare an informational pamphlet to be mailed to all Fairfax County households, as has been done for each County referendum since 1985. The pamphlet will include wording which is relevant to the bond question, as well as information on bond financing, the cost of borrowing, the effect of borrowing on the tax rate, and other financial information which has appeared in prior years. Virginia law does not permit local governments to use the list of registered voters to provide information to voters on referendum, although it does permit parties and candidates to use the list. Therefore, a commercial mailing firm will mail the pamphlet to all Fairfax County households.

The plain text statements, the informational pamphlet and any audio visual presentations will also be distributed at public meetings and at County facilities, and will be provided to the Board of Supervisors' offices.

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FISCAL IMPACT:

The bonds are expected to be sold according to actual cash requirements over the next eight years. Total estimated interest costs are \$36.5 million for Parks at an average interest rate of 4.5 percent which approximates the 10-year average of the County's historical true interest cost for general obligation bonds. These costs can be accommodated within the FY 2009 - 2013 debt capacity calculations adopted by the Board in connection with the Capital Improvement Program.

This year the Office of Public Affairs will pay for printing, translation and distribution of printed materials through its existing budget.

ENCLOSED DOCUMENTS:

Attachment 1 - Bond Resolution for Parks and Park Facilities

Attachment 2 - Schedule of Events

Attachment 3 - Funding Categories for Fall 2008 Bond Referendum

STAFF:

Edward L. Long, Jr., Deputy County Executive

Robert A. Stalzer, Deputy County Executive

Timothy K. White, Acting Director, Fairfax County Park Authority

Merni Fitzgerald, Director, Office of Public Affairs

Leonard P. Wales, County Debt Manager

Martha N. Reed, Capital Programs Coordinator, Department of Management and Budget

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ACTION - 3

Amended Parking Reduction for Shell Oil Park, Lot 11 (Mason District)

ISSUE:

Board approval of an amended 44.6 percent reduction in required parking for the Shell Oil Park, Lot 11, Tax Map #081-1-009-001, #081-1-009-002, and #081-1-009-003; Mason District.

RECOMMENDATION:

The County Executive recommends that the Board approve an amended parking reduction of 44.6 percent for the Shell Oil Park, Lot 11, pursuant to Paragraph 4(B), Section 11-102 of Chapter 112 (Zoning Ordinance) of The Code of the County of Fairfax, Virginia (County Code), based on an analysis of the parking requirements for church, public benefit association, warehouse and office uses on the site and a shared use parking study, on condition that:

1. A minimum of 48 parking spaces are provided on weekdays and a minimum of 56 spaces are provided on weekends on site at all times for the uses at Shell Oil Park, Lot 11.
2. A maximum of 192 people (seats) are permitted at church services on Friday evening and Sundays, a maximum of 168 people are permitted at the public benefit association on Saturdays, and all vehicles associated with these uses must be parked on site.
3. The operating hours of the church use shall be limited to: Mondays – Fridays, 9 p.m. to 2 a. m.; and Sundays, 9 a.m. to 6 p.m. The public benefit association use shall operate only on Saturdays, 8 p.m. to 2 a.m. and Z Lights and Furniture shall not operate after 6 p.m. on Saturdays.
4. The current owners, their successors or assignees of the parcel identified as Fairfax County Tax Map #081-1-009-001, #081-1-009-002, and #081-1-009-003; shall submit a parking space utilization study for review and approval by the Board at any time in the future that the Zoning Administrator requests. Following review of that study, or if a study is not submitted within ninety days after being requested, the Board may rescind this parking reduction or require alternative measures to satisfy parking needs, which may include requiring all uses to comply with the full parking space requirements as specified in Article 11 of the Zoning Ordinance.

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5. All parking utilization studies prepared in response to a request by the Zoning Administrator shall be based on applicable requirements of *The Code of the County of Fairfax, Virginia* (County Code) and the Zoning Ordinance in effect at the time of said parking utilization study submission.
6. Shared parking with any additional use(s) shall not be permitted without the submission of a new parking study prepared in accordance with the applicable requirements of the Zoning Ordinance and shall be subject to the Board approval.
7. All parking provided shall be in accordance with the applicable requirements of Article 11 of the Zoning Ordinance and the Fairfax County Public Facilities Manual (PFM), including the provisions referencing the Americans with Disabilities Act.
8. The conditions of approval of this parking reduction shall be recorded in the Fairfax County land records in a form acceptable to the County Attorney.

TIMING:

Board action is requested on June 2, 2008.

BACKGROUND:

The Board approved a 48.3 percent parking reduction on June 7, 2004, for this site based on Parking Reduction Study Number 1381-PKS-010-1. The study was a shared analysis for the existing office/warehouse uses and a proposed church use to operate on this site with the 48 available parking spaces. On April 2, 2007, a notice of violation was issued after it was discovered that a public benefit association was also operating on site without County approval. The applicant is now seeking to correct the situation by obtaining a special exception number SE 2007-MA-021 and by amending the Board's approval of Parking Reduction Study Number 1381-PKS-010-1.

There are 8 proposed weekends-only parking spaces which shall be located within the existing loading spaces to provide an increase in the parking supply to a total of 56 spaces. The 56 parking spaces are for the exclusive use of the church use and the public benefit association use on weekends-only. There will only be 48 regular parking spaces available for weekday uses on site and loading spaces will be only used for their intended use on those days. The amended parking request indicates that the church use is only using a 39.8 percent parking reduction at this time based on the 56 spaces available on weekends. However, the proposed public benefit association use will be using a 44.6 percent parking reduction on Saturdays. The applicant has requested to increase the hours of operation to the new time contained in condition 3 above. It is recommended that Board approve the proposed addition of a public benefit association use and the change in hours of the uses subject to the above conditions on this property. The Department of Public Works and Environmental Services (DPWES) recommends a maximum parking reduction of 44.6

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percent of required parking spaces based on a weekend parking supply of 56 spaces. This reduction shall supersede 48.3 percent parking reduction based on a parking supply of 48 spaces on June 7, 2004.

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

Attachment I – Letter of Request dated March 20, 2008, and a list of changes dated April 3, 2008, from Charles O. Dankwah, Director, Christian Life Development Center  
Attachment II – Shared Parking Analysis and parking tabulation revision dated January 25, 2008, and March 20, 2008, respectively

STAFF:

Robert A. Stalzer, Deputy County Executive  
Jimmie D. Jenkins, Director, Department of Public Works and Environmental Services (DPWES)  
Howard J. Guba, Deputy Director, DPWES  
James W. Patteson, Director, Land Development Services, DPWES

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ACTION – 4

Fairfax County Economic Development Authority Transportation Contract Revenue Bonds  
(Route 28 Project) Series 2008

ISSUE:

Approval of necessary documents required for the issuance of Fairfax County Economic Development Authority (EDA) Transportation Contract Revenue Bonds (Route 28 Project) Series 2008 in accordance with the plan of financing for the Route 28 project approved by the Route 28 District Commission, the Commonwealth Transportation Board, the Fairfax County EDA, and Fairfax and Loudoun Counties in October 2006.

RECOMMENDATION:

The County Executive recommends approval of the attached resolution relating to the issuance of the EDA Transportation Contract Revenue Bonds (Route 28 Project) which authorizes the following actions:

- (1) Requests the EDA to issue the new money bonds;
- (2) Approves the form of the Fourth Supplemental Trust Agreement;
- (3) Approves the form of the Preliminary Official Statement and the Notice of Sale;
- (4) Approves the form of the Continuing Disclosure Agreement; and
- (5) Authorizes the execution and delivery of the documents and authorizes the Chairman, Vice Chairman, the County Executive or the Deputy County Executive/Chief Financial Officer to determine certain details of the transaction.

TIMING:

Board action is requested on June 2, 2008.

BACKGROUND:

The Route 28 District (the "District") is a special tax district formed in partnership with Loudoun County on December 21, 1987, to provide improvements to State Route 28. Under the terms of the agreement with the State, the District will fund 75 percent of the total cost of defined improvements and the State will fund 25 percent from funds received through the State Primary Road Fund allocation formula. Improvements completed in the first phase of construction included widening the existing road from two to six lanes and upgrading three major intersections. Improvements to be constructed in subsequent phases included ten additional grade separated interchanges and widening of a portion of

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the road from six lanes to eight. Six of the ten additional interchanges now are complete or in the final stages of construction to further ease traffic congestion.

