

**FAIRFAX COUNTY
BOARD OF SUPERVISORS
SEPTEMBER 10, 2007**

**ADMINISTRATIVE ITEMS
(CONTINUED)**

- | | | |
|----|-----------------|---|
| 9 | Approved | Supplemental Appropriation Resolution AS 08040 for the Department of Transportation to Accept Grant Funding from the Virginia Department of Rail and Public Transportation for the RIDESOURCES Marketing and Ridesharing Program |
| 10 | Approved | Supplemental Appropriation Resolution AS 08045 for the Fairfax County Fire and Rescue Department (FRD) to Accept Funding from the Department of Homeland Security (DHS) FY 2006 Homeland Security Grant Program Through the Office of Commonwealth Preparedness, Office of Interoperability |
| 11 | Approved | Authorization for the Fairfax County Police Department to Apply for and Accept Grant Funding from the Office of Justice Programs Edward Byrne Memorial Justice Assistance Grant |
| 12 | Approved | Board of Supervisors' Meeting Schedule for Calendar Year 2008 |
| 13 | Approved | Additional Time to Commence Construction for Special Exception SE 2004-MA-022, Amerada Hess Corporation (Mason District) |

ACTION ITEMS

- | | | |
|---|-----------------|--|
| 1 | Approved | Memorandum of Understanding Between the Board of Supervisors and the Southeast Fairfax Development Corporation, Inc. |
| 2 | Approved | Amended Parking Reduction for Plaza 500 (Mason District) |
| 3 | Approved | Approve Resolution to Authorize Execution of Virginia Railway Express Amended Master Agreement for Subsidy Allocation Formula and Governance Changes |
| 4 | Approved | Authorization to Publish Delinquent Real Estate, Personal Property, and Business, Professional, and Occupational Licenses Delinquency List for Tax Year 2006 (FY 2007) |
| 5 | Approved | Fairfax County Government Living Wage Policy |

**FAIRFAX COUNTY
BOARD OF SUPERVISORS
SEPTEMBER 10, 2007**

INFORMATION ITEMS

- | | | |
|------------------------|--|---|
| 1 | Noted | Contract Award to KCI Technologies, Inc. - Development of Accotink Creek Watershed Management Plan (Braddock, Hunter Mill, Lee, Mason, Mount Vernon, Providence and Springfield Districts) |
| 2 | Noted | Contract Award – Classification and Compensation Plans Review |
| 3 | Noted | Contract Agreement with Dominion Virginia Power for Electric Service Effective July 1, 2007 Through December 31, 2010 |
| 4 | Noted w/amendment
December 26, 2008 added as holiday | County Holiday Schedule – Calendar Year 2008 |
| 5 | Noted | Project 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 4, Royal Lake (Braddock District) |
| 10:45 | Done | Matters Presented by Board Members |
| 12:00 | | 9/11 Remembrance Ceremony
The 9/11 Memorial Grove,
Fairfax County Government Center |
| 1:00 | Done | Closed Session |
| PUBLIC HEARINGS | | |
| 3:00 | Approved | Public Hearing on PCA 1999-MV-025-04 (Marketplace Car Wash, LLC) (Mount Vernon District) |
| 3:00 | Approved | Public Hearing on SE 2007-MV-005 (Marketplace Car Wash, LLC) (Mount Vernon District) |
| 3:00 | Public hearing deferred to 9/24/07 at 4:00 p.m. | Public Hearing on SEA 2005-SU-007 (Trustees of Korean Central Presbyterian Church) (Sully District) |
| 3:00 | Approved | Public Hearing on RZ 2007-PR-002 (Flint Hill School) (Providence District) |
| 3:00 | Approved | Public Hearing on SEA 84-P-105-03 (Flint Hill School) (Providence District) |

**FAIRFAX COUNTY
BOARD OF SUPERVISORS
SEPTEMBER 10, 2007**

**PUBLIC HEARINGS
(CONTINUED)**

3:30	Approved	Public Hearing on SE 2006-LE-030 (Petroleum Marketing Group, Inc.) (Lee District)
3:30	Public hearing deferred to 9/24/07 at 3:30 p.m.	Public Hearing on PCA 92-P-001-06 (West*Group Properties LLC) (Providence District)
3:30	Public hearing deferred to 9/24/07 at 3:30 p.m.	Public Hearing on PCA 88-D-005-06 (West*Group Properties LLC) (Providence District)
3:30	Approved	Public Hearing on RZ 2007-SU-006 (Vahid K. Amin) (Sully District)
3:30	Approved	Public Hearing on RZ 2006-HM-019 (MB Herndon, L.L.C.) (Hunter Mill District)
3:30	Approved	Public Hearing on PCA 79-C-037-06 (MB Herndon, L.L.C.) (Hunter Mill District)
4:00	Approved	Public Hearing on a Proposed Amendment to the Zoning Ordinance Re: Residential Temporary Portable Storage Containers
4:00	Approved	Public Hearing on a Proposed Zoning Ordinance Amendment Re: Federal Emergency Management Agency References
4:00	Approved	Public Hearing for the Continued Leasing of County-Owned Property at the Lewinsville Facility at 1609 Great Falls Street, McLean, Virginia to the McNair Child Development Center, Inc. d/b/a Fun and Friends Child Development Center (Dranesville District)
4:00	Approved	Public Hearing to Consider an Ordinance Amending County Code Relating to Election Precincts (Hunter Mill, Dranesville, Providence and Springfield Districts)
4:00	Withdrawn	Public Hearing on Spot Blight Abatement Ordinance for 2719 Chain Bridge Road (Providence District)
4:30	Approved	Public Hearing to Establish the Sequoia Farms Community Parking District (Sully District)
4:30	Approved	Public Hearing to Establish the Newington Community Parking District (Mount Vernon District)

**FAIRFAX COUNTY
BOARD OF SUPERVISORS
SEPTEMBER 10, 2007**

**PUBLIC HEARINGS
(CONTINUED)**

4:30	Approved	Public Hearing Regarding the Vacation of a Storm Sewer Easement Located on Property Owned by the Fairfax County Park Authority (Mount Vernon District)
4:30	Approved	Public Hearing on SE 2006-LE-026 (The Howard Gardner School)(Lee District)
4:30	Public hearing deferred to 9/24/07 at 3:00 p.m.	Public Hearing on RZ 2007-SU-003 (Fair Ridge, LLC) (Sully District)
4:30	Public hearing deferred to 9/24/07 at 3:00 p.m.	Public Hearing on SE 2007-SU-002 (Fair Ridge, LLC) (Sully District)
4:30	Public hearing deferred to 9/24/07 at 3:00 p.m.	Public Hearing on PCA 1998-SU-009-02 (Fair Ridge, LLC) (Sully District)
5:00	Approved	Public Hearing on Proposed Plan Amendment S07-III-UP1, Bounded by Reston Parkway and Colts Neck Road Generally Between Glade Drive and South Lakes Drive (Hunter Mill District)
5:00	Withdrawn	Public Hearing on the Acquisition of Certain Land Rights Necessary for the Construction of the Wiehle Avenue Trail Project (Hunter Mill District)
5:00	Approved	Public Hearing to Propose Amendment to Chapter 4 of the Fairfax County Code to Adopt a New Section Relating to the Separate Classification and Taxation of Certain Commercial and Industrial Property in Fairfax County for Transportation Purposes



Fairfax County, Virginia
BOARD OF SUPERVISORS
AGENDA

Monday
Sept. 10, 2007

9:00 a.m.

PRESENTATIONS

1. RESOLUTION – To recognize Terry Smith for his years of service to the Reston Community Center and the Hunters Woods Aquatic Center. Requested by Supervisor Hudgins.
2. CERTIFICATE – To recognize residents and businesses that have made properties for training available to Fairfax County public safety workers. Requested by Chairman Connolly.
3. PROCLAMATION – To designate September 2007 as Emergency Preparedness Month in Fairfax County. Requested by Chairman Connolly.
4. RESOLUTION – To recognize Jim Riddel for his years of service in organizing and hosting luncheons for retired Fairfax County law enforcement officers. Requested by Supervisor Bulova.
5. CERTIFICATE – To recognize the Great Falls Habitat Team for its commitment to preserve, enhance and restore wildlife habitat. Requested by Supervisor Dubois.
6. PROCLAMATION – To designate Sept. 15-Oct. 15, 2007, as Hispanic Heritage Month in Fairfax County. Requested by Chairman Connolly.
7. PROCLAMATION – To designate September 2007 as Food Safety Education Month in Fairfax County. Requested by Chairman Connolly.

- more -

Board Agenda Item
Sept. 10, 2007

8. RESOLUTION – To congratulate the Burke Centre Conservancy for its 30th anniversary. Requested by Supervisor Bulova.

STAFF:

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

Board Agenda Item
September 10, 2007

10:00 a.m.

Public Hearing on the County and Schools' FY 2007 Carryover Review to Amend the Appropriation Level in the FY 2008 Revised Budget Plan

ISSUE:

Public Hearing and Board action on the County and Schools' *FY 2007 Carryover Review*.

RECOMMENDATION:

The County Executive recommends that, after holding a public hearing, the Board approve staff recommendations including the County and Schools' *FY 2007 Carryover Review*.

TIMING:

The public hearing has been advertised for 10:00 a.m. on September 10, 2007. State law allows the Board to act on proposed amendments to the budget on the same day as the public hearing.

BACKGROUND:

On August 6, 2007, the Board of Supervisors authorized staff to advertise a public hearing scheduled to be held on September 10, 2007, regarding the County and Schools' Carryover Review. Section 15.2 - 2057 of the Code of Virginia requires that a public hearing be held prior to Board action. Board approval of an amendment to increase the FY 2008 appropriation level can occur immediately following the public hearing.

ENCLOSED DOCUMENTS:

Attachment A – August 27, 2007 updated Consideration Items memorandum to the Board of Supervisors from Edward L. Long, Jr., Deputy County Executive.

Attachment B – August 6, 2007 memorandum to the Board of Supervisors from Anthony H. Griffin, County Executive, with attachments, transmitting the *FY 2007 Carryover Review* with appropriation resolutions

Attachment C – Fairfax County School Board's FY 2007 Final Budget Review and Appropriation Resolutions

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STAFF:

Anthony H. Griffin, County Executive

Edward L. Long, Jr., Deputy County Executive

Susan Datta, Director, Department of Management and Budget

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10:15 a.m.

Items Presented by the County Executive

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Board Agenda Item
September 10, 2007

ADMINISTRATIVE - 1

Authorization to Advertise a Public Hearing to Establish the Meadows Community
Parking District (Sully District)

ISSUE:

Board authorization to advertise a public hearing to consider a proposed amendment to Appendix M of *The Code of the County of Fairfax, Virginia* (Fairfax County Code) to establish the Meadows Community Parking District (CPD).

RECOMMENDATION:

The County Executive recommends that the Board authorize advertisement of a public hearing for October 15, 2007, at 5:00 p.m. (Attachment III) to consider adoption of a Fairfax County Code amendment (Attachment I) to establish the Meadows CPD in accordance with current CPD restrictions.

TIMING:

The Board of Supervisors should take action on September 10, 2007, to provide sufficient time for advertisement of the public hearing on October 15, 2007, at 5:00 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

Board Agenda Item
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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 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 CPD have been satisfied.

The parking prohibition identified above for the Meadows CPD establishment 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. 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 Meadows CPD Establishment
Attachment III: Notice of Public Hearing

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
Tad Borkowski, FCDOT
Maria Turner, FCDOT

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ADMINISTRATIVE - 2

Authorization to Advertise a Public Hearing to Expand the Green Trails Community Parking District (Sully District)

ISSUE:

Board authorization to advertise a public hearing to consider a proposed amendment to Appendix M of *The Code of the County of Fairfax, Virginia* (Fairfax County Code) to expand the Green Trails Community Parking District (CPD).