In August 2002, Virginia Department of Transportation (VDOT) and the two Counties executed agreements to finance a Public Private Transportation Act (PPTA) construction contract for completion of the additional interchanges described above. In March 2006, the Route 28 District Commission was briefed as to an opportunity to extend the PPTA contract to complete the final four interchanges. The availability of the Transportation Partnership Opportunity Fund (TPOF) program, a new financing program administered by the Governor, coupled with extraordinary growth in the District Tax Revenues since 2002, created the financial conditions permitting the proposed financing of the final four interchanges. This proposal represents an acceleration of these planned District improvements by at least five years from the original estimates.

On September 1, 2006, the Route 28 District Commission received notification of an award of a \$5.0 million TPOF grant and an interest free TPOF loan not to exceed \$20.0 million to finance construction activities associated with the final four interchange improvements. On October 23, 2006, the Board approved and authorized staff to execute documents for District contractual amendments related to acceptance of the \$5.0 million TPOF grant and \$20 million TPOF loan and authorization to seek Fairfax County Economic Development Authority (EDA) bond financing to construct the final four interchanges.

On July 24, 2007, the CTB notified the District Commission that an additional \$23,936,722 was approved in the CTB's FY 2008-2013 Six Year Improvement Plan as payment toward the State Obligation under the District Contract. Therefore, this additional funding fully replaced the \$20,000,000 originally planned for the TPOF loan. Utilization of \$5.0 million of TPOF grant funds, the additional CTB funds, plus approximately \$86.1 million from the sale of Fairfax County Economic Development Authority Route 28 Tax District revenue bonds and expected contributions from available project completion funds are funding the total project cost of \$111.1 million plus contingencies. This plan of finance will allow for the completion of the final four interchanges: Willard Road (including sidewalks/trails); Nokes Boulevard (including sidewalks/trails and replacement of the W&OD trail parking lot); Frying Pan Road; and CIT/Innovation Drive. After completion of the final four interchanges, only the widening of a portion of Route 28 to 8 lanes will remain to be completed under the original approved scope of the improvements to be constructed in part with District funds.

Review and approval of the various documents also will be necessary by the EDA and Loudoun County. Attachment 2 is the anticipated calendar of events. The Loudoun County Board of Supervisors meets on June 3, 2008, and the EDA will meet on June 17, 2008. The current sale schedule contemplates a bond sale on or about July 8, 2008.

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FISCAL IMPACT:

Two separate bond issues were anticipated to fund approximately \$86,100,000 of project costs associated with the final four interchanges. The first series of EDA bonds was sold on February 27, 2007, in the amount of \$41.505 million. The original documents provided for the issuance of both series with the timing of the second to be determined by the two Counties and the Commonwealth when necessary to meet project cash flow requirements.

The total anticipated debt service requirement for the two bond issues is approximately \$193.0 million through 2037 assuming an average interest rate of approximately 5.0 percent. It is anticipated that the debt service for this bond issue will be “wrapped” around the existing debt service for the Route 28 project. The “wrap” structure smoothes out the overall debt service for the Route 28 project. The maximum annual debt service for all district debt obligations is expected to be approximately \$20.0 million. The financing plan is currently undergoing review by the rating agencies. Typically the bond rating for payments subject to annual appropriation will be lower than the general obligation bond rating for the participating jurisdictions. Bond insurance will be obtained if available and cost effective.

Revenue projections at an average of 3.0 percent growth, as required by the District Contract, are anticipated to be adequate to meet all District debt obligations. All current and future bond issues and loan repayments are anticipated to be fully supported by District tax revenue.

Attachments 2 through 6 may be subject to minor changes to satisfy final legal review.

ENCLOSED DOCUMENTS:

- Attachment 1: Board Resolution
- Attachment 2: Critical Path Events
- Attachment 3: EDA Supplemental Trust Agreement
- Attachment 4: Continuing Disclosure Agreement
- Attachment 5: Notice of Sale
- Attachment 6: Preliminary Official Statement, Appendix A-1, Demographic and Other Economic Information for Fairfax County, Virginia (Separate from package)

STAFF:

Edward L. Long, Jr., Deputy County Executive  
Robert A. Stalzer, Deputy County Executive  
Kathy Ichter, Director, Department of Transportation  
Leonard Wales, County Debt Manager  
James McGettrick, Assistant County Attorney

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ACTION - 5

Authorization to Purchase Optical Scan Voting Equipment for Use in Fairfax County Election Precincts

ISSUE:

Authorization to purchase the Premier Election Solutions AccuVote-OS optical scan voting equipment to supplement the existing touch screen voting machines for use in Fairfax County election precincts.

RECOMMENDATION:

The County Executive recommends that the Board approve the purchase of the Premier Election Solutions AccuVote-OS optical scan voting system.

TIMING:

Board action is requested on June 2, 2008, to provide sufficient time for the delivery and testing of machines, for the training and publicity required to implement the new voting system, and to complete the federal preclearance process in advance of the 2008 presidential election.

BACKGROUND:

Virginia Code § 24.2-626 requires the governing body of each county and city to provide for the use of mechanical or electronic voting counting systems in every precinct for all elections. Since 2003, the County has been using the Advanced Voting Solutions WINvote, a direct recording electronic (DRE) touch screen voting machine, in its election precincts. However, the 2007 General Assembly amended this code section to prohibit the acquisition of additional DRE voting machines after July 1, 2007.

Although the Office of Elections deployed over 1,200 DRE machines at more than 200 election precincts during the 2004 presidential election, many voters waited in line for over an hour to cast their votes. A total of 73.8% of Fairfax County's registered voters turned out for the 2004 presidential election. Since the 2004 election, the county has added 3 new precincts and registered over 14,000 new voters. As demonstrated nationally by voter interest in the 2008 presidential primary elections, this November's presidential election could set new records for voter turnout in Fairfax County and throughout the nation. Unless the County deploys additional voting machines, long lines at County polling places will severely inconvenience voters and that can be expected to discourage many persons from voting.

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Since the Office of Elections does not have enough DRE machines to conduct the 2008 presidential election efficiently and since the Code prevents the acquisition of additional DRE machines, the elections staff began searching for a cost effective solution for managing the expected voter turnout in November. Due to the uncertainty of pending proposals for new federal election mandates and due to current County budgetary considerations, staff focused on the purchase of reliable used equipment as the best short term solution for the County. However, in the long term, staff recognizes that federal mandates may place new demands on the states and localities for future elections and that those mandates may require a different type of voting solution altogether.

Earlier this spring, the Office of Elections sent out a Request for Information (RFI) to all of the vendors who sell optical scan equipment that is certified for use in Virginia. After reviewing responses and cost information from four vendors, the elections staff invited two of the vendors to demonstrate their equipment for the Electoral Board. The elections staff also enlisted the assistance of the Department of Purchasing and Supply Management (DPSM) to review the contractual and financial submissions and the Department of Information Technology (DIT) to review the technical submissions and requirements. It should be noted here that Virginia Code § 24.2-602 exempts contracts for the purchase of voting equipment from the requirements for competitive procurement set forth in the Virginia Public Procurement Act.

After receiving staff recommendations and viewing the vendor demonstrations, the Electoral Board voted unanimously at its May 7, 2008, meeting to recommend the purchase of the Premier Election Solutions AccuVote-OS to the Board of Supervisors. In reaching its decision, the Electoral Board was aware that the AccuVote-OS has been used reliably for absentee voting in Fairfax County for over 10 years. In follow-up meetings with Premier, the Office of Elections staff, along with assistance from the Department of Purchasing and Supply Management, the Department of Information Technology and the County Attorney's Office, has negotiated a fiscally responsible agreement with Premier and staff is confident that the AccuVote-OS machines will provide a good solution for County elections.

In addition to the AccuVote-OS, the Office of Elections will continue to deploy the existing WINvote DRE machines to all precincts. In November, voters may choose to vote on a DRE machine or they may choose to mark a paper ballot that will be optically scanned. The County's existing DRE machines also comply with the federal Help America Vote Act of 2002, Public Law 107-252 (HAVA) which mandates accessible voting devices for blind and visually impaired voters.

FISCAL IMPACT:

The vendor contract price is \$735,450 for the purchase and implementation of the used

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AccuVote-OS optical scan equipment and its related software. On April 21, 2008, the Board approved a FY 2008 Third Quarter appropriation of \$725,000 for the purchase of used optical scan equipment. The agency has identified an additional \$10,450 of its FY 2008 appropriation to fund the balance of the contract price.

ENCLOSED DOCUMENTS:

Attachment 1 – Virginia Election Law Pertaining to Voting Machines

Attachment 2 – Electoral Board Resolution

Attachment 3 – Vendor Literature with Description of AccuVote-OS

STAFF:

Rokey W. Suleman, General Registrar

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

Gordon Jarratt, Director, Enterprise Systems Division, DIT

Michael Long, Senior Assistant County Attorney

Gail P. Langham, Assistant County Attorney

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CONSIDERATION – 1

National Association of Counties' Annual Conference

ISSUE:

Board designation of a voting and alternate delegate to represent the County at the National Association of Counties' (NACo) Annual Conference.

TIMING:

NACo has requested notification of Board action by June 27, 2008.

BACKGROUND:

NACo's 73<sup>rd</sup> Annual Conference will be held in Jackson County, Missouri on July 11-15, 2008. The NACo staff is preparing credentials for that conference, and the County has been requested to notify NACo of the names of the County's voting delegate and alternate voting delegate.

ENCLOSED DOCUMENTS:

None

STAFF:

Catherine A. Chianese, Assistant County Executive

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INFORMATION – 1

Comments Regarding Proposed Revisions to the Virginia Department of Transportation (VDOT) Secondary Street Acceptance Requirements

The 2007 Virginia Assembly added §33.1-70.3 to the Code of Virginia, which required that the Commonwealth Transportation Board (CTB) develop secondary street acceptance requirements. These requirements must be met before secondary streets, which are constructed by developers, localities, and entities other than VDOT, will be accepted into the state secondary system for maintenance. The new regulation is to replace and supersede the current Subdivision Street Requirements (24 VAC 30-91).

Section 33.1-70.3 of the Code of Virginia states that the new regulations shall include provisions that the CTB deems necessary and appropriate to achieve the safe and efficient operation of the state's transportation network and include the following:

- Requirements to ensure the connectivity of road and pedestrian networks with the existing and future transportation network;
- Provisions to minimize stormwater runoff and impervious surface area; and
- Provisions for performance bonding of new secondary streets and associated cost recovery fees.

The Secretary of Transportation empanelled an Implementation Advisory Committee to assist the CTB in the development of the new regulations. The Director of the Fairfax County Department of Transportation (FCDOT) was a member of this committee. Other committee members included representatives from industry, land development design consultants, other localities, and VDOT.

The proposed SSAR would establish three area types in the Commonwealth: compact, suburban, and rural. Connectivity and other requirements in the proposed SSAR are based on area type. Although Fairfax County is located entirely within a compact area type according to U.S. decennial census data, provisions in the proposed SSAR allow the Commissioner of VDOT, based on a resolution by the local governing body and for good cause shown, to determine that a specific area within a jurisdiction should be modified to a different area type. For instance, development allowed in the county's Water Protection Overlay District would not reflect a compact area type and the County could request a modification from the Commissioner of VDOT. However, it should be noted that the final decision regarding area type rests with the Commissioner of VDOT.

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Major changes to the SSAR and staff comments are described below:

### Connectivity and Pedestrian Accommodation Requirements

The proposed SSAR incorporates a new connectivity requirement with the expectation that increased connectivity will result in more effective use of the transportation infrastructure. In general, increasing the connectivity of a street network will provide for more alternative routes, instead of forcing all traffic in a subdivision to one entrance or exit onto an arterial street. Connectivity is measured using a link-node ratio that is calculated by dividing the number of links (street segments) by the number of nodes (intersections or cul-de-sacs). A perfect grid of streets would have a link-node ratio of approximately 2.5 and a network of complete cul-de-sac streets with only one way in or out would have a link-node ratio of 1.0. The link-node ratio requirements for compact and suburban area types are 1.6 and 1.4, respectively. The rural area type does not have a connectivity index requirement. In addition, there are requirements in all area types for one external connection, with an additional external connection and stub-out for every 50 links or fraction thereof. One of the staff comments is that this external connection requirement is excessive for smaller subdivisions. For new subdivision plans that do not meet the connectivity requirements and are not considered an exception by VDOT, the result will be all roads within that subdivision will not be accepted by VDOT for maintenance.

Although there are connectivity exception criteria included in the regulations, these requirements will make it impossible to get single streets with a cul-de-sac individually accepted into the secondary street system unless there are extenuating circumstances that prevent an external connection and VDOT agrees that the circumstances are extenuating.

The proposed SSAR provides pedestrian accommodation requirements based on area type. In compact and suburban area types, sidewalk is required on both sides of the street. However, in the suburban area type, trails can be used to meet the requirement. One of the staff comments is that a trail should be allowed in lieu of a sidewalk in the compact area type as well. It would be an unnecessary increase in impervious area to have both a sidewalk and a trail on the same side of the street.

The proposed regulations indicate that sidewalks and trails that are located entirely within the VDOT right-of-way and constructed to VDOT standards will be maintained by VDOT. Currently, the only trail that VDOT will accept for maintenance is a 10-foot wide asphalt trail. Staff comments include a recommendation that VDOT accept narrower trails, which is in line with the General Assembly's direction to minimize impervious surface area.

### Reduction of Stormwater Runoff and Impervious Area

The proposed regulations allow stormwater facilities to be placed in the right-of-way. However, VDOT will not maintain the facility and an agreement must be executed between the locality and VDOT regarding maintenance responsibility. This may provide some flexibility in the future regarding the location of low impact development features such as bioretention facilities, vegetated swales and tree box filters. Acceptable facilities must be

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included in VDOT's Drainage Manual, the Department of Conservation and Recreation's Stormwater Handbook, or supplemental directives. Currently, a limited number of stormwater management facility designs are included in these documents. However, the state is in the process of revising the Stormwater Handbook and the revisions may include additional low impact development practices. Staff comments commend VDOT for considering the allowance of water quality measures in the right-of-way but recommend that VDOT also accept maintenance of these measures.

The proposed regulations do not address narrower street widths. A staff comment is that making the regulations regarding connectivity effective without addressing street width may create higher speed cut-throughs. Staff comments include a recommendation that the state update the VDOT Road Design Manual to address traffic calming mechanisms and narrower street widths before the proposed regulations become effective. Staff comments also note that any changes to street widths will require feedback from persons in the field of fire protection and rescue.

#### Performance Bonding and Cost Recovery Fees

The revisions to the performance bonding process do not affect the county's current land development process. However, the proposed regulations have established a new cost recovery fee structure and the increased costs will be incurred on county projects that include public roads or public road improvements.

Unless otherwise directed by the Board, the Department of Transportation will transmit the attached comments (Attachment 1) to the VDOT for consideration before the close of the public comment period on June 30, 2008.

#### ENCLOSED DOCUMENTS:

Attachment 1 – Staff Review Comments

Attachment 2 – Proposed Secondary Street Acceptance Requirements

#### STAFF:

Robert A. Stalzer, Deputy County Executive

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

James Patteson, Director, Land Development Services, DPWES

Karyn L. Moreland, Chief, Capital Projects Section, FCDOT

Judith Cronauer, Code Analysis Section, Department of Public Works and Environmental Services

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Board Agenda Item  
June 2, 2008

## INFORMATION – 2

### Environmental Assessment for Base Realignment and Closure Recommendation Number 133 to Relocate Approximately 6,200 Personnel to Fort Belvoir, Virginia (Mount Vernon, Lee, and Springfield Districts)

In June 2007, the Army published its Final Environmental Impact Statement (FEIS) for implementation of the 2005 Base Realignment and Closure (BRAC) Recommendations and Related Army Actions at Fort Belvoir, Virginia. On August 7, 2007, the Army issued a Record of Decision (ROD) that deferred decision-making on the disposition of BRAC Recommendation Number 133 (BRAC 133), the relocation of approximately 6,200 personnel of miscellaneous Department of Defense (DoD) organizations currently located in leased facilities within the National Capital Region to Fort Belvoir, Virginia. The Environmental Assessment (EA) process for BRAC 133 is now underway.

The EA being conducted by the Department of the Army will evaluate the environmental and socioeconomic impacts of BRAC 133 in accordance with the National Environmental Policy Act of 1969 (NEPA) and implementing regulations issued by the President's Council on Environmental Quality (CEQ) and the Army. The EA will evaluate 3 sites along with the "no action" alternative. The sites under evaluation are the Government Services Administration (GSA) Warehouse site in Springfield, Victory Center in the City of Alexandria, and Mark Center in the City of Alexandria.