RECOMMENDATION:

The County Executive recommends that the Board authorize advertisement of a public hearing for October 15, 2007, at 3:00 p.m. (Attachment III) to consider adoption of a Fairfax County Code amendment (Attachment I) to expand the Green Trails CPD in accordance with current CPD restrictions.

TIMING:

The Board of Supervisors should take action on September 10, 2007, to provide sufficient time for advertisement of the public hearing on October 15, 2007, at 3:00 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

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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 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 CPD have been satisfied.

The parking prohibition identified above for the Green Trails 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 \$1000 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 Green Trails CPD Expansion
Attachment III: Notice of Public Hearing

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
Tad Borkowski, FCDOT
Maria Turner, FCDOT

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ADMINISTRATIVE - 3

Authorization to Advertise a Public Hearing on a Proposal to Vacate and Abandon a Segment of Scott's Run Road (Route 1196) (Dranesville District)

ISSUE:

Authorization to advertise a public hearing to consider the vacation and abandonment of a segment of Scott's Run Road (Route 1196).

RECOMMENDATION:

The County Executive recommends that the Board authorize the advertisement of a public hearing to consider the vacation and abandonment of the subject roadway.

TIMING:

The Board should take action on September 10, 2007, to provide sufficient time to advertise the proposed public hearing for October 15, 2007, at 3:00 p.m.

BACKGROUND:

The applicant, Land Design Consultants, represented by Kelly Atkinson, is requesting that a portion of Scott's Run Road be vacated and abandoned. The subject roadway is in the secondary system of highways.

This application stems from a development proposal for adjoining properties at the current terminus of the roadway. A new subdivision is to be constructed on Parcels 4, 4A, 5, and 13B. The subject right-of-way is proposed to be incorporated in the development of those parcels with this action to vacate and abandon.

Traffic Circulation and Access

The vacation and abandonment of the subject area will have no impact on vehicular circulation and access. The site plan for the subdivision shows a realignment and extension of Scott's Run Road to a new cul-de-sac terminus as well as another new subdivision street connection. The construction of a standard public street with turnaround will be an improvement over the existing situation in the immediate area.

Easements

At present, easement needs for Verizon and Dominion Virginia Power have been

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identified. The applicant is working to secure easements from these providers or seeking confirmation that easements will be secured during the site plan approval process for the proposed subdivision.

This proposal to vacate and abandon the subject right-of-way was circulated among the following agencies for review, none of which indicated any opposition to the proposal: Office of the County Attorney, Department of Public Works and Environmental Services, Fairfax County Water Authority, Fairfax County Park Authority, Washington Gas Light Company, Fairfax County School Board, Virginia Department of Transportation, Fairfax County Department of Transportation, Department of Planning and Zoning, Dominion Virginia Power, Fire and Rescue, and Verizon.

FISCAL IMPACT:

None

ENCLOSED DOCUMENTS:

Attachment I: Letter of Request and Justification
Attachment II: Notice of Intent to Vacate and Abandon
Attachment III: Ordinance of Vacation
Attachment IV: Order of Abandonment
Attachment V: Vacation and Abandonment Plat
Attachment VI: Metes and Bounds Description
Attachment VII: Vicinity map (Tax Map 30-1)

STAFF:

Robert A. Stalzer, Deputy County Executive
Katharine D. Ichter, Director, Fairfax County Department of Transportation (FCDOT)
Angela Kadar Rodeheaver, FCDOT
Michael A. Davis, FCDOT

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ADMINISTRATIVE – 4

Streets into the Secondary System (Lee, Mason, Mount Vernon, Springfield, and Sully Districts)

ISSUE:

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

RECOMMENDATION:

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

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
Highlands Estates	Lee	Maryview Street (Route 2494)
Paul Hall Estate, Lot 3C	Mason	Timber Forest Drive (Route 10620)
Colchester Land Company, LLC	Mount Vernon	Furnace Road (Route 611) (Additional Right-of-Way (ROW) only)
Milway Meadows Estates		Milway Drive (Route 4230) Woodlawn Trail
The Woodlands		Mount Vernon Highway (Route 235) (Additional ROW only)
Meadow Brook Cove	Springfield	Burke Road (Route 652) (Additional ROW only)

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<u>Subdivision</u>	<u>District</u>	<u>Street</u>
Tregaron	Springfield	Devin Green Lane Dunhill Drive Westbrook Drive (Route 1258) (Additional ROW only)
Oak Hill Reserve, Section 1	Sully	Sunny Fields Lane Rose Grove Drive Rose Grove Terrace Ox Meadow Drive (Route 8962) Oxon Road (Route 764) (Additional ROW only)

TIMING:
Routine.

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

FISCAL IMPACT:
None.

ENCLOSED DOCUMENTS:
Attachment 1: Street Acceptance 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 - 5

Approval of Proposed Street Name Change from Chappie Cole Memorial Highway (Route F744) to Beacon Field Airport Highway (Lee District)

ISSUE:

Board approval of a street name change in the Official Street Names and Property Numbering Atlas and the Master Addressing Repository for Chappie Cole Memorial Highway, Tax Map #093-1.

RECOMMENDATION:

The County Executive recommends that the Board approve the street name change from Chappie Cole Memorial Highway (Route F744) to Beacon Field Airport Highway effective 30 days following Board approval, in accordance with Section 102-1-9 of The Code of the County of Fairfax, Virginia (Code).

TIMING:

Routine.

BACKGROUND:

Due to Beacon Field Airport being recently adopted into the inventory of historic sites in Fairfax County, the citizens want to commemorate and recognize the historic airport by changing the street name from Chappie Cole Memorial Highway (Route F744) to Beacon Field Airport Highway. No addresses are assigned in this section of road; therefore, no addresses will change. This request is in conformance with all County codes and policies. Staff recommends approval of the proposed name change to Beacon Field Airport Highway.

FISCAL IMPACT:

None. Funds are estimated to be \$430 and are to be paid by Harry Lehman (citizen).

ENCLOSED DOCUMENTS:

Attachment I – Vicinity Map

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 - 6

Approval of Proposed Street Name Change from Lagarde Lane to Hollie Bowling Lane
(Braddock District)

ISSUE:

Board approval of a street name change in the Official Street Names and Property Numbering Atlas and the Master Addressing Repository for Lagarde Lane, Tax Map #77-2.

RECOMMENDATION:

The County Executive recommends that the Board approve the street name change from Lagarde Lane to Hollie Bowling Lane effective 30 days following Board approval, in accordance with Section 102-1-9 of The Code of the County of Fairfax, Virginia (Code).

TIMING:

Routine.

BACKGROUND:

Due to the passing of a beloved homeowner, the homeowners association would like to honor her memory by changing the current street name from Lagarde Lane to Hollie Bowling Lane. No addresses are assigned in this section of road; therefore, no addresses will change. This request is in conformance with all County codes and policies. Staff recommends approval of the proposed name change to Hollie Bowling Lane.

FISCAL IMPACT:

None. Funds are estimated to be \$215 and are to be paid by the homeowners association.

ENCLOSED DOCUMENTS:

Attachment I – Vicinity Map

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 - 7

Authorization to Advertise a Public Hearing for Sale of a Total of Three Million Gallons Per Day of Fairfax County's Unused Capacity at the Upper Occoquan Sewage Authority's Treatment Plant to Prince William County and the City of Manassas

ISSUE:

Authorization to advertise a public hearing for the sale of a total of three million gallons per day (MGD) of Fairfax County's unused capacity at the Upper Occoquan Sewage Authority's treatment plant. Two MGD's of the capacity will be sold to Prince William County and one MGD will be sold to the City of Manassas to meet their growing needs for additional treatment plant capacity.

RECOMMENDATION:

The County Executive recommends that the Board authorize advertisement of a public hearing to be held on October 15, 2007, at 5:30 p.m.

TIMING:

Staff recommends Board's authorization on September 10, 2007, to advertise the public hearing so sufficient time is provided to advertise the public hearing and take action on the sale of wastewater treatment capacity at the Board's meeting on October 15, 2007.

BACKGROUND:

The Upper Occoquan Sewage Authority owns and operates a wastewater treatment plant that receives wastewater from its four member jurisdictions of Fairfax and Prince William Counties and Cities of Manassas and Manassas Park. The treatment plant has a total capacity of 54 MGD. Fairfax County's allocated capacity at the plant is 27.5999 MGD. Our conservative projection of future flows in the Fairfax County portion of the UOSA's service area is 24.6 MGD. Currently, our highest 30 consecutive day average daily flow is 11.767 MGD. Our current excess flow capacity is 15.8329 MGD ($27.5999 - 11.767 = 15.8329$ MGD). After the sale of three MGD, our excess capacity will be 12.8329 MGD. Staff believes this excess capacity will be sufficient to meet Fairfax County's future growth needs in the UOSA service area, which is depicted on Attachment 4. Should at anytime in the future Fairfax County's treatment capacity needs exceed its allocation, the treatment plant capacity can be expanded to meet Fairfax County's needs. Selling the excess capacity at this time recovers Fairfax

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County's cost of constructing this capacity and avoids paying for the up-coming upgrades at the plant for the capacity that is not projected to be used by Fairfax County.

A public hearing is required in order to execute the capacity sales agreements between Fairfax County and each of the Prince William County and the City of Manassas (Attachments 2 and 3). Staff recommends authorization by the Board to advertise for this public hearing to be held on October 15, 2007, at which time the Board will be requested by the staff to authorize the Chairman to execute the capacity sales agreements after the public hearing.

FISCAL IMPACT:

\$50,565,000. The sales price per one MGD of capacity at UOSA is \$16,855,000. The proceeds from the sale of this capacity will go into the County's Integrated Sewer Fund to fund future capacity expansions or to pay down the outstanding debt service on UOSA bonds.

ENCLOSED DOCUMENTS:

Attachment 1: Notice for Public Hearing Advertisement

Attachment 2: Wastewater Capacity Sale and Purchase Agreement between the Board of Supervisors of Fairfax County and The Board of County Supervisors of Prince William County

Attachment 3: Wastewater Capacity Sale and Purchase Agreement between the Board of Supervisors of Fairfax County and The City of Manassas, Virginia

Attachment 4: Map of UOSA Service Area in Fairfax County

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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ADMINISTRATIVE - 8

Authorization to Advertise a Public Hearing to Amend the Upper Occoquan Sewage Authority Restated and Amended Service Agreement

ISSUE:

Authorization to advertise a public hearing to amend the Upper Occoquan Sewage Authority (UOSA) Restated and Amended Service Agreement in order to establish funding formulas for construction of nutrient reduction facilities, expansion of the UOSA Flat Branch delivery system from 54 million gallons per day (MGD) to 64 MGD, and hydraulic improvements at the plant.

RECOMMENDATION:

The County Executive recommends that the Board authorize advertisement of a public hearing to be held on October 15, 2007, at 5:30 p.m.

TIMING:

Staff recommends Board's authorization on September 10, 2007, to advertise the public hearing so sufficient time is provided to advertise the public hearing and take action on the amendments to the UOSA Restated and Amended Service Agreement at the Board's meeting on October 15, 2007.

BACKGROUND:

The Upper Occoquan Sewage Authority owns and operates a wastewater treatment plant that receives wastewater from its four member jurisdictions of Fairfax and Prince William Counties and Cities of Manassas and Manassas Park. The proposed amendments to the Restated and Amended Service Agreement between the member jurisdictions and UOSA are being made to authorize and establish funding formulas between the jurisdictions for the cost of constructing nutrient reduction facilities at UOSA's 54 MGD plant, expanding the UOSA's Flat Branch Delivery System from 54 MGD to 64 MGD, and to construct facilities that improve the hydraulic conditions at the plant.