The Army's scheduled release of the BRAC 133 EA was May 12, 2008, followed by a 30 day Public Review Period. A Finding of No Signification Impact (FONSI) had been expected to be signed on June 11, 2008. However, on May 9, 2008, staff was notified that the release date for the EA had been delayed and that the Army will revise the EA schedule once a new release date has been established. Staff will review and provide comments by the due date on the EA once it is released through collective efforts involving a number of County agencies. Staff will return at a later date to the Board to seek endorsement of the staff comments and will forward any additional comments the Board may have on the EA to the Army.

Staff comments will be consistent with previous positions taken by the Board reflected in the BRAC Draft EIS comments and the July 24, 2007, letter to the Secretary of the Army, Pete Geren, on the FEIS which discussed the benefits of the GSA Warehouse site along with issues concerning transportation, re-designation of land use categories, and schools.

#### ENCLOSED DOCUMENTS:

None.

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STAFF:

Robert A. Stalzer, Deputy County Executive

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

Mark G. Canale, Fairfax County BRAC Coordinator, FCDOT

Fred Selden, Fairfax County Department of Planning and Zoning

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### INFORMATION – 3

Work Plan Agreement Between the Natural Resources Conservation Service, the Northern Virginia Soil and Water Conservation District, and Fairfax County for the Rehabilitation of Pohick Creek Dam Site Number 3, Woodglen Lake (Braddock District)

Pohick Creek Dam Site Number 3, known locally as Woodglen Lake, was constructed in 1981. The project was a joint effort between the Soil Conservation Service, now the Natural Resources Conservation Service (NRCS), the Northern Virginia Soil and Water Conservation District, and Fairfax County. The Woodglen Lake dam does not meet current NRCS or the Virginia Division of Dam Safety standards for performance of its auxiliary spillway.

In November of 2000, the “Small Watershed Rehabilitation Amendments of 2000” revised Public Law 83-566 to establish a cost-share rehabilitation program whereby a sponsoring community having dams constructed by the NRCS could receive federal assistance for the rehabilitation of these facilities. Under this program, the NRCS provides up to 65% of the total project cost, with the sponsoring community contributing 35% of the total cost.

A rehabilitation plan for Woodglen Lake was completed by the NRCS in May 2008. The plan recommends armoring the auxiliary spillway with articulated concrete blocks, and also building earthen embankments that direct water toward the auxiliary spillway and prevent erosion of the dam embankment. The final design for this project is expected to be completed by January 2009, with construction projected to begin in the summer of 2009, subject to the federal allocation of the necessary funding. The total estimated project cost is \$2,565,000. This work plan agreement is the initial step that is required in order for NRCS to provide the County with 65% (\$1,667,000) of the total project cost.

According to the NRCS rehabilitation plan, the structure will have a project life expectancy of 72 years after construction is complete. The NRCS has identified 157 residential properties, and 22 industrial, commercial, and public sites potentially in the dam breach inundation zone. Additionally, two major roads and a railroad are also in the inundation zone.

Unless otherwise directed by the Board of Supervisors, the County Executive, on behalf of the County, will sign the Work Plan Agreement with the Natural Resources Conservation Service and the Northern Virginia Soil and Water Conservation District for the rehabilitation of Pohick Creek Dam Site Number 3.

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FISCAL IMPACT:

The estimated cost-sharable amount of the project is \$2,565,000. The NRCS will pay 65% of the cost or approximately, \$1,667,000, with the County required to fund 35% or approximately, \$898,000. Currently, \$1,225,001 is available in Fund 318, Stormwater Management Program in Project FX4000, Dam Safety Projects. If additional funding is required based on actual design and construction costs, funding will be reallocated from existing appropriations in Fund 318.

ENCLOSED DOCUMENTS:

Attachment 1: Work Plan Agreement

STAFF:

Robert A. Stalzer, Deputy County Executive

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

Howard J. Guba, Deputy Director, DPWES

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June 2, 2008



INFORMATION - 4

Oakton Library Receives an American Public Works Association Project of the Year Award (Providence District)

The Oakton Library Project was selected by the American Public Works Association (APWA), Virginia/DC/Maryland Chapter as the 2008 Project of the Year in the \$2 million to \$10 million structures category. The Project of the Year Award was presented to representatives from the Fairfax County Department of Public Works and Environmental Services (DPWES), during APWA's 50th Annual Conference & Equipment Show at the Virginia Beach Convention Center on May 15, 2008. The Oakton Library design and construction was managed by the Capital Facilities business area of DPWES.

The Project of the Year Award recognizes the successful partnership between public works agencies, the consultant design team, and the contractor who, working together, complete outstanding public works projects.

The Oakton Library, located at 10304 Lynnhaven Place in Oakton, is the first library in the Providence District. The site for the library was provided as a proffered development condition. At 17,000 square feet, it is also the first Fairfax County library designed using the Leadership in Energy and Environment (LEED) principles developed by the U.S. Green Building Council. The Oakton Library design was developed in coordination with the local community and the Fairfax County Library staff. DPWES, the design team, and contractor were all challenged over the course of the project to produce the best possible library for the Oakton community. The facility was opened to the public during a grand opening ceremony on September 29, 2007. The library has been very well received and is a thriving part of the Oakton community. In November 2007, the Oakton Library also received a 2007 Award of Excellence from the National Association of Industrial and Office Properties (NAIOP).

FISCAL IMPACT:

None

ENCLOSED DOCUMENTS:

None

STAFF:

Robert A. Stalzer, Deputy County Executive

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

Howard J. Guba, Deputy Director, DPWES

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INFORMATION - 5

Retirement Systems Cost-of-Living Increases for 2008

ISSUE:

Fairfax County Code provisions for the Employees', Police Officers and Uniformed Retirement Systems include a provision for a standard annual cost-of-living increase (COLA) that is equal to the lesser of 4.0% and the increase in the Consumer Price Index (CPI) for the Washington Standard Metropolitan Statistical Area for the period ending in March of each year. The increase in the CPI for the twelve-month period ending March 31, 2008 was 4.7%. Therefore, this year's standard COLA is 4.0% and will become effective July 1, 2008 for fiscal year 2009. The Code also allows the Board of Trustees of each Retirement System to grant up to an additional 1.0% COLA if the cost of such an increase does not exceed the available actuarial surplus as determined by the actuary following a specific formula included in the Code. The actuary has determined that the surplus, calculated according to the Code, for the Police Officers System exceeds the cost of an additional 1.0% COLA. However, following the Code's formula, no actuarial surplus exists for the Employees' Retirement System and the Uniformed Retirement System and no additional COLA may be granted by those Systems. The Police Officers Board of Trustees has considered this item and has approved an additional 1.0% increase for retirees of the Police Officers System. With this action, the total COLA for retirees of the Police Officers System will be 5.0%. The COLA for retirees of the Employees' and Uniformed Systems will be 4.0%. These increases will be effective July 1, 2008.

FISCAL IMPACT:

Since no additional COLA's are being granted by the Employees' and Uniformed Systems, there is no fiscal impact related to those Systems. The increase in future pension liabilities resulting from the additional 1.0% granted by the Trustees of the Police Officers Retirement System is \$5.7 million. Following established funding policy, this cost will be amortized over a 15 year period and will increase the employer contribution rate by 0.50% of payroll beginning with FY 2010. The approximate impact on FY 2009 contribution rates is shown below.

	<u>Employer Contribution Rates</u>			<u>Estimated Impact</u>
	<u>FY 2009</u>	<u>FY 2010</u>	<u>Increase</u>	<u>On FY 2010 Budget</u>
Employees'	9.62%	9.62%	n/a	n/a
Police Officers	22.34%	22.84%	0.50%	\$502,452
Uniformed	26.46%	26.46%	n/a	n/a
Total General Fund Impact				\$502,452

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The estimated impact on FY 2010 is based on the FY 2009 salary budget. Any increases or decreases to the salaries ultimately budgeted for FY 2010 would result in proportional changes to the amount shown above. Also, the FY 2010 rates shown above are for the purpose of showing the impact of the COLA action only. Final FY 2010 contribution rates will be determined following the completion of the FY 2008 actuarial valuation.

ENCLOSED DOCUMENTS:

Attachment 1: January 4, 2008 letter from Fiona E. Liston, F.S.A., Consulting Actuary, Cheiron, to Board of Trustees, Fairfax County Police Officers Retirement System

STAFF:

Edward L. Long, Jr., Deputy County Executive  
Robert Mears, Executive Director to the Retirement Boards

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10:30 a.m.