The construction of the nutrient reduction facilities is mandated by the Virginia Department of Environmental Quality in response to the goals of the Chesapeake 2000 Agreement between the District of Columbia and the states of Maryland, Pennsylvania, and Virginia to reduce the amounts of nutrients being discharged into the Chesapeake

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Bay watershed in order to improve its water quality. The Flat Branch Delivery System expansion and the hydraulic improvements are necessitated by the need to provide adequate delivery system capacity and treatment for high flows during extreme wet weather conditions in order to prevent discharge of untreated wastewater from the delivery system and the plant.

A public hearing is required in order to amend the existing service agreement with UOSA.

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

Attachment 1: Notice for Public Hearing Advertisement

Attachment 2: Letter dated August 17, 2007 from the UOSA Executive Director to the County Executive

Attachment 3: Redline copy of the Restated and Amended Service Agreement showing the proposed amendments

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

Shahram Mohsenin, Wastewater Planning and Monitoring Division, DPWES

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ADMINISTRATIVE - 9

Supplemental Appropriation Resolution AS 08040 for the Department of Transportation to Accept Grant Funding from the Virginia Department of Rail and Public Transportation for the RIDESOURCES Marketing and Ridesharing Program

ISSUE:

Board approval of Supplemental Appropriation Resolution AS 08040 in the amount of \$700,000 for the RIDESOURCES Marketing and Ridesharing Program to continue ridesharing and transit marketing activities in FY 2008. Of the total grant award, \$560,000 is State funding from the Virginia Department of Rail and Public Transportation (VDRPT) and the remaining \$140,000 is the required 20 percent Local Cash Match. The grant period runs from July 1, 2007 through June 30, 2008.

RECOMMENDATION:

The County Executive recommends that the Board:

1. Approve Supplemental Appropriation Resolution AS 08040 in the amount of \$700,000, which includes \$560,000 in State funds from VDRPT and \$140,000 in Local Cash Match for the FY 2008 RIDESOURCES Marketing and Ridesharing Program. Funds will support 8/7.25 SYE grant positions.
2. Authorize the Director of Department of Transportation to sign the necessary grant documents to execute this grant.

TIMING:

Board action is requested on September 10, 2007, in order to implement the FY 2008 RIDESOURCES Marketing and Ridesharing Program. The Commonwealth Transportation Board approved funds on June 21, 2007.

BACKGROUND:

The RIDESOURCES Marketing and Ridesharing Program has received State grant support every year since 1984.

This grant program provides funding to promote the use of High Occupancy Vehicle lanes, park and ride facilities, and commuter alternatives throughout Fairfax County including ridematching, carpooling, teleworking, vanpooling, Guaranteed Ride Home

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(GRH), and use of FAIRFAX CONNECTOR, Metrobus, Metrorail, Virginia Railway Express (VRE), and other HOV/transit options. It also promotes cooperative events/marketing campaigns such as transportation fairs, county expos, marketing campaigns with other jurisdictions and the Washington Metropolitan Area Transit Authority (WMATA). In addition, funds are used to support FCDOT's Transportation Demand Management (TDM) activities including proffer review, participation in Congestion Mitigation Programs, and coordination with other entities to reduce vehicle miles traveled; provide support to Transportation Management Associations (TMAs) and coordinate a TMA Council comprised of TMAs in Fairfax County; promote specific marketing campaigns in targeted areas; support desktop publishing and production and distribution of various marketing materials, such as maps, timetables, brochures, flyers, and posters; support the County's participation in the Metropolitan Washington Council of Governments' COMMUTER CONNECTIONS network; and provide ridematching assistance to commuters Countywide. The RIDESOURCES Program provides free ridematching services to County residents and to employees who work at employment sites within the County.

The Commonwealth Transportation Board (CTB) approved funding for the County's RIDESOURCES Marketing and Ridesharing Program on June 21, 2007.

FISCAL IMPACT:

Funding of \$700,000 for the RIDESOURCES Marketing and Ridesharing Program is available to continue ridesharing and transit marketing activities in FY 2008. Of the total grant award, \$560,000 is State funding from the Virginia Department of Rail and Public Transportation (VDRPT) and the remaining \$140,000 is the required 20 percent Local Cash Match. Acceptance of this funding will not increase the expenditure level in Fund 102, Federal/State Grant Fund, as funds are held in reserve for anticipated grant awards. Funding for the Local Cash Match is available from the FY 2007 Reserve for Anticipated Local Cash Match in Fund 102, Federal/State Grant Fund.

Funds for the RIDESOURCES Marketing and Ridesharing Program will also be used to support 8/7.5 SYE grant positions (seven positions have been previously funded by this grant, one grant position is new this year). Positions include 1/.25 SYE Transportation Planner IV, 2/2.0 SYE Transportation Planner III, 1/1.0 SYE Transportation Planner II, 1/1.0 SYE Graphic Artist III, 2/2.0 SYE grant Administrative Assistant II, and 1/1.0 SYE Transportation Planning Technician I.

The grant period runs from July 1, 2007 through June 30, 2008. Indirect cost recovery in the amount of \$57,120 is anticipated for this grant.

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CREATION OF NEW POSITIONS:

There is 1 new position associated with this grant. In total, funds will support 8/7.25 SYE grant positions, including 1/0.25 SYE Transportation Planner IV, 2/2.0 SYE Transportation Planner III, 1/1.0 SYE Transportation Planner II, 1/1.0 SYE Graphics Artist III, 2/2.0 SYE grant Administrative Assistant II, and 1/1.0 SYE Transportation Planning Technician I. The County has no obligation to continue funding the grant positions when the grant period ends.

ENCLOSED DOCUMENTS:

Attachment I - Grant Contract

Attachment II - Supplemental Appropriation Resolution AS 08040

STAFF:

Robert A. Stalzer, Deputy County Executive

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

Rollo Axton, Chief, Transit Services Division, FCDOT

Beth Francis, Chief, Transportation Marketing Section, FCDOT

Walter E. Daniel, Jr., Transportation Marketing Section, FCDOT

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ADMINISTRATIVE - 10

Supplemental Appropriation Resolution AS 08045 for the Fairfax County Fire and Rescue Department (FRD) to Accept Funding from the Department of Homeland Security (DHS) FY 2006 Homeland Security Grant Program Through the Office of Commonwealth Preparedness, Office of Interoperability

ISSUE:

Board of Supervisors' approval of Supplemental Appropriation Resolution AS_08045 for FRD to accept a grant in the amount of \$1.9 million from the DHS FY 2006 Homeland Security Grant Program through the Office of Commonwealth Preparedness, Office of Interoperability for the establishment of a Type II radio cache. The grant performance period is retroactive from August 2006 through June 2008. There is no Local Cash Match requirement.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors approve Supplemental Appropriation Resolution AS 08045 for FRD to accept the DHS FY 2006 Homeland Security Grant Program award in the amount of \$1.9 million.

TIMING:

Board action is requested on September 10, 2007.

BACKGROUND:

The Commonwealth's Communication Interoperability Executive Committee (CICO) identified the need to establish multiple coordinated, identically equipped, and locally staffed radio caches throughout the state. In response to this priority the State Interoperability Executive Committee (SIEC) which serves as a steering body for the interoperability effort, recommended that the Office of Commonwealth Preparedness (OCP) allocate \$5 million of the FY 2006 State Homeland Security funds towards this objective.

The SIEC is comprised of Virginia's public safety associations representing first responders, emergency support functions, and state agencies. Together, CICO, SIEC and an Advisory Group are responsible for coordinating interoperability initiatives. To greatly improve the overall preparedness of the Commonwealth during major events, the SIEC solicited applications for Type I, II and III radio caches. These caches are

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intended to be locally or regionally owned, regionally operated, and deployable state-wide to respond to major emergencies. As approved by the Board of Supervisors on April 30, 2007, the FRD submitted an application requesting funding of \$2.4 million to act as the host agency for the establishment of a Type I strategic radio cache serving both Region VII (Northern Virginia) and Region II (located to the southwest of the Northern Virginia Region).

On July 24, 2007, FRD was notified of an award of \$1.9 million to establish a Type II strategic radio cache. Funds to establish two other regional caches have been awarded to the City of Chesapeake and Rockingham County. Funding is to purchase equipment to establish the cache, which includes a mobile antenna tower with repeaters tuned to the national interoperability channels, a cache of 350 portable radios capable of communicating on all public safety frequencies and tactical portable gateways, and repeaters to connect disparate radio systems. The award also includes funding for support supplies, a trailer and tow vehicle to transport the equipment, and personnel and administrative costs for equipment build-out and staff training.

This project provides Fairfax County, the region, and the Commonwealth with a highly flexible asset proven to enhance tactical interoperable communications. The project will expand on the success of the National Capital Region (NCR) Radio Cache Program by providing equipment that operates on more frequencies, can better facilitate regional interoperability with federal, state, and out-of-region responders, and can be deployed beyond the NCR boundaries in support of the Commonwealth. Through governance and Standard Operating Procedures being designed by the Initiative Action Team (IAT), this asset will be poised to combine resources with other state teams, allowing both scalability and redundancy necessary to respond to any incident type.

There are several benefits that support securing this resource for the region:

Increased Capacity – Establishment of the cache will compensate for the lack of VHF and UHF communications resources within our region. National Interoperability Channels within those bands will provide additional capability during a catastrophic event.

Increased Flexibility - Deployments to the Gulf Coast for Hurricane Katrina provided communications challenges to our responders that a “state cache” will relieve. This new cache’s response area will not be restricted to the National Capital Region, and can provide full support to the region’s Incident Management Team and other established regional resources for out-of-area deployments.

Increased Participation – Although the current NCR Radio Cache team is comprised of Fairfax City Fire, Fairfax County Fire, and Fairfax County Sheriff members, program

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managers anticipate a broader regional and multi-discipline presence. A combined force much like the teams that were deployed to provide Hurricane Katrina will benefit the region. Additional shared training opportunities will generate more participation from the Northern Virginia Region and beyond.

FISCAL IMPACT:

The FY 2006 Homeland Security Grant Program award will support the establishment of a Type II regional radio cache. There is no Local Cash Match requirement. Acceptance of the funding will not increase the expenditure level in Fund 102, Federal/State Grant Fund as funds are held in reserve for unanticipated grant awards. Included in the award is funding to cover management and administrative costs.

An additional \$55,579 of annual operating expenses is anticipated. To fund these costs, FRD plans to submit requests for funding from other grant resources. If such funding is not secured, then FRD's level of participation will be reduced so as not to incur additional costs within the agency's General Fund budget.

CREATION OF NEW POSITIONS:

No new positions will be created by this grant.

ENCLOSED DOCUMENTS:

Attachment I: Commonwealth of Virginia, Department of Emergency Management
Award letter

Attachment II: Supplemental Appropriation Resolution AS 08045

STAFF:

Robert A. Stalzer, Deputy County Executive

Ronald L. Mastin, Fire Chief

David L. Rohr, Assistant Fire Chief

Daryl L. Louder, Assistant Fire Chief

John J. Caussin, Assistant Fire Chief

Cathi Schultz Rinehart, Grants Coordinator, Fire and Rescue Department

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ADMINISTRATIVE - 11

Authorization for the Fairfax County Police Department to Apply for and Accept Grant Funding from the Office of Justice Programs Edward Byrne Memorial Justice Assistance Grant

ISSUE:

Board approval for the Fairfax County Police Department to apply for and accept funding, if received, from the Office of Justice Programs (OJP) Edward Byrne Memorial Justice Assistance Grant in the amount of \$102,695. Funding in the amount of \$102,695 will provide financial assistance in two identified areas: important technology enhancements for improved crime analysis data dissemination within the Department and community and to support media advertisements in targeted minority markets to increase the diversity of candidates for the position of police officer. No Local Cash Match or in-kind match will be required. The grant period for the FY 2007 grant award is approximately October 1, 2007 through September 30, 2010. If the actual award received is significantly different from the application amount, another item will be submitted to the Board requesting appropriation of grant funds. Otherwise, staff will process the award administratively as per Board policy.

RECOMMENDATION:

The County Executive recommends that the Board authorize the Fairfax County Police Department to apply for and accept funding, if received, from the OJP Edward Byrne Justice Assistance Grant. Funding in the amount of \$102,695 will be used by the Police Department for the technology upgrade of the Crime Analysis Program through the purchase of five SmartBoard 680i projector/white board units, four desktop computers, three Tandberg videoconferencing systems, and software designed to assist with suspect search and identification for improved case resolution. Additionally, grant funding will be used towards television and print media advertisement in minority markets to continue to improve Department diversity in sworn personnel and become more representative of the community served.

TIMING:

Because of a July 10, 2007 submission deadline, the application was submitted pending Board approval. If the Board does not approve this request, the application will be immediately withdrawn.

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BACKGROUND:

Although the two projects to be funded by the grant are different in their scope, both will support two important strategic objectives of the Police Department. The grant will support the Crime Analysis Program by improving communication capabilities within the Department and with citizens. It will also provide funding to increase media recruitment efforts of minority applicants for police officer positions.

On the crime analysis front, grant funding in the amount of \$80,595 will enable the Department to build upon technology enhancements made available from other grant sources. The dissemination of information to patrol officers begins at roll-call for each shift. Equipping roll-call rooms with personal computer-driven electronic SmartBoard 680i, a combination white board and digital projector unit, will allow information to be presented interactively and effectively to all officers as they prepare for their assignments. The SmartBoard units will also be linked with dedicated personal computers, effectively performing as a unit for real time data provision. Roll-call rooms further serve as community meeting rooms and the SmartBoards will enable commanders and crime prevention officers to present information to Citizen Advisory Councils and other community groups to focus on the underlying causes of crime. The implementation of video conferencing systems along with the SmartBoard units and personal computers will allow for more robust communication not only within the Department, but also with the public. These new tools of information dissemination provide real-time dialogue and discussion of both analytical products and crime concerns within the County and region. The software will increase the overall efficiency of investigations through the identification of search areas, improving suspect identification and prioritization, thus leading to increased case solvability.

The Recruiting Division used grant funding through the Department of Criminal Justice Services towards print media advertisements in targeted minority markets during FY 2007 in an effort to increase minority applicants for police officer positions. As a result, overall testing of applicants increased, especially for minority applicants. Grant funding in the amount of \$22,100 has been requested to continue with the initial project through the addition of television media in combination with print media. Recruitment section staff will work with the media to formulate the messages for the advertisements. Advertisements will then be presented within the defined market at times to be specified preceding recruitment visits to various locations.

FISCAL IMPACT:

Grant funding in the amount of \$102,695 will be requested from the OJP Edward Byrne Memorial Justice Assistance Grant. These funds will be used to enhance the capability and capacity of the Department's crime analysis program through white board/projector combinations, video conferencing system and advanced software. In addition, the

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Department's minority recruitment efforts will be strengthened through the use of television and print media advertisements in specific markets. No local cash match is required. This action does not increase the expenditure level in Fund 102, Federal/State Grant Fund, as funds are held in reserve for anticipated grant awards in FY 2008. This grant does not allow the recovery of indirect costs.

CREATION OF NEW POSITIONS:

No positions will be created through this grant award.

ENCLOSED DOCUMENTS:

Attachment 1 –Excerpt from Grant Application

STAFF:

Robert A. Stalzer, Deputy County Executive
Colonel David M. Rohrer, Chief of Police
Major Edwin C. Roessler, Jr., Commander, Administrative Support Bureau
Major Thomas Ryan, Commander, Patrol Bureau, Division I
Robert M. Ross, Assistant County Attorney

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ADMINISTRATIVE – 12

Board of Supervisors' Meeting Schedule for Calendar Year 2008

ISSUE:

Board adoption of a meeting schedule for January through December, 2008.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors adopt the meeting schedule for January through December, 2008.

TIMING:

The Board should take action on September 10, 2007.

BACKGROUND:

The *Code of Virginia*, Section 15.2-1416, requires the governing body to establish the days, times and places of its regular meetings at the annual meeting, which is the first meeting of the year. Therefore, the schedule for the entire 2008 calendar is presented for Board approval. The section further states that "meetings shall be held on such days as may be prescribed by resolution of the governing body but in no event shall less than six meetings be held in each fiscal year."

Scheduled meetings may be adjourned and reconvened as the Board may deem necessary, and the Board may schedule additional meetings or adjust the schedule of meetings approved at the annual meeting, after notice required by Virginia law, as the need arises.

At the first meeting of the Board of Supervisors in January, staff will bring the 2008 meeting calendar to the Board for formal adoption.

ENCLOSED DOCUMENTS:

January-December, 2008 Schedule for Board of Supervisors' Meetings

STAFF:

Catherine A. Chianese, Assistant to the County Executive

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ADMINISTRATIVE - 13

Additional Time To Commence Construction for Special Exception SE 2004-MA-022,
Amerada Hess Corporation (Mason District)

ISSUE:

Board consideration of additional time to commence construction for SE 2004-MA-022, pursuant to the provisions of Sect. 9-015 of the Zoning Ordinance.

RECOMMENDATION:

The County Executive recommends that the Board approve twenty-four months additional time for SE 2004-MA-022, to June 6, 2009.

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 December 6, 2004 the Board of Supervisors approved Special Exception SE 2004-MA-022, subject to development conditions. The special exception application was filed in the name of Amerada Hess Corporation, to permit a quick food service store and service station in the C-6, Highway Corridor (HC) Overlay District and waivers and modifications in the Commercial Revitalization District (CRD) for the comprehensive trail plan requirement and the service drive requirement pursuant to Sect. 7-607 and 9-601 of the of the Fairfax County Zoning Ordinance. The property is located at 7100 Little River Turnpike, Tax Map 71-1 ((1)) 109 (see Locator Map in Attachment 1).

SE 2004-MA-022 was approved with a condition that the use be established or construction commenced and diligently prosecuted within thirty months of the approval date of December 6, 2004, unless the Board grants additional time. The SE Plat and

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development conditions for SE 2004-MA-022 are included as part of the Clerk to the Board's letter contained in Attachment 2.

On May 2, 2007, the Department of Planning and Zoning (DPZ) received a letter dated May 2, 2007, from Robert Lawrence, agent for the applicant, requesting thirty months additional time to commence construction for the project. On August 6, 2007, the DPZ received a revised letter dated August 6, 2007, from Robert Lawrence requesting twenty-four months additional time to commence construction for the project. The letter states that Amerada Hess requires the additional time in order to resolve issues on Site Plan #6958-SP-001-1 related to compliance with stormwater management regulations and completion of an associated outfall analysis. While pursuing site plan approval, the applicant submitted a special exception amendment application, SEA 2004-MA-022, to address an issue related to the ownership of right-of-way associated with the abandonment of a service drive within the SE land area. The SEA was heard and recommended for approval by the Planning Commission on March 15, 2006. The public hearing before the Board of Supervisors has been indefinitely deferred because subsequent title research revealed the right-of-way had never been legally conveyed to the Board, thereby possibly removing the need for the SEA approval. This issue is still pending final resolution. During consideration of the SEA, pursuit of the site plan was delayed, at which time the site plan became subject to newly adopted regulations for stormwater analysis and stormwater drainage. The applicant anticipates resolution of the site plan issues and the commencement of construction within the requested time. The letters of request are included as Attachment 3.

Staff has reviewed Special Exception SE 2004-MA-022 and has established that, as approved, it is still in conformance with all applicable provisions of the Fairfax County Zoning Ordinance for a quick service food store and service station. Further, staff knows of no change in land use circumstances which affect the compliance of SE 2004-MA-022 with the special exception standards applicable to this use, or which should cause the filing of a new special exception application and review through the public hearing process. The Comprehensive Plan recommendation for this site has not changed since the SE was approved. Finally, the conditions associated with the Board's approval of SE 2004-MA-022 are still appropriate and remain in full force and effect. Therefore, staff recommends that twenty-four months additional time be approved to commence construction.

FISCAL IMPACT:

None

ENCLOSED DOCUMENTS:

Attachment 1: Locator Map

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Attachment 2: Letter dated December 16, 2004, to Robert Lawrence, agent for the applicant, from Nancy Vehrs, Clerk to the Board of Supervisors, which sets forth the conditions for approval of SE 2004-MA-022

Attachment 3: Letters dated May 2, 2007, and revised August 6, 2007, from Robert Lawrence, agent for the applicant, to the Department of Planning and Zoning, 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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ACTION - 1

Memorandum of Understanding Between the Board of Supervisors and the Southeast Fairfax Development Corporation, Inc.

ISSUE:

Approval of a Memorandum of Understanding (MOU) between the Board of Supervisors and the Southeast Fairfax Development Corporation (SFDC) for the period July 1, 2007 through June 30, 2011.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors approve the attached Memorandum of Understanding with the SFDC and authorize the Chairman to sign the Memorandum on behalf of the Board.

TIMING:

The Board action should be taken at the September 10, 2007, meeting, as the current Memorandum of Understanding expired on June 30, 2007.

BACKGROUND:

SFDC was organized as a non-profit corporation for charitable, educational and other public purposes to combat community deterioration by assisting, implementing, supporting, or contributing to the support of programs, projects, and activities designed to stimulate, foster, coordinate, plan, improve the appearance, and encourage economic development in the Richmond Highway Corridor. SFDC has been assisting revitalization efforts in the Richmond Highway Corridor; and, has had a Memorandum of Understanding with the Board since 1981.

The Memorandum of Understanding (MOU), which is subject to periodic renewal and review, outlines the goals of the SFDC and the terms and conditions for their receipt of funds from the Board. The MOU expired on June 30, 2007; therefore, it is appropriate at this time to renew the agreement. Staff from SFDC, and the Office of Community Revitalization and Reinvestment (OCRR) have reviewed and approved changes to the MOU. The MOU changes serve to affirm a continued collaborative effort to forward revitalization of the Richmond Highway corridor. No significant changes were made affecting the requirements or intent of the agreement except to extend the term of the MOU to four years, where previous MOUs, where previous MOUs were for two year terms. The effective term of the MOU is July 1, 2007 through June 30, 2011.

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FISCAL IMPACT:

SFDC is a Contributory Agency that in FY 08 will receive \$198, 363. The MOU does not affect this annual appropriation.

ENCLOSED DOCUMENTS:

Attachment 1: Memorandum of Understanding (MOU) Between the Board of Supervisors and the Southeast Fairfax Development Corporation, Inc.

STAFF:

Anthony H. Griffin, County Executive

Barbara A. Byron, Director, Office of Community Revitalization and Reinvestment (OCRR)

Nicole J. Thompson, Senior Program Manager, OCRR

ACTION - 2

Amended Parking Reduction for Plaza 500 (Mason District)

ISSUE:

Board approval of a 27.3 percent reduction in required parking for Plaza 500, which is located at 6295 Edsall Road, Alexandria, Virginia, Tax Map #081-2-01-0007, Mason District.