Matters Presented by Board Members

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11:20 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. *Margaretha C. McGrail v. Board of Supervisors of Fairfax County, Virginia*, Case No. CL-2007-0013822 (Fx. Co. Cir. Ct.) (Dranesville District)
  - 2. *Board of Zoning Appeals of Fairfax County, Virginia v. Board of Supervisors of Fairfax County, Virginia*, Record No. 071395 (Sup. Ct. Va.)
  - 3. *Matthew Francis Egan v. Fairfax County Police Department*, Case No. 98-6428 (4th Cir.)
  - 4. *Ryan Herold v. Richard Perl*, Case No. CL-2007-0010415 (Fx. Co. Cir. Ct.)
  - 5. *Fairfax County Redevelopment and Housing Authority v. Zareen Hudson, Juan Zayas, and Cristian Hernandez, et al.*, Case No. CL-2007-0005458 (Fx. Co. Cir. Ct.) (Lee District)
  - 6. *Admiral Limousine and Transportation Service, Inc. v. County of Fairfax and Department of Tax Administration*, Case No. CL 2007-0014589 (Fx. Co. Cir. Ct.)
  - 7. *Michael Ku v. Schaefer Pyrotechnics, Inc., et al.*, Case No. CL-2008-0003303 (Fx. Co. Cir. Ct.); *Conley Ku v. Schaeffer Pyrotechnics, Inc., et al.*, Case No. CL-2008-0003317 (Fx. Co. Cir. Ct.)

8. *Forrest J. Hatcher and Marva K. Hatcher v. Fairfax County Park Authority*, Case No. CL-2008-0005228 (Fx. Co. Cir. Ct.) (Providence District)
9. *Home Properties, LP v. Fairfax-Falls Church Community Services Board*, Case No. 08-10023 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
10. *Janet Lyon Haight, Conservator of the Estate of Jay Richard Lyon v. Robert Carlson, et al.*, Case No. 2008-0000671 (Fx. Co. Cir. Ct.)
11. *Eileen M. McLane, Fairfax County Zoning Administrator v. William Flores and Marco Flores*, Case No. CL-2008-0004292 (Fx. Co. Cir. Ct.) (Mount Vernon District) (Strike Team Case)
12. *Eileen M. McLane, Fairfax County Zoning Administrator, and Ronald L. Mastin, Fairfax County Fire Marshal v. Segundo Paucar and Claudia Padillo*, Case No. CL-2008-0004103 (Fx. Co. Cir. Ct.) (Braddock District) (Strike Team Case)
13. *Eileen M. McLane, Fairfax County Zoning Administrator, and Linward Ray Pylant, Fairfax County Building Official v. Elsa M. Aguilera*, Case No. CL-2008-0001499 (Fx. Co. Cir. Ct.) (Lee District) (Strike Team Case)
14. *Eileen M. McLane, Fairfax County Zoning Administrator v. Asif Attai and John Jung, a/k/a Un Pok Jung d/b/a JP Transmission*, Case No. CL-2008-0003329 (Fx. Co. Cir. Ct.) (Lee District)
15. *Eileen M. McLane, Fairfax County Zoning Administrator v. Redentor Eiguez, Viviana Paz Arza, and Marlene Zurita*, Case No. CL-2008-0002529 (Fx. Co. Cir. Ct.) (Sully District)
16. *Eileen M. McLane, Fairfax County Zoning Administrator v. Pedro Campos and Ligia Campos*, Case No. CL-2008-0015534 (Fx. Co. Cir. Ct.) (Lee District)
17. *Eileen M. McLane, Fairfax County Zoning Administrator v. Wilber E. Sorto*, Case No. CL-2007-0015536 (Fx. Co. Cir. Ct.) (Lee District)
18. *Eileen M. McLane, Fairfax County Zoning Administrator v. Eleticia Arriola*, Case No. CL-2008-0004425 (Fx. Co. Cir. Ct.) (Lee District) (Strike Team Case)

19. *Eileen M. McLane, Fairfax County Zoning Administrator v. Shirley M. Dillon and Donna Dillon, Case No. CL-2008-0006321 (Fx. Co. Cir. Ct.) (Sully District)*
20. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Mohamed Sorour, Case No. CL-2008-0006134 (Fx. Co. Cir. Ct.) (Mount Vernon District)*
21. *Eileen M. McLane, Fairfax County Zoning Administrator v. Hussain Kanaa, Myrna Kanaan, and Yasmine Kanaan, Case No. CL-2008-0006680 (Fx. Co. Cir. Ct.) (Lee District)*

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Board Agenda Item  
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3:30 p.m.

Public Hearing on RZ 2007-MA-017 (Amerikor Properties, LLC) to Rezone From C-6, CRD, HC and SC to PDC, CRD, HC and SC to Permit Mixed Use Development with an Overall Floor Area Ratio of 2.04 Including Bonus Density for the Provision of Work Force Dwelling Units and Approval of the Conceptual and Final Development Plans, Located on Approximately 3.44 Acres, Mason District

and

Public Hearing on SE 2007-MA-032 (Amerikor Properties, LLC) to Permit Fast Food Restaurant Uses, Located on Approximately 3.44 Acres Zoned C-6, CRD, HC and SC, Mason District

The application property is located on the east side of Markham Street and north of Little River Turnpike at 4245 Markham Street, Tax Map 71-1 ((20)) 2

PLANNING COMMISSION RECOMMENDATION:

On Thursday, May 15, 2008, the Planning Commission voted unanimously (Commissioner Litzenberger absent from the meeting) to defer its public hearing to May 28, 2008. The Commission's recommendation will be forwarded to the Board of Supervisors subsequent to that date.

ENCLOSED DOCUMENTS:

None. Staff Report previously furnished.

STAFF:

Regina Coyle, 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  
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3:30 p.m.

Public Hearing on PCA 2005-PR-039 (Dunn Loring Metro, LLC) to Amend the Proffers for RZ 2005-PR-039 Previously Approved for Mixed Use Development to Permit Site Modifications and Associated Modifications to Site Design with an Floor Area Ratio of 1.37 Including Bonus Density for Affordable Dwelling Units and an Overall FAR of 2.25 for Area South of the Proposed Main Street, Located on Approximately 14.06 Acres Zoned PRM, Providence District

and

Public Hearing on PCA 88-P-030-02 (Dunn Loring Metro, LLC) to Amend the Proffers for RZ 88-P-030 Previously Approved for Mixed Use Development to Permit Site Modifications and Associated Modifications to Site Design with an Floor Area Ratio of 1.37 Including Bonus Density for Affordable Dwelling Units and an Overall FAR of 2.25 for Area South of the Proposed Main Street, Located on Approximately 1.33 Acres Zoned PDC, Providence District

PCA 2005-PR-039 is located in the northwest quadrant of the intersection of Prosperity Avenue and Gallows Road, Tax Map 49-1 ((1)) 27A; 49-2 ((1)) 13A and 15A.

PCA 88-P-030-02 is located on the north side of Prosperity Avenue approximately 1,200 feet west of its intersection with Gallows Road, Tax Map 49-1 ((13)) 17A and 18A.

PLANNING COMMISSION RECOMMENDATION:

On Wednesday, May 21, 2008, the Planning Commission unanimously voted (Commissioners Litzenberger and Lusk absent from the meeting) to recommend the following actions to the Board of Supervisors:

- Approval of PCA 2005-PR-039 and the associated Conceptual Development Plan, subject to the execution of proffers consistent with those dated May 5, 2008;
- Approval of PCA 88-P-030-2 and the associated Conceptual Development Plan Amendment, subject to the execution of proffers consistent with those dated May 5, 2008;
- Approval of a waiver to allow underground stormwater management facilities in the residential area for Land Unit A of the Dunn Loring/Merrifield Metro Station Development Plan, subject to the Waiver Conditions of Waiver #0378-WPFM-001-2, dated August 24, 2006;
- Modification of the private street limitations of Sect. 11-302 of the Zoning Ordinance;

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- Modification of the transitional screening requirements and waiver of the barrier requirements to the north, northeast, and internal to the site, in favor of the treatments depicted on the CDP/FDPA;
- Waiver of the 75-foot yard regulation for lots abutting principal arterial highways as required by Sect. 2-414.1.B of the Zoning Ordinance;
- Modification of the interior parking lot landscaping on the top of the parking deck; and
- Modification of the loading space requirement in favor of the loading spaces reflected on the CDPA/FDPA.

The Planning Commission voted unanimously (Commissioners Litzenberger and Lusk absent from the meeting) to approve FDPA 2005-PR-039, subject to the Development Conditions dated May 7, 2008 and subject also to Board approval of PCA 2005-PR-039.