RECOMMENDATION:

The County Executive recommends that the Board approve an amended parking reduction of 27.3 percent for the Plaza 500 Complex at 6295 Edsall Road, pursuant to Paragraph 4(B), Section 11-102 of the Fairfax County Zoning Ordinance (Zoning Ordinance), and based on an analysis of the parking requirements for each use on the site and a parking reduction study, on condition that:

1. The parking reductions approved by the Board on August 3, 1992, and on July 11, 2005, and their associated approval conditions, are hereby superseded by the Board's approval of this parking reduction.
2. A minimum of 1,021 parking spaces shall be provided on site at all times.
3. The revised mix of uses for Plaza 500 will not exceed the following:
 - Warehouse – 352,496 gross square feet (GSF)
 - School of Special Education – 50,835 GSF
 - Office – 71,480 GSF
 - Church – 18,960 GSF
 - Vehicle Light Service – 4,620 GSF
 - Retail – 1000 GSF

An alternative mix of uses for Plaza 500 will not exceed the following:

- Warehouse – 347,496 GSF
- School of Special Education – 50,835 GSF
- Office – 77,480 GSF
- Church – 18,960 GSF
- Vehicle Light Service – 4,620 GSF
- Retail – 1,000 GSF

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4. The Director may approve changes in use that are within the range of the mix and the alternative mix of uses listed above and per parking study #8444-PKS-010-1.
5. A parking lot redesignation plan that provides 1,021 parking spaces must be submitted to and approved by the Department of Public Works and Environmental Services (DPWES), and said spaces shall be installed by the property owner.
6. The owner(s) of Plaza 500 shall submit a parking space utilization study for review and approval by the Board of Supervisors at any time in the future that the Zoning Administrator so requests. Following review of that study, the Board may require the addition of any or all of the parking spaces reduced by this application.
7. The owner(s) of Plaza 500 shall execute an agreement subject to approval by the Office of the County Attorney to provide any additional parking deemed necessary by the Board as a result of the aforementioned studies and agree to comply with the conditions of approval of this parking reduction. Additionally, the owner(s) shall agree to provide the additional parking within one year (appealable to the Board) of the Board's determination that additional parking is necessary. The executed agreement shall be recorded among the land records of Fairfax County and shall run with title to the land. If the additional parking cannot be provided, then only those uses which can be accommodated by parking on site shall be permitted.
8. No parking space shall be sold or reserved for a use or individual unless specifically allowed by this parking reduction as shown in the parking study/plan for this shared use or unless allowed by County Code for such uses as van or car pool parking, loading spaces and accessible parking, etc.
9. Shared parking with any additional use(s) that increases the parking code requirement shall not be permitted without the submission of a new parking study, subject to the Board's approval, prepared in accordance with the applicable requirements of Fairfax County.
10. All parking provided shall be in accordance with the applicable requirements of Article 11 of the Fairfax County Zoning Ordinance and the Public Facilities Manual.

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11. All parking utilization studies conditioned by Board approval or required as a result of changed conditions will be based on County Code requirements in effect at the time of said parking utilization study submission.

TIMING:

Board action is requested on September 10, 2007.

BACKGROUND:

On August 3, 1992, the Board granted a 23.7 percent parking reduction for Plaza 500. The applicant had 876 existing parking spaces plus a minimum of 63 additional spaces were to be provided in conjunction with the parking reduction. A total of 939 parking spaces were therefore required. This 34.5 acre site had an abundance of dustless surface provided for the warehouse uses and the applicant was able to provide more than the 63 additional parking spaces required by the Board in 1992. They have provided additional parking to park uses at full code requirement beyond what was approved by the Board in 1992. Currently, there are 992 approved parking spaces on site.

On July 11, 2005, the Board granted an amended parking reduction of 29.5 percent for Plaza 500. The mix of uses was modified to include two churches and other changes for the School of Special Education. Additionally, the property owner has been required to get administrative approvals of parking studies permitted per the parking reduction conditions for changes of tenant uses on site.

The applicant is requesting another parking reduction amendment which will provide more surface parking and a smaller reduction rate. An analysis of the proposed parking accumulations plus the parking accumulations of an alternative mix of uses has been reviewed. A total of 1,021 parking spaces will be provided per a parking redesignation plan. The increase in overall parking supply due to the smaller parking reduction and the addition of 29 spaces should be sufficient for this site.

A new condition is proposed in this parking reduction request, which gives the Director the authority to permit use changes that are within the scope of the parking study associated with this reduction. Minor changes in floor area of the listed uses can be administratively approved in the future by the Director when this new condition is established.

FISCAL IMPACT:

None.

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ENCLOSED DOCUMENTS:

Attachment I – Executive Summary, Revised Parking Reduction Study dated March 20, 2007 (Full copy of the study available in the Office of the Clerk to the Board)

STAFF:

Robert A. Stalzer, Deputy County Executive

Hayden Coddling, County Attorney, Office of the County Attorney

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 - 3

Approve Resolution to Authorize Execution of Virginia Railway Express Amended Master Agreement for Subsidy Allocation Formula and Governance Changes

ISSUE:

The Virginia Railway Express (VRE) Operations Board began investigating remedies to concerns regarding its subsidy formula and its governance structure in February 2006. At that time, a VRE Operations Board Governance Subcommittee was formed to address three main problems: 1) decision making; 2) budget/funding, in particular, concerns about the local subsidy allocation formula; and 3) system growth issues. All of the problem areas were discussed with elected officials and staff of the VRE participating and contributing (member) jurisdictions. The Governance Subcommittee developed a resolution outlining the new governance proposal and subsidy formula which required amending VRE's Master Agreement. VRE's member jurisdictions were then asked to endorse this resolution.

By May of 2007, all member jurisdictions, including Fairfax County's Board of Supervisors (at their April 30, 2007), meeting, had approved in concept the proposed amendments to the Master Agreement.

On July 5, 2007, the Northern Virginia Transportation District Commission (NVTC) and the Potomac Rappahannock Transportation District Commission (PRTC), which jointly operate the VRE commuter rail service in Northern Virginia pursuant to the Master Agreement, approved a revised version of the Master Agreement incorporating the recommended amendments. The commissions' resolutions included forwarding the Amended Master Agreement to each of the member jurisdictions to approve the amended agreement, Attachment I, and authorize its execution by an appropriate representative of the respective jurisdictions, Attachment II - Authorization to Execute Virginia Railway Express Amended Master Agreement.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors approve a resolution to execute the Amended VRE Master Agreement.

TIMING:

Action should be taken on this item on September 10, 2007, so that all of the changed provisions in the Amended Master Agreement, particularly changes to the subsidy formula and new voting rights for members, will be established by January 1, 2008, to accommodate new jurisdictional voting members and incorporate the formula changes in VRE's and its member jurisdictions' FY 2009 and future year budgets.

BACKGROUND:

In late 2005, discussions began among VRE member jurisdictions regarding the fairness and equity of the subsidy allocation formula. In particular, the Fairfax County Board of Supervisors raised concerns about the portion of the formula that is based on population which has no direct relationship to ridership. The formula placed an unfair financial burden on the County, since it resulted in Fairfax County's paying approximately 44 percent of VRE's subsidy when it only represents about 21 percent of the ridership.

In order to change the subsidy formula, VRE's Master Agreement had to be amended. The VRE Operations Board decided that if that were to be amended, there would also be an opportunity to address at least 16 other problems related to decision making, budget, funding, and growth facing VRE now and in the future.

The VRE Operations Board formally established the Governance Subcommittee at their February 17, 2006, meeting. The subcommittee worked with a jurisdictional staff working group to develop and choose the best options to address the problems. Five organizational options were reviewed. They were:

1. Status Quo. Would use policy actions to address several issues, but would not include changes to the Master Agreement.
2. Amend the Master Agreement. Would change the subsidy allocation formula and voting rights of members.
3. VRE as a State Agency. VRE would become a division of the Virginia Department of Rail and Public Transportation (DRPT).
4. VRE as an Independent Authority. VRE would become an independent district/authority similar to other commuter rail operations in the country.
5. VRE as part of a Multi-Modal Regional Authority. VRE would become part of a larger agency that includes other transit providers such as the Maryland Transit Authority (MTA), and Washington Metropolitan Area Transit Authority (WMATA).

After discussion among the staff working group, the subcommittee members, at the VRE Operations Board and NVTC and PRTC, Option 2, amending the Master Agreement, was chosen as the most viable approach. Option 2's formula bases a jurisdiction's subsidy solely on ridership (100 percent) with no population component. In effect, this raised many outer jurisdictions' subsidies. These jurisdictions generate a large percentage of VRE's ridership but have low population.

Further, in order to remain fair to these outer jurisdictions, Option 2 also provides each jurisdiction with voting rights proportional to ridership. Both the subsidy formula change and voting rights change that are incorporated in the Amended Master Agreement are explained in detail in Attachment III - Changes to the Master Agreement and Attachment IV - Virginia Railway Express Changes to Governance Structure and Subsidy Formula.

The changes to the Master Agreement are show in context in Attachment V.

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FISCAL IMPACT:

The Board of Supervisors adopted the Amended Master Agreement changes in concept at their April 30, 2007, meeting, so that the portion of the agreement associated with changes to the subsidy formula could be reflected in VRE's and its member jurisdictions' FY 2008 budgets. Based on the jurisdictional allocation subsidy change incorporated in the proposed VRE Master Agreement Amendments, Fairfax County's share for FY 2008 is \$4,700,508. It is noted that, consistent with the subsidy formula change, which as of June 30, 2007, all VRE members had approved in their respective budgets, the County's proposed FY 2007 Carryover Revised Budget Plan includes a decrease of approximately \$300,000 in Fund 100, County Transit Systems expenditures, to lower the Fairfax County VRE contribution to the new level of \$4,700,508. The Fund 100 ending balance is increased by a corresponding amount as a result of this adjustment, with the funds designated for future years' transportation-related requirements.

This is the first year of a four year phased reduction schedule for Fairfax's subsidy share. Fairfax County's initial subsidy for FY 2008 before the Master Agreement amendments were approved by the commissions was \$4,999,777. The new subsidy is a six percent (\$299,269) savings to the County. When the subsidy change is fully implemented, at the end of the four year phase-in period, Fairfax County's subsidy will be \$1,197,079 less than it is now (a 24 percent reduction) based on FY 2008 figures.

ENCLOSED DOCUMENTS:

Attachment I: Virginia Railway Express Amended Master Agreement

Attachment II: Resolution to Authorize Execution of Virginia Railway Express Amended Master Agreement

Attachment III: Changes to the Master Agreement

Attachment IV: Virginia Railway Express Changes to Governance Structure and Subsidy Formula

Attachment V: Annotated Virginia Railway Express Amended Master Agreement

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

Michael R. Lake, Senior Transportation Planner, Coordination and Funding Division, FCDOT

Carl Winstead, Transportation Planner, Coordination and Funding Division, FCDOT

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Board Agenda Item
September 10, 2007

ACTION - 4

Authorization to Publish Delinquent Real Estate, Personal Property, and Business, Professional, and Occupational Licenses Delinquency List for Tax Year 2006 (FY 2007)

ISSUE:

Board authorization to publish lists of delinquent real estate, personal property and business, professional and occupational license taxes and to continue to collect the delinquent taxes until the expiration of the applicable statute of limitations.

RECOMMENDATION:

The County Executive recommends said lists be made available for public review. The County Executive further recommends that the lists of Tax Year 2006 delinquent taxes be returned to the Department of Tax Administration (DTA) to continue collection of taxes as provided by law. Unless directed otherwise, staff will again make these lists available for public reference in the Fairfax County Libraries.

TIMING:

Routine.

BACKGROUND:

The *Code of Virginia* Sections 58.1-3921 and 58.1-3924 state that the Department of Tax Administration, upon submission of a list of small tax amounts for which no bills were sent, and small uncollected balances of previously billed taxes, shall be given credit for these uncollected taxes (Attachments A and B).