The Planning Commission voted unanimously (Commissioners Litzenberger and Lusk absent from the meeting) to approve FDPA 88-P-030-02, subject to Board approval of PCA 88-P-030-02.

ENCLOSED DOCUMENTS:

None. Staff Report previously furnished.

STAFF:

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

Board Agenda Item  
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3:30 p.m.

Public Hearing on PRC 82-C-060 (Athena/Renaissance Reston LLC and the Unit Owners Association of the Parcreston Condominium) to Approve the PRC Plan Associated with RZ 82-C-060 to Permit Residential Development, Located on Approximately 23.0 Acres Zoned PRC, Hunter Mill District

The application property is located east of Reston Parkway, north of Temporary Road, west of North Shore Dr. and 900 feet south of Baron Cameron Avenue. Tax Map 17-2 ((1)) 23, 24 and 24A; 17-2 ((40)) (1) 1-12; 17-2 ((40)) (2) 1-12; 17-2 ((40)) (3) 1-18; 17-2 ((40)) (4) 1-18; 17-2 ((40)) (5) 1-32; 17-2 ((40)) (6) 1-32; 17-2 ((40)) (7) 1-12; 17-2 ((40)) (8) 1-18; 17-2 ((40)) (9) 1-32; 17-2 ((40)) (10) 1-22; 17-2 ((40)) (11) 1-22; 17-2 ((40)) (12) 1-32; 17-2 ((40)) (13) 1-22; 17-2 ((40)) (14) 1-32; 17-2 ((40)) (15) 1-20.

PLANNING COMMISSION RECOMMENDATION:

On Wednesday, April 23, 2008, the Planning Commission voted unanimously (Commissioner Litzenberger absent from the meeting) to recommend the following actions to the Board of Supervisors:

- Approval of PRC 82-C-060, subject to placing the Development Condition, set forth in Appendix 1 of the staff report, as a note on the PRC Plan, if that would not preclude enforcement of that condition;
- Reaffirmation of the previously-approved modification of the transitional screening along the northern property line (Wainwright Drive) in favor of the existing vegetation; and
- Reaffirmation of the previously-approved waiver of the barrier requirement along the northern property line (Wainwright Drive).

ENCLOSED DOCUMENTS:

None. Staff Report previously furnished.

STAFF:

Regina Coyle, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)  
Suzanne Lin, Staff Coordinator, Zoning Evaluation Division, DPZ

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3:30 p.m.

Public Hearing for the Conveyance of County-Owned Property Known as Summers Cemetery to the Fairfax County Park Authority (Mason District)

ISSUE:

Public hearing for the conveyance of County-owned property known as Summers Cemetery to the Fairfax County Park Authority.

RECOMMENDATION:

The County Executive recommends that the Board adopt the attached Resolution for the referenced conveyance.

TIMING:

On April 28, 2008, the Board authorized the advertisement of a public hearing for the conveyance of cemetery property known as the Summers Cemetery to the Fairfax County Park Authority.

BACKGROUND:

The Board of Supervisors is the owner of an abandoned graveyard known as the Summers Cemetery, which is identified as Tax Map Number 72-2-((7)) parcel 15A. The property contains approximately 8,000 square feet of land zoned R-3. The title to the property was vested in the Board by a Final Order Confirming Title and Determining Just Compensation recorded in Deed Book 16920 at page 0954 among the land records of Fairfax County.

The subject property is considered to have historical significance because the cemetery was established in the eighteenth century, is registered as an archaeological site with the Virginia Department of Historic Resources, and a Revolutionary War soldier is buried there.

Staff recommends the conveyance of this property to the Fairfax County Park Authority for its proper preservation and maintenance, subject to the condition that the property be used for Public Park purposes.

In accordance with Board Policy and section 15.2-1800 of the Code of Virginia, a public hearing is required prior to the disposition of County-owned property.

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FISCAL IMPACT:  
None

ENCLOSED DOCUMENTS:  
Attachment A- Resolution  
Attachment B- Location Map

STAFF:  
Jose A. Comayagua, Jr., Director, Facilities Management Department  
Timothy White, Acting Director, Fairfax County Park Authority

Board Agenda Item  
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4:00 p.m.

Public Hearing for the Continued Leasing of County-Owned Property Known as the Hollin Hall Facility Located at 1500 Shenandoah Road, to A Child's Place (Mount Vernon District)

ISSUE:

Public hearing for the continued leasing of a portion of County-owned property known as the Hollin Hall facility located at 1500 Shenandoah Road, (Tax Map No. 102-2 ((1)) - 002-A, Mount Vernon District), to A Child's Place for the purpose of operating a day care center.

RECOMMENDATION:

The County Executive recommends that the Board authorize County staff to execute a lease substantially in the form of the attached Revenue Lease Agreement for the continued leasing of a portion of County-owned property known as the Hollin Hall facility located at 1500 Shenandoah Road (Tax Map No. 102 -2 ((1)) -002-A, Mount Vernon District) to A Child's Place.

TIMING:

On March 31, 2008, the Board authorized the advertisement of a public hearing on June 2, 2008, at 4:00 p.m. for the continued leasing of a portion of County-owned property known as the Hollin Hall facility located at 1500 Shenandoah Road (Tax Map No. 102-2 ((1)) – 002 – A, Mount Vernon District) to A Child's Place. The current lease with A Child's Place expires on June 30, 2008.

BACKGROUND:

In 1982, A Child's Place, a private day care provider for approximately 159 children between the ages of 2 to 12, entered into a lease with the Fairfax County School Board to lease a portion of the Hollin Hall Facility located at 1500 Shenandoah Road in Alexandria, Virginia. In 1985, the Fairfax County Board of Supervisors acquired the Hollin Hall facility from the School Board. A Child's Place remained as the tenant in the facility and, upon transfer of ownership to the County, Fairfax County became the new landlord. The County and A Child's Place subsequently entered into new leases for additional lease periods to allow A Child's Place to continue to use the facility.

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The leased premises consists of approximately 9,475 square feet of retail space. The current lease with A Child's Place expires on June 30, 2008, and staff recommends that the County enter into a new lease agreement for a five year period beginning on July 1, 2008. In addition, both A Child's Place and the County have agreed that the lease shall automatically renew for an additional period of five years, unless notice of termination is given by either party 270 days prior to the end of the lease term.

FISCAL IMPACT:

The annual base rent for this lease is \$176,354.

ENCLOSED DOCUMENTS:

Attachment A – Tax Map No. 102 -2 ((1))-002-A

Attachment B – Lease Agreement

STAFF:

Jose A. Comayagua, Jr., Director, Facilities Management Department

Board Agenda Item  
June 2, 2008

4:00 p.m.

Public Hearing to Consider Adopting an Ordinance Expanding the Robinson Residential Permit Parking District, District 17 (Braddock District)

ISSUE:

Proposed amendment to Appendix G, of *The Code of the County of Fairfax, Virginia*, to expand the Robinson Residential Permit Parking District (RPPD), District 17.

RECOMMENDATION:

The County Executive recommends that the Board adopt an amendment (Attachment I) to Appendix G, of *The Code of the County of Fairfax, Virginia*, to expand the Robinson RPPD, District 17.

TIMING:

On May 5, 2008, the Board authorized a Public Hearing to consider the proposed amendment to Appendix G, of *The Code of the County of Fairfax, Virginia*, to take place on June 2, 2008, at 4:00 p.m.

BACKGROUND:

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

Petitions requesting expansion of the RPPD were received on March 19, 2008. The proposed District expansion includes the following street block faces: Sideburn Road (Route 653) west side from Stallworth Court (Route 6995) to Braddock Road (Route 620 and Sideburn Road east side from Stallworth Court to 4909 Sideburn Road.

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The signatures on the petitions represent more than 60 percent of the eligible addresses of the proposed District expansion and represent more than 50 percent of the eligible addresses on each block face of the proposed District expansion, thereby satisfying Code petition requirements. More than 75 percent of the land abutting each block of the proposed District expansion is developed residential, thereby satisfying Code land use requirements. The required application fees were submitted on March 19, 2008, thereby satisfying Code fee requirements.

Therefore, it is recommended that the Board adopt the proposed amendment (Attachment I) to expand the Robinson RPPD.

FISCAL IMPACT:

The cost of printing notices and letters, decals, and installing the RPPD signs is approximately \$760. These funds are currently available in the Department of Transportation's budget.

ENCLOSED DOCUMENTS:

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

STAFF:

Katharine D. Ichter, Director, Fairfax County Department of Transportation (FCDOT)  
Ellen Gallagher, Chief, Capital Projects and Operations Division, FCDOT  
Hamid Majdi, FCDOT

Board Agenda Item  
June 2, 2008

4:00 p.m.