The total value of taxes in Attachments A and B is shown below and averages about \$1.32 per account:

	Number of <u>Accounts</u>	<u>Dollars</u>
Real Estate	12,324	\$ 4,688
Personal Property	<u>55,163</u>	<u>\$ 84,543</u>
TOTAL	67,487	\$ 89,231

In reference to 'small tax amounts', the Virginia Code speaks to accounts that are "less than twenty dollars each." The County's lists however are for accounts that are under five dollars, to reflect DTA's actual billing practice.

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Pursuant to *Code of Virginia* Section 58.1-3924, the Board may authorize the publication of the full list or parts thereof as deemed advisable. In the past, the Board of Supervisors decided to make the lists of delinquent local taxes available for public reference in Fairfax County Public Libraries. As required by State law, the report being presented to the Board is a 'snapshot' as of June 30, 2007. This includes delinquent taxpayers who may be on a payment plan with DTA, and includes delinquencies that are currently tied up in bankruptcy. Bankruptcy accounts and accounts that have been paid since June 30th will be stripped from the report prior to placement in the libraries.

Staff will continue collection efforts on all accounts still within the statute of limitations, in accordance with Sections 58.1-3933 and 58.1-3940 of the *Code of Virginia*. Presented below is a summary of delinquent taxes still outstanding for Tax Year 2006. The actual lists are presented in Attachment C-

Tax year 2006
(First Year Delinquent)
As of June 30, 2007

	<u>Number of Accounts</u>	<u>Local Tax Amount</u>
Real Estate	4,268	\$ 9,341,412
Personal Property – Vehicles	35,177	\$ 4,388,558
Business Personal Property	1,782	\$ 1,482,310
Public Service Corp. Properties	2	\$ 10,036
BPOL	<u>1,784</u>	<u>\$ 1,103,323</u>
Total	43,013	\$ 16,325,639

For perspective, the total amount of all unpaid current year taxes, or \$16.32 million represents less than 1% of the levy for Tax Year 2006 (FY 2007). This is consistent with prior year percentages.

Of the \$4,388,558 in delinquent vehicle taxes, \$1,250,144 million is from business owned and used vehicles, and \$3,138,414 million is from the personal property taxes on personally owned and used vehicles.

Staff will continue collection efforts on all delinquent taxes as authorized by law. DTA continually pursues an aggressive discovery and collection campaign to locate delinquent taxpayers. Staff uses a broad array of collection tools including computer-generated letters, telephone calls, statutory summons authority, and payment plans. Additionally, delinquent payments were collected from more than 19,500 statutory seizure actions, including bank liens, wage liens, third party liens and income tax 'Set-Off-Debt' collections.

Under authority of State law, and with outstanding support from the Sheriff's Office, the Police Department and the County Attorney's Office, DTA utilizes booting or towing of

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vehicles, seizure of equipment and cash “till taps” to collect more difficult tax accounts. The Sheriff’s Office handled more than 3,500 vehicle ‘boot’ orders in FY 2007, and the County Attorney’s Office pursued collection on current and prior year taxes for more than 2,400 open delinquency cases. These accounts may be subject to legal action, or may already have judgments docketed. The Police Department also assists the collection effort in towing vehicles as necessary.

During FY 2007, DTA again continued a program of broadcasting the names of delinquent taxpayers on cable TV’s Channel 16. Each taxpayer is sent a letter *before* their name is aired in order to give them another opportunity to pay or correct an account as may be applicable and avoid the cable presentation. This program accounted for FY 2007 collections in excess of \$245,000.

In accordance with State law, DTA also has an agreement with the Department of Motor Vehicles (DMV) whereby vehicle registrations are withheld from citizens who have delinquent personal property taxes. In FY 2007, \$6,271,607 was collected from nearly 54,012 DMV holds placed. DTA also places a significant number of delinquent tax accounts with a private collection agency.

Thanks to these combined efforts, staff collected \$28,290,353 in net delinquent taxes in FY 2007 for all prior tax years. Furthermore, the positive results of these collection efforts are also reflected in the strong current year collection rates. For example, pending completion of the year-end audit, the collection rates achieved in FY 2007 are shown below:

	<u>FY 2006</u>
Personal Property (local share)	98.07 %
Real Estate	99.56 %
BPOL	98.45 %

The Personal Property collection rate is particularly significant. FY 2007 was the first year in which the Board eliminated the requirement to purchase and display vehicle decals, and there was some concern this might negatively impact the local tax collection rate. On the contrary, FY 2007’s collection rate of 98.07% on the local share of Personal Property taxes is one of the highest rates ever achieved. At the same time, the Board’s elimination of decals has not resulted in the erosion of vehicle registrations. DTA’s TARGET discovery program continues to be a strong enforcement tool in this regard, adding \$5.5 million in levy to the tax base in FY 2007.

In addition to the collection of taxes, a total of \$ 2,723,814 was collected in Parking Ticket revenue in FY 2007. Of the seizure actions previously referenced, DTA issued over 5,300 wage and bank liens for parking tickets, along with 762 boot orders in FY 2007. Additionally, ‘holds’ were placed on more than 2,900 vehicle registrations in FY 2007 for parking tickets, resulting in more than 1,800 payments thus far.

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As of the end of FY 2007, the current amount of tickets remaining to be collected was \$1,779,784 from 27,085 tickets. This excludes tickets still pending a match to DMV. A significant amount of the uncollected revenue is from single issue tickets and \$694,459 is from violators outside of Fairfax County. DTA continues to use the resources of its private ticket collection agent, Citation Management. This has been a productive relationship and their annual report is provided in Attachment D.

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

Attachment A - Tax Year 2006 accounts valued less than five dollars that were not billed

Attachment B - Tax Year 2006 'balance due' accounts of less than five dollars

Attachment C - Delinquent Tax Year 2006 Taxpayers

(Attachments A-C listed above are computer printouts which will be made available in the Board of Supervisors' Conference Room on September 10, 2007, from 9:00 a.m. until 4:30 p.m.)

Attachment D – Citation Management's Annual Report

Attachment E – Statistical Profile of Unpaid Tickets

STAFF:

Edward L. Long, Jr., Deputy County Executive

Kevin C. Greenlief, Director, Department of Tax Administration

Ellen F.M. Posner, Assistant County Attorney

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ACTION - 5

Fairfax County Government Living Wage Policy

ISSUE:

Approval of a schedule for the implementation of a new, Living Wage Policy for Fairfax County Government. On August 6, 2007 the Board directed that the Living Wage hourly rate would be the higher of the rate paid in Arlington County or the City of Alexandria, and, would be reviewed annually. (Current Arlington County rate is \$11.80; City of Alexandria rate is \$12.75)

RECOMMENDATION:

The County Executive recommends implementing the living wage policy with an effective date of September 15, 2007, for all merit, regular, retirement eligible Fairfax County Government employees.

TIMING:

Board action is requested on September 10, 2007, to ensure the timely implementation of Fairfax County Government's new Living Wage Policy commensurate with the pay period beginning September 15, 2007.

BACKGROUND:

The Board, at its August 6, 2007 meeting, directed the County Executive to return to the Board at the September 10, 2007 meeting with a schedule for the implementation of a new, Living Wage Policy for Fairfax County Government. The Board further directed that the Living Wage hourly rate would be the higher of the rate paid in Arlington County or the City of Alexandria, and, would be reviewed annually. (Current Arlington County rate is \$11.80; City of Alexandria rate is \$12.75)

Also, at the August 6, 2007 meeting, the Board stated that it shall be the policy of the Board to encourage and exhort all County vendors and all employers located within the County to similarly adopt a living wage for their employees. Therefore, and because the County Attorney has opined that Fairfax County Government cannot legally mandate a living wage for vendors and other employers, the following clause will be part of each County purchasing proposal:

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“Although paying a living wage shall not be a factor in awarding or administering any County contract, Fairfax County is committed to paying a living wage to all qualified County employees and encourages contractors and subcontractors involved in all County programs, services, and activities to pay a living wage to their employees.”

Information regarding the County’s living wage policy and wage rate will be posted on the County’s website in the near future.

FISCAL IMPACT:

The yearly fiscal impact of this action based on current, affected employee pay rates is projected to be \$52,834.00. The cost will be absorbed by County agencies.

This action will impact 49 employees primarily in: maintenance, custodial, and administrative positions.

ENCLOSED DOCUMENTS:

Attachment 1: Memorandum to the Board of Supervisors dated July 25, 2007, titled Living Wage Consideration for Carryover

STAFF:

Edward L. Long, Jr., Deputy County Executive

Peter. J. Schroth, Human Resources Director

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

Board Agenda Item
September 10, 2007



INFORMATION - 1

Contract Award to KCI Technologies, Inc. - Development of Accotink Creek Watershed Management Plan (Braddock, Hunter Mill, Lee, Mason, Mount Vernon, Providence and Springfield Districts)

The Boards' Environmental Agenda, Environmental Excellence for Fairfax County – A 20-Year Vision, adopted in 2004 commits the County to protecting and enhancing our watersheds and natural streams. Beginning in Fiscal Year 2006, the Board dedicated one penny of the real estate tax rate to implement Stormwater projects and programs in accordance with the water quality goals stated in the Environmental Agenda. In the last two years, the dedicated penny was equated to over \$40,000,000 being dedicated to improving the County's stormwater program, with a goal focused on protecting and restoring our natural environment.

The environmental plan specifically identifies the preparation and implementation of watershed management plans and stream protection strategies. In accordance with this goal, the Department of Public Works and Environmental Services (DPWES) is in the process of developing watershed management plans for all of the County's watersheds. Approximately 50% of the County area has plans mostly completed and adopted by the Board. DPWES selected three consultant firms to work on developing the second round of watershed plans to complete plans for the entire County by 2010. Two firms, F.X. Browne and PBS&J, were awarded contracts on August 6, 2007. KCI Technologies, Inc. will be the third firm to be awarded a contract.

Consultant services are required to provide Architectural/Engineering design services for watershed management plans for Accotink Creek, AC9000, in Fund 318, Stormwater Management Program, which is funded by the dedicated one penny of the real estate tax.

In accordance with the Fairfax County Purchasing Resolution, it is proposed that the County enter into contractual agreements with the firm of KCI Technologies, Inc. to provide consulting engineering services for the development of a watershed management plan for Accotink Creek.

The Department of Tax Administration has verified that KCI Technologies, Inc. (located in Hunt Valley, MD) is not required to have a Fairfax County Business, Professional and Occupational License.

In FY 2006, the ongoing watershed planning effort was formally evaluated at the request of the Board. The evaluation provided an in-depth review of existing watershed planning processes and included recommendations for improvement for the completion of the

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remaining watershed plans. As a result of this watershed evaluation, the following program modifications are underway:

1. Decreased the detailed project scoping from 25 years to 10 years
 - Plans will still identify prioritized opportunities over a 25 year horizon. However, detailed scoping will be carried out for the 10-year plan projects only.
 - The initial number of conceptual projects and total watershed plan implementation costs will decrease.
 - Updates based on technology and policy advances will support more detailed evaluation of long range projects in later years.
 - More detail will be obtained on higher priority projects to enhance implementation efforts upon completion of the watershed plan.
2. Technical sections will be separated from the final watershed plan to create a smaller “reader friendly” version for the public.
3. Improved characterization and prioritization of problem areas to better target effective solutions.
4. Revised modeling scope that will result in improved consistency between watersheds, improvements in flood plain management, and benefit from contracting efficiencies.

The revised watershed program supports the Board’s desire to pursue an expedited planning schedule, resulting in all 30 watersheds being in an active planning stage and under contract by summer 2007. This expedited schedule also ensures that Fairfax County meets its commitment to the Chesapeake Bay 2000 Agreement by completing the watershed planning process by the year 2010.

In order to implement and support the modified watershed planning program and to get the desired consistency among watershed plans, the watershed program support services contract is being utilized to complete several key components of the planning effort. In essence, most of the watershed characterization, modeling, GIS support, and consistency review support will be done by one firm, Tetra Tech. Their efforts support the work of County staff with individual watershed consultants (AMEC, F.X. Brown, KCI, and PBS&J) who will perform tasks such as watershed field reviews, identification of problem areas and candidate sites, watershed committee coordination/public outreach, project development, and watershed report preparation. It is believed that separating the work in this way will result in meeting the goals of the aforementioned expedited schedule.

The proposed contract with KCI Technologies, Inc. for the Accotink Watershed Management Plan comprises an additional 11% of County land area to undergo watershed master planning. Coupled with the watershed planning contracts previously approved, this

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will allow a total of 95% of the remaining County land area to be actively in or complete development. The services requested for this Watershed Management Plan will include the following:

- a review of previous studies and watershed information
- the implementation of a public involvement campaign for the watershed
- the development of hydrological and water quality models
- creation of floodplain maps to support a limited detailed FEMA study
- the analysis of structural and non-structural solutions
- the development of the final watershed plan document

The proposed contract consists of a core set of required tasks, necessary to complete the watershed plan, as well as optional tasks and subtasks. These include updating the stream physical assessments (for up to 25% of stream reaches), additional technical and public advisory group meetings and development of "Immediate Action Plans" to expedite the implementation process. The optional tasks may be executed through the terms of the contract if authorized by the County. The contract is scheduled to be completed within two years.

Unless otherwise directed by the Board of Supervisors, the Department of Public Works and Environmental Services will proceed to award a contract for the Accotink Creek Watershed Management Plan in the amount of \$1,960,000 to the firm of KCI Technologies, Inc.

FISCAL IMPACT:

Funding in the amount of \$1,960,000 is necessary to award this contract. Funding in the amount of \$2,000,000 in project AC9000, Accotink Creek Watershed Study is available in Fund 318, Stormwater Management Program, which is funded by the dedicated one penny of the real estate tax.

ENCLOSED DOCUMENTS:

Attachment 1: List including awardee and other firms interviewed.

(Contract copies available in the Office of the Clerk to the Board)

Attachment 2: Map of watersheds

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 - 2

Contract Award – Classification and Compensation Plans Review

On May 18, 2007, the Department of Purchasing and Supply Management issued Request for Proposal RFP08-922464-32 soliciting offers from qualified sources to provide Classification and Compensation Consulting Services.

Services provided under the contract will include consultation and support to review Fairfax County's current job classification structure, compensation structure, and salary ranges. The work includes review of the County's current methods of documentation and evaluation processes and comparison of these methods and processes to public and private sector best practices. Other contractor tasks include application of the recommended methodology to determine whether jobs are appropriately classified and to recommend, where appropriate, another salary range assignment for one or more jobs or job classes that are deemed to be classified incorrectly under the current system. The classification and compensation review was recommended by the consulting firm engaged to assist the County in the FY 2007 Compensation Study Review conducted for general County employees.

RFP08-922464-32 was publicly advertised and notice was directly sent to 1,280 potential offerors. Seven firms submitted proposals. A Selection Advisory Committee (SAC) was formed and comprised of representatives from the Department of Human Resources, Department of Management and Budget, Fairfax County Park Authority, Fairfax County Public Library, Office for Children, and the Fairfax County Police Department. The SAC evaluated the proposals in accordance with the criteria and procedures established in the RFP. Upon completion of final technical and business evaluation, the SAC recommended contract award to The Segal Company.

The Fairfax County Department of Tax Administration has verified that this firm is not required to possess a Fairfax County Business, Professional & Occupational License (BPOL).

Unless otherwise directed by the Board of Supervisors, the County Purchasing Agent will proceed with a contract award to the Segal Company to provide Consultant Services for Compensation and Classification Services.

FISCAL IMPACT:

The negotiated value of the contract award is \$439,466 for the core tasks and is consistent with the amount funded to the Department of Human Resources in the FY 2008 adopted budget plan.

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ENCLOSED DOCUMENTS:

Attachment 1 - List of Offerors for RFP08-922464-22

STAFF:

Edward L. Long, Jr., Deputy County Executive

Peter Schroth, Director, Department of Human Resources

Cathy Muse, Director, Department of Purchasing and Supply Management

INFORMATION - 3

Contract Agreement with Dominion Virginia Power for Electric Service Effective July 1, 2007 Through December 31, 2010

In July 2007, the Virginia Energy Purchasing Governmental Association (VEPGA), representing over 175 local governments in Virginia (including Fairfax County government, Schools and Park Authority), signed a three and one-half year contract effective July 1, 2007 through December 31, 2010, with Dominion Virginia Power for electric service. Key elements of the contract are listed as follows:

- An increase in base rates of 10.5% effective July 1, 2007. This is the first increase in rates for County government accounts since July 1, 1994. In the period 1994 to 2007, local governments had been successful in negotiating cumulative decreases in base rates of over 14%.
- The increase in total rates (including base rates and fuel factor) in year 1 of the contract is expected to be 12.9%.
- Base electric rates for County accounts will remain frozen for the remainder of the three and one-half year contract. The fuel factor, which accounts for about 15% to 20% of a typical bill, will vary according to fluctuations in actual fuel costs.

The successful effort to obtain a rate freeze provision is a major achievement of the contract negotiation process, and will aid in providing stability and certainty to County electric rates over a multi-year period. The modest rate increase, and subsequent freeze in rates, is especially advantageous to the County in light of the uncertainty and volatility experienced in electric rates in neighboring out-of-state jurisdictions. Many local governments in these jurisdictions have experienced rate increases in the range of 50% to 70% or more in the last several years.

The County was represented on the negotiation team by staff of the Utilities Branch in the Department of Cable Communications and Consumer Protection, and by the law firm of Christian and Barton, which is VEPGA's legal counsel. A summary of the contract's major terms and conditions are found in the July 12, 2007 Memorandum provided as Attachment 1. The actual Agreement Provisions of the contract are found in Attachment 2.

FISCAL IMPACT:

The electric service rate increase of 12.9 percent is estimated to cost the County approximately \$2.2 million for a total cost of \$19.5 million in FY 2008. Funding to

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support this increase was anticipated and has been included in the FY 2008 Adopted Budget Plan.

ENCLOSED DOCUMENTS:

Attachment 1: Memorandum to VEPGA Members on Implementation of July 1, 2007 to December 31, 2010 Virginia Power Contract.

Attachment 2: Agreement for the Provision of Electric Service to Municipalities and Counties of the Commonwealth of Virginia from Virginia Electric and Power Company (Available in the Office of the Clerk to the Board)

STAFF:

David J. Molchany, Deputy County Executive

Michael Liberman, Director, Department of Cable Communications and Consumer Protection (DCCCP)

Dennis R. Bates, Senior Assistant County Attorney

Steve Sinclair, Chief, Utilities Branch, DCCCP

Susan Hafeli, Utility Analyst, DCCCP

Board Agenda Item
September 10, 2007

INFORMATION – 4

County Holiday Schedule – Calendar Year 2008

A proposed calendar year 2008 Holiday Schedule for Fairfax County Government has been prepared. County employees are authorized 11½ holidays in each calendar year (12½ every fourth year for Inauguration Day)

The proposed holiday schedule for 2008 lists the Federal Government holidays as well as those of the Fairfax County Public Schools. State employees and the Courts observe the Commonwealth of Virginia designated holidays; however at present, the Commonwealth's holiday schedule is not yet approved. Once approved, the state holidays will be added to the chart and a completed chart will be posted on the County Infoweb.

Unless otherwise directed by the Board of Supervisors, the enclosed will be adopted as the holiday schedule for calendar year 2008.

ENCLOSED DOCUMENTS:

Attachment 1 – Proposed Holiday Schedule – 2008

STAFF:

Peter J. Schroth, Human Resources Director

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INFORMATION - 5

Project 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 4, Royal Lake (Braddock District)

The Board's Environmental Agenda, Environmental Excellence for Fairfax County – A 20-Year Vision, adopted in 2004, commits the County to protecting and enhancing our watersheds and natural streams. Beginning in Fiscal Year 2006, the Board dedicated one penny of the real estate tax rate to implement stormwater projects and programs in accordance with the Water Quality goals stated in the Environmental Agenda. In the last two years, the dedicated penny was equated to over \$40,000,000 being dedicated to improving the County's stormwater program, with a goal focused on protecting and restoring our natural environment.

Pohick Creek Dam Site Number 4, known locally as Royal Lake, has helped prevent downstream flood damages and has provided water quality, wildlife habitat, and recreational benefits for many years since its completion in July 1976. 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 (NVSWCD), and Fairfax County. The design and construction management were completed by the NRCS, while the land acquisition portion of the project was completed by Fairfax County.

In November 2000, the "Small Watershed Rehabilitation Amendments of 2000" revised Public Law 83-566 to establish a cost-share rehabilitation program whereby a community having dams constructed by the NRCS could receive federal assistance for the rehabilitation of these facilities.

A rehabilitation plan for Royal Lake was completed by the NRCS in August 2006. The plan recommended rehabilitating the Royal Lake dam to meet current safety and performance standards by realigning and armoring the auxiliary spillway and raising the earthen embankments that keep water flowing in the auxiliary spillway to prevent the water from eroding the dam embankment.

In September 2006, the County entered into a work plan agreement with the NRCS. According to the terms of this agreement, if funding is available and appropriated by Congress, the NRCS is to provide 65% of the total cost of rehabilitating the Royal Lake dam, with the County responsible for the balance.

A final design for this project is being completed under a County contract, following NRCS standards. It is anticipated that construction of the project will begin by April 2008. The

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rehabilitated structure will have a new life expectancy of 70 years from the date the construction is complete and the County will be positioned to secure regular Operation and Maintenance certificates from the Virginia Department of Conservation and Recreation to operate this dam.

In order to obligate federal funds, NRCS requires the execution of a Project Agreement with the County and NVSWCD. As part of the Project Agreement, a Memorandum of Understanding is also to be executed to clarify roles and functions of each partner and provide a framework under which financial obligations including credit for the County's in-kind service are established. In addition, an Operation and Maintenance Agreement for the program life of 70 years is required, as well as an attestation relating to the adequacy of real property rights.

Unless otherwise directed by the Board of Supervisors, the County Executive, on behalf of the County, will sign the Project Agreement and other supporting documents with the Natural Resources Conservation Service and the Northern Virginia Soil and Water Conservation District for the rehabilitation of Pohick Dam Site Number 4.

FISCAL IMPACT:

The current estimated total cost of the project is \$3,126,919. The NRCS will pay 65% of the cost (\$2,032,497) with the County required to fund 35% (\$1,094,422) of final costs, less any in-kind services credits. The current value of in-kind credit provided by the County and NVSWCD is \$460,000; therefore, the total County cash contribution is \$634,422. Currently, \$2,611,684 for this project is available in Fund 318, Stormwater Management Program, in Project FX4000. This funding has been made available through the Board's allocation of one penny from the County's real estate tax for stormwater management.

ENCLOSED DOCUMENTS:

Attachment A: Project Agreement w/o attachments
Attachment B: Memorandum of Understanding
Attachment C: Operation and Maintenance Agreement
Attachment D: Assurances Relating to Real Property Acquisition (Available in the Office of the Clerk to the Board)

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

Board Agenda Item
September 7, 2007

10:45 a.m.

Matters Presented by Board Members

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Board Agenda Item
September 10, 2007

1:00 p.m.