Public Hearing on a Proposal to Abandon Part of the Right-of-Way of Sanger Street  
(Mount Vernon District)

ISSUE:

Public hearing on a proposal to abandon part of the right-of-way of Sanger Street.

RECOMMENDATION:

The County Executive recommends that the Board adopt the attached order (Attachment III) for abandonment of the subject right-of-way.

TIMING:

On May 5, 2008, the Board authorized a public hearing to consider the proposed abandonment for June 2, 2008 at 4:00 p.m.

BACKGROUND:

The applicant, Lorton Valley III LC, is requesting that a portion of the right-of-way of Sanger Street at the southern terminus be abandoned. Sanger Street is in the Virginia Department of Transportation (VDOT) State Secondary System (Route 747).

The request is being made in conjunction with a by-right residential development of seven units. The applicant is requesting the abandonment to place the houses further from Interstate 95. The applicant will construct a new terminus of Sanger Street with a cul-de-sac.

Traffic Circulation and Access

The abandonment will have no long-term impact on vehicle circulation and access. The subject right-of-way is a dead end and the applicant will replace it with a new alignment.

Easements

Dominion Virginia Power has identified facilities within the area to be abandoned. The applicants have provided easement plats, deeds, or agreements in forms acceptable to them. No other easement needs were identified.

This proposal to abandon this right-of-way was circulated to the following public agencies and utility companies for review: Office of the County Attorney, Department of

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Public Works and Environmental Services, Fairfax County Department of Transportation, Department of Planning and Zoning, Fairfax County Park Authority, Fairfax County Water Authority, Fairfax County School Board, Fire and Rescue, Virginia Department of Transportation, Dominion Virginia Power, Washington Gas Light Company, and Verizon. None of these indicate any opposition to the proposal.

FISCAL IMPACT:  
None

ENCLOSED DOCUMENTS:  
Attachment I: Statement of Justification  
Attachment II: Notice of Intent to Abandon  
Attachment III: Order of Abandonment  
Attachment IV: Abandonment Plat  
Attachment V: Metes and Bounds Description  
Attachment VI: Vicinity Map

STAFF:  
Katharine D. Ichter, Director, Fairfax County Department of Transportation (FCDOT)  
Michael A. Davis, FCDOT  
Donald Stephens, FCDOT

Board Agenda Item  
June 2, 2008

4:00 p.m.

Public Hearing to Expand the Hillside Community Parking District (Springfield District)

ISSUE:

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

RECOMMENDATION:

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

TIMING:

The public hearing was authorized on May 5, 2008, for June 2, 2008, at 4:00 p.m.

BACKGROUND:

Fairfax County Code Section 82-5B-2 authorizes the Board to expand a CPD for the purpose of prohibiting or restricting the parking of watercraft; boat trailers; motor homes; camping trailers and any other trailer or semi-trailer; any vehicle with three or more axles; any vehicle that has a gross vehicle weight rating of 12,000 or more pounds except school buses used on a current and regular basis to transport students; any vehicle designed to transport 16 or more passengers, including the driver, except school buses used on a current and regular basis to transport students; and any vehicle of any size that is being used in the transportation of hazardous materials as defined in Virginia Code § 46.2-341.4 on the streets in the district. No such Community Parking District shall apply to (i) any commercial vehicle when discharging passengers or when temporarily parked pursuant to the performance of work or service at a particular location or (ii) utility generators located on trailers and being used to power network facilities during a loss of commercial power or (iii) restricted vehicles temporarily parked on a public street within any such District for a maximum of 48 hours for the purpose of loading, unloading, or preparing for a trip. Pursuant to Fairfax County Code Section 82-5B-3, the Board may expand a CPD if: (1) the Board receives a petition requesting such an expansion and such petition contains the names and signatures of petitioners who represent at least 60 percent of the addresses or other real property within the proposed district, and represent more than 50 percent of the eligible addresses on each

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block of the proposed district, (2) the proposed district includes an area in which 75 percent of each block within the proposed district is zoned, planned or developed as a residential area, and (3) the Board receives an application fee of \$10 for each petitioning property address in the proposed district.

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

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

FISCAL IMPACT:

The cost of sign installation is estimated at \$300 to be paid out of Fairfax County Department of Transportation (FCDOT) funds. This assumes a one-time installation of CPD signs. No funding exists for future maintenance of the signs.

ENCLOSED DOCUMENTS:

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

STAFF:

Katharine D. Ichter, Director, Fairfax County Department of Transportation (FCDOT)  
Ellen Gallagher, Division Chief, Capital Projects and Operations, FCDOT  
Maria Turner, FCDOT

Board Agenda Item  
June 2, 2008

4:00 p.m.

Public Hearing to Establish the Golf Course Square Community Parking District (Hunter Mill District)

ISSUE:

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

RECOMMENDATION:

The County Executive recommends that the Board adopt the amendment to the Fairfax County Code shown in Attachment I to establish the Golf Course Square CPD in accordance with existing CPD restrictions.

TIMING:

The public hearing was authorized on May 5, 2008, for June 2, 2008, at 4:00 p.m.

BACKGROUND:

Fairfax County Code Section 82-5B-2 authorizes the Board to establish a CPD for the purpose of prohibiting or restricting the parking of watercraft; boat trailers; motor homes; camping trailers and any other trailer or semi-trailer; any vehicle with three or more axles; any vehicle that has a gross vehicle weight rating of 12,000 or more pounds except school buses used on a current and regular basis to transport students; any vehicle designed to transport 16 or more passengers, including the driver, except school buses used on a current and regular basis to transport students; and any vehicle of any size that is being used in the transportation of hazardous materials as defined in Virginia Code § 46.2-341.4 on the streets in the district. No such Community Parking District shall apply to (i) any commercial vehicle when discharging passengers or when temporarily parked pursuant to the performance of work or service at a particular location or (ii) utility generators located on trailers and being used to power network facilities during a loss of commercial power or (iii) restricted vehicles temporarily parked on a public street within any such District for a maximum of 48 hours for the purpose of loading, unloading, or preparing for a trip. Pursuant to Fairfax County Code Section 82-5B-3, the Board may establish a CPD if: (1) the Board receives a petition requesting such an establishment and such petition contains the names and signatures of petitioners who represent at least 60 percent of the addresses or other real property

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within the proposed district, and represent more than 50 percent of the eligible addresses on each block of the proposed district, (2) the proposed district includes an area in which 75 percent of each block within the proposed district is zoned, planned or developed as a residential area, and (3) the Board receives an application fee of \$10 for each petitioning property address in the proposed district.

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

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

FISCAL IMPACT:

The cost of sign installation is estimated at \$1000 to be paid out of Fairfax County Department of Transportation (FCDOT) funds.

ENCLOSED DOCUMENTS:

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

STAFF:

Katharine D. Ichter, Director, Fairfax County Department of Transportation (FCDOT)  
Ellen Gallagher, Division Chief, Capital Projects and Operations, FCDOT  
Maria Turner, FCDOT

Board Agenda Item  
June 2, 2008

4:30 p.m.

Public Hearing to Establish the Burke Station Square Community Parking District  
(Springfield District)

ISSUE:

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

RECOMMENDATION:

The County Executive recommends that the Board adopt the amendment to the Fairfax County Code shown in Attachment I to establish the Burke Station Square CPD in accordance with existing CPD restrictions.

TIMING:

The public hearing was authorized on May 5, 2008, for June 2, 2008, at 4:30 p.m.

BACKGROUND:

Fairfax County Code Section 82-5B-2 authorizes the Board to establish a CPD for the purpose of prohibiting or restricting the parking of watercraft; boat trailers; motor homes; camping trailers and any other trailer or semi-trailer; any vehicle with three or more axles; any vehicle that has a gross vehicle weight rating of 12,000 or more pounds except school buses used on a current and regular basis to transport students; any vehicle designed to transport 16 or more passengers, including the driver, except school buses used on a current and regular basis to transport students; and any vehicle of any size that is being used in the transportation of hazardous materials as defined in Virginia Code § 46.2-341.4 on the streets in the district. No such Community Parking District shall apply to (i) any commercial vehicle when discharging passengers or when temporarily parked pursuant to the performance of work or service at a particular location or (ii) utility generators located on trailers and being used to power network facilities during a loss of commercial power or (iii) restricted vehicles temporarily parked on a public street within any such District for a maximum of 48 hours for the purpose of loading, unloading, or preparing for a trip. Pursuant to Fairfax County Code Section 82-5B-3, the Board may establish a CPD if: (1) the Board receives a petition requesting such an establishment and such petition contains the names and signatures of petitioners who represent at least 60 percent of the addresses or other real property

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within the proposed district, and represent more than 50 percent of the eligible addresses on each block of the proposed district, (2) the proposed district includes an area in which 75 percent of each block within the proposed district is zoned, planned or developed as a residential area, and (3) the Board receives an application fee of \$10 for each petitioning property address in the proposed district.

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

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

FISCAL IMPACT:

The cost of sign installation is estimated at \$3000 to be paid out of Fairfax County Department of Transportation (FCDOT) funds.

ENCLOSED DOCUMENTS:

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

STAFF:

Katharine D. Ichter, Director, Fairfax County Department of Transportation (FCDOT)  
Ellen Gallagher, Division Chief, Capital Projects and Operations, FCDOT  
Maria Turner, FCDOT

Board Agenda Item  
June 2, 2008

4:30 p.m.

Public Hearing on Amendments to The Code of the County of Fairfax, Articles 2, 3 and 7 of Chapter 3 Regarding a Change to the Employees', Police Officers and Uniformed Retirement Systems to Extend the Deferred Retirement Option Programs (DROP)

ISSUE:

Board approval of an amendment to Article 2, 3 and 7 of Chapter 3, County Employees. These changes will extend the sunset provision for enrollments in the Deferred Retirement Option Programs of the Employees' Retirement System, the Police Officers Retirement System and the Uniformed Retirement System to December 31, 2013.

RECOMMENDATION:

The County Executive recommends that the Board approve amendments to the Employees' Retirement System, the Police Officers Retirement System and the Uniformed Retirement System to permit enrollments in a Deferred Retirement Option Program up to December 31, 2013.

TIMING:

Board action is requested on June 2, 2008. The public hearing was authorized on May 5, 2008.

BACKGROUND:

Deferred Retirement Option Programs, commonly referred to as DROP plans, are features of defined benefit retirement systems that provide retirement-eligible employees the option of accumulating a lump sum benefit payable at retirement in lieu of earning additional years of service credit and a higher monthly lifetime benefit. As such, the DROP plans provide increased flexibility and options for employees and are also beneficial to the employer in terms of retention of expertise and workforce planning. Fairfax County added DROP plans to the Police Officers and Uniformed Retirement Systems effective October 1, 2003. This was followed by the establishment of a DROP plan in the Employees' Retirement System effective July 1, 2005. At the time these plans were established, each of the plans included a sunset provision such that the plans would expire after five years. Unless the Board of Supervisors takes action to extend the plans, no new enrollments can occur in the Police Officers or Uniformed Systems after September 30, 2008, and in the Employees' System after June 30, 2010.

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Experience with the DROP plans has been very favorable. The DROP option has clearly been a benefit feature that has been popular with employees. Through April 1, 2008, a total of 741 retirement-eligible employees have been enrolled in DROP. This total includes 524 active employees currently in DROP and 217 former employees who retired after extending their service under the DROP plan. Management has also found DROP to be helpful. Responses to a survey of Department Heads conducted by Human Resources were highly positive. Over 92% of the responses indicated that the DROP plan was beneficial and should be continued.

As the number of retirement-eligible employees continues to grow, continuation of the DROP plans will become even more valuable in terms of retention of career employees with expertise in a wide array of disciplines directly serving the citizens of Fairfax County and in supporting those who do. The proposal to extend the sunset provisions to December 31, 2013 is necessary to continue this valuable feature of the retirement systems. While the timing of the action is critical for the Police Officers and Uniformed Systems, extending the date for the Employees' System at this time will synchronize the three systems and allow for a common date for future considerations.

FISCAL IMPACT:

The consulting actuary for the retirement systems has determined that an extension of the sunset provisions to December 31, 2013 will not result in an increase in the required employer contribution rates. As a result, these amendments will not result in an increase in the budget for required funding to the retirement systems.

ENCLOSED DOCUMENTS:

- Attachment 1: Amendment to Chapter 3, Section 3-2-57(h)
- Attachment 2: Amendment to Chapter 3, Section 3-3-57(h)
- Attachment 3: Amendment to Chapter 3, Section 3-7-52(h)
- Attachment 4: Letter from Fiona Liston, Consulting Actuary, Cheiron, Inc. to Lurnz Swartz dated January 24, 2008

STAFF:

Robert Mears, Executive Director to the Retirement Boards  
Susan Woodruff, Acting Director, Human Resources

Board Agenda Item  
June 2, 2008

4:30 p.m.

Public Hearing on Amendments to The Code of the County of Fairfax, Article 2 of Chapter 3 to Make a Technical Correction to the Employees' Retirement System to Comply With IRS Regulations Regarding Mandatory Payments of Refunds to Former Employees

ISSUE:

Board approval of an amendment to Article 2 of Chapter 3, County Employees. This change to the Employees' Retirement System eliminates mandatory distributions of employee balances to non-vested former employees and changes the default form of distributions from the Deferred Retirement Option Program in order to comply with IRS regulations.

RECOMMENDATION:

The County Executive recommends that the Board approve amendments to the Employees' Retirement System to comply with IRS Regulations regarding mandatory distributions by requiring completed applications before issuing payments of refunds to non-vested former employees.

TIMING:

Board action is requested on June 2, 2008. The public hearing was authorized on May 5, 2008.

BACKGROUND:

The current provisions of the Employees' Retirement System provide for an automatic refund of contributions to an employee who leaves County employment with less than five years of service in the Retirement System. (The provisions of the Police Officers and Uniformed Retirement Systems provide for a refund of contributions to terminating employees only upon application by the employee, including direction with respect to form of payment, i.e., direct payment or rollover to another qualified plan.)

Final IRS regulations regarding mandatory distributions from defined benefit retirement plans established special requirements for how such payments are to be made if the individual does not provide instructions to the plan. In the absence of such instructions, the plan is required to establish an individual retirement account (IRA) on the individual's behalf and make the payment to the IRA as a rollover to a qualified plan. In

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order to bring the Employees' Retirement System into compliance with the IRS regulations, this amendment would eliminate mandatory payments in excess of \$1,000 to terminating employees and would require all terminating employees to complete an application for a refund and provide instructions regarding the form of payment.

This is a technical amendment. The IRS requirement regarding mandatory distributions was effective January 1, 2006 and the County has complied with those requirements since that time. Terminating employees have always been provided with refund applications that require election of the form of payment (direct payment or rollover). To comply with the IRS requirements, staff discontinued making direct payments to those with less than five years of service when completed applications were not returned. This amendment will bring the plan terms into compliance with the IRS requirements and will be consistent with the provisions of the other two County retirement systems.

FISCAL IMPACT:

This change would have no fiscal impact.

ENCLOSED DOCUMENTS:

Attachment 1: Amendments to Chapter 3, Article 2, Sections 3-2-28, 3-2-38 and 3-2-57

Attachment 2: Letter from Fiona Liston, Consulting Actuary, Cheiron, Inc. to Lurnz Swartz dated October 30, 2007

STAFF:

Robert Mears, Executive Director to the Retirement Boards  
Karen Gibbons, Assistant County Attorney

Board Agenda Item  
June 2, 2008

4:30 p.m.

Public Hearing on SE 2007-MA-028 (The Montessori School of Northern Virginia, Inc.) to Permit a Private School of General Education, Nursery School and Child Care Center with a Maximum Enrollment of 90 Students and Modifications to Site Design, Located on Approximately 1.17 Acres Zoned R-2, Mason District

The application property is located at 3433 Rose Lane, Tax Map 60-2 ((32)) 1 and 60-2 ((38)) A1.

PLANNING COMMISSION RECOMMENDATION:

On Thursday, May 1, 2008, the Planning Commission voted unanimously (Commissioner Litzenberger absent from the meeting) to recommend the following actions to the Board of Supervisors:

- Approval of SE 2007-MA-028, subject to Development Conditions consistent with those dated May 1, 2008;
- Modification of the transitional screening requirements, in favor of that shown on the SE Plat and further modified by the Development Conditions; and
- Modification of the barrier requirement, to allow the barrier to be located as shown on the SE Plat as modified by the Development Conditions.

ENCLOSED DOCUMENTS:

None. Staff Report previously furnished.

STAFF:

Regina Coyle, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)  
Tracy Strunk, Senior Staff Coordinator, Zoning Evaluation Division, DPZ

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