CLOSED SESSION:

- (a) Discussion or consideration of personnel matters pursuant to Virginia Code § 2.2-3711(A) (1).
- (b) Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Virginia Code § 2.2-3711(A) (3).
- (c) Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, and consultation with legal counsel regarding specific legal matters requiring the provision of legal advice by such counsel pursuant to Virginia Code § 2.2-3711(A) (7).
 - 1. *Ronald Koch v. Lance Schaible, et al.*, Case No. CI-2006-0009352 (Fx. Co. Cir. Ct.)
 - 2. *Virginia Department of Labor and Industry v. Fairfax County Department of Public Works and Its Successors*, Inspection No. 309234789 (Springfield District)
 - 3. *Northern Virginia Transportation Authority v. Statutory Defendants, et. al.* Case No. 07-923 (Arlington Co. Cir. Ct.)
 - 4. *Dunn, McCormack & MacPherson v. Gerald Connolly*, CL-2006-0010960 (Fx. Co. Cir. Ct.)
 - 5. *Phillip Luther Moore, II v. Fairfax County, Virginia, Officer Ivancic, Officer Smuck, Officer Shugart, Officer Ankers, and David M. Rohrer, Chief of Police*, Case No. L07CV410 (U.S.D.C. Alex.)
 - 6. *John Kestler v. T.W. Tilden, Carol Wilhite, and Board of Supervisors of Fairfax County*, Case No. 1:07-cv-791 TSE/BRP (E.D. Va.)

7. *Jean Ann Smith Cormier and Charles Paxton Smith for the Estate of David Stanley Smith v. County of Fairfax, Unknown Officials and Employees of County of Fairfax, City of Alexandria, Unknown Officials and Employees of the City of Alexandria, Verizon Communications, and Northrup Grumman, Case No. CL-2007-0006981 (Fx. Co. Cir. Ct.)*
8. *Matthew Francis Egan v. Fairfax County Police Department, Case No. 1:07-cv-623 CMH/TRJ (E.D. Va.)*
9. *Colleen Malone Lindvall v. Melissa McLaughlin, Scott McLaughlin, Linda Cahill, Timothy Cahill, Thomas Pilsch, Tracey Pilsch and Brian C. Calfee, Court No. 1:07-cv-565 LO/BRP (E.D. Va.)*
10. *David P. Mugan v. Maria Isabel Salas Guevara and Soudy Chamanara, Case No. CL-2007-0001899 (Fx. Co. Cir. Ct.)*
11. *Darren T. Rooney v. Fallah M. Moiwah, Fairfax County, Veolia Transportation, Inc., Veolia Transportation Services, Inc., and Fairfax Connector, Case No. CL07001581 (Alex. Cir. Ct.)*
12. *Elias Serrano v. Jose C. Letona Crespin, Case No. CL-2007-0010119 (Fx. Co. Cir. Ct.)*
13. *Robert Lepelletier, Jr. v. Robert L. Mears, Director of the Department of Finance, Case No. CL-2007-0006463 (Fx. Co. Cir. Ct.)*
14. *Virginia Equity Solutions, LLC v. Board of Zoning Appeals of Fairfax County, Virginia, Case No. CL-2005-0006316 (Fx. Co. Cir. Ct.); Eileen M. McLane, Fairfax County Zoning Administrator v. Virginia Equity Solutions, LLC, Case No. CH-2005-0005279 (Fx. Co. Cir. Ct.) (Providence District)*
15. *Fairfax County Redevelopment and Housing Authority v. Nectar Projects, Inc., Tigor Title Insurance Company of Florida, Mortgage Electronic Registration Systems, Inc., and First Magnus Financial Corporation, Case No. CL-2007-0004369 (Fx. Co. Cir. Ct.) (Mason District)*
16. *Fairfax County Redevelopment and Housing Authority v. Xiomara A. Mejia, Bruce L. Milton, Kathleen J. Rivers, et al., Case No. CL-2007-0009325 (Fx. Co. Cir. Ct.) (Mount Vernon District)*
17. *Mark Van De Meulebroecke v. Ray Pylant, Building Official, Fairfax County Board of Building Code Appeals (Providence District)*

18. *Michael C. Judge and Doris Y. Judge v. County Attorney David P. Bobzien, Fairfax County Board of Supervisors, Case No. CL-2007-0003562 (Fx. Co. Cir. Ct.) (Sully District)*
19. *Jane W. Gwinn, Fairfax County Zoning Administrator v. Duane Whitney, et al., Case No. CL-2007-0005644 (Fx. Co. Cir. Ct.) (Providence District)*
20. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Josvel Acevedo, Case No. CL-2007-0007242 (Fx. Co. Cir. Ct.) (Lee District)*
21. *Eileen M. McLane, Fairfax County Zoning Administrator v. Thanh N. Mercer and Alan Thai, Case No. CL-2007-0006665 (Fx. Co. Cir. Ct.) (Providence District)*
22. *Eileen M. McLane, Fairfax County Zoning Administrator v. Board of Trustees of the Pentecostal Church of God "La Biblia," et al., Case No. CL-2007-0006018 (Fx. Co. Cir. Ct.) (Springfield District)*
23. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County v. Dorothy E. Young and Leon A. Young, Case No. CL-2007-0010490 (Fx. Co. Cir. Ct.) (Mount Vernon)*
24. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Ruben R. Nunez and Lucila N. Nunez, Case No. CL-2007-0009119 (Fx. Co. Cir. Ct.) (Providence District)*
25. *Eileen M. McLane, Fairfax County Zoning Administrator v. Angela Rivas, Case No. CL-2007-0008621 (Fx. Co. Cir. Ct.) (Mason District)*
26. *Eileen M. McLane, Fairfax County Zoning Administrator v. Paul F. Vayo and Genia Vayo, Case No. CL-2007-0009676 (Fx. Co. Cir. Ct.) (Braddock District)*
27. *Eileen M. McLane, Fairfax County Zoning Administrator v. Phuong M. La, Case No. CL-2007-0009450 (Fx. Co. Cir. Ct.) (Providence District)*
28. *Eileen M. McLane, Fairfax County Zoning Administrator v. Simone M. Wyvell, Case No. CL-2007-0009865 (Fx. Co. Cir. Ct.) (Dranesville District)*

29. *Eileen M. McLane, Fairfax County Zoning Administrator v. Lynn Tjeerdsma and Mary Tjeerdsma*, Case No. CL-2007-0010110 (Fx. Co. Cir. Ct.) (Mount Vernon District)
30. *Eileen M. McLane, Fairfax County Zoning Administrator v. Miriam Bascope*, Case No. CL-2007-0010058 (Fx. Co. Cir. Ct.) (Springfield District)
31. *Eileen M. McLane, Fairfax County Zoning Administrator v. Ilka McCoy, Elsi E. McCoy, and Roy McCoy*, Case No. CL-2007-0009712 (Fx. Co. Cir. Ct.) (Dranesville District)
32. *Eileen M. McLane, Fairfax County Zoning Administrator v. The Arcadian Limited Partnership*, Case No. CL-2007-0010111 (Fx. Co. Cir. Ct.) (Mount Vernon District)
33. *Eileen M. McLane, Fairfax County Zoning Administrator v. Oscar Maranon and Maria E. Perez*, Case No. CL-2007-0009989 (Fx. Co. Cir. Ct.) (Providence District)
34. *Eileen M. McLane, Fairfax County Zoning Administrator v. Ghulam M. Ahmadzai and Noorsama Ahmadzai*, Case No. CL-2007-0009988 (Fx. Co. Cir. Ct.) (Providence District)
35. *Eileen M. McLane, Fairfax County Zoning Administrator v. Anthony Jackson and Amy Jackson*, Case No. CL-2007-0010591 (Fx. Co. Cir. Ct.) (Providence District)
36. *Board of Supervisors of Fairfax County, Virginia v. Professional Asset Management in Virginia, Inc.*, Case No. CL-2007-0006587 (Fx. Co. Cir. Ct.) (Dranesville District)
37. *Board of Supervisors v. EOP-Reston Town Center, L.L.C., et al.*, At Law No. CL-2006-0014888 (Fx. Co. Cir. Ct.) (Hunter Mill District)

Board Agenda Item
September 10, 2007

3:00 p.m.

Public Hearing on PCA 1999-MV-025-04 (Marketplace Car Wash, LLC) to Amend the Proffers for RZ 1999-MV-025 Previously Approved for Commercial Development to Permit a Car Wash and Associated Modifications to Proffers and Site Design with an Overall Floor Area Ratio of 0.13, Located on Approximately 1.04 Acres Zoned C-6, Mount Vernon District

and

Public Hearing on SE 2007-MV-005 (Marketplace Car Wash, LLC) to Permit a Car Wash, Located on Approximately 1.04 Acre Zoned C-6, Mount Vernon District

The application property is located on the west side of Lorton Market Street approximately 250 feet from its intersection with Lorton Road, Tax Map 107-4 ((23)) C.

PLANNING COMMISSION RECOMMENDATION:

On Wednesday, July 25, 2007, the Planning Commission voted unanimously (Commissioners Flanagan, Hall, and Koch absent from the meeting) to recommend the following actions to the Board of Supervisors:

- Approval of PCA 1999-MV-025-04, subject to execution of proffers consistent with those dated July 19, 2007; and
- Approval of SE 2007-MV-025, subject to the proposed Development Conditions dated July 19, 2007.

ENCLOSED DOCUMENTS:

None. Staff Report previously furnished.

STAFF:

Regina Coyle, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)

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

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Board Agenda Item
September 10, 2007

3:00 p.m.

Public Hearing on SEA 2005-SU-007 (Trustees of Korean Central Presbyterian Church) to Amend SE 2005-SU-007 Previously Approved for a Church with Nursery School and Private School of General Education To Permit a Child Care Center to Replace the Nursery School with a Total Maximum Enrollment of 100 Children and Associated Modifications to Site Design and Development Conditions, Located on Approximately 80.22 Acres Zoned R-C and WS, Sully District

The application property is located at 15308 Compton Road and 15315, 15403 and 15451 Lee Hwy. Tax Map 64-1 ((1)) 8, 9, 25, 26 and 27; 64-1 ((3)) 16; 64-2 ((3)) 18; 64-2 ((5)) 1, 2 and 3.

PLANNING COMMISSION RECOMMENDATION:

On Thursday, July 26, 2007, the Planning Commission voted unanimously (Commissioner Hopkins not present for the votes; Commissioners Flanagan and Koch absent from the meeting) to recommend the following actions to the Board of Supervisors:

- Approval of SEA 2005-SU-007, subject to the Development Conditions dated July 10, 2007;
- Modification of the transitional screening requirement on all sides of the property in favor of the existing vegetation;
- Waiver of the barrier requirement on all sides of the property, except as shown on the SEA Plat; and
- Waiver of the service drive requirement only along Route 29.

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
September 10, 2007

3:00 p.m.

Public Hearing on RZ 2007-PR-002 (Flint Hill School) to Rezone from R-1 to R-3 to Permit Expansion of an Existing Private School of General Education, Child Care Center and Nursery School with a Floor Area Ratio of up to 0.25, Located on Approximately 15.22 Acres, Providence District

and

Public Hearing on SEA 84-P-105-03 (Flint Hill School) to Amend SE 84-P-105 Previously Approved for a Private School of General Education, Child Care Center and Nursery School to Permit an Increase in Land Area, Building Additions and Associated Modifications to Site Design and Development Conditions, Located on Approximately 15.22 Acres Zoned R-3, Providence District

The application property is located in the northwest quadrant of the intersection of Chain Bridge Road and Jermantown Road at 3012 Chain Bridge Road, 3044 Jermantown Road, 10429 and 10431 Miller Road, Tax Map 47-2 ((1)) 36A, 37, 38 and 52A and portions of Academic Dr. public right-of-way to be vacated and/or abandoned.

Approval of this application may enable the vacation and/or abandonment of portions of the public rights-of-way for Academic Drive to proceed under Section 15.2-2272 of the Code of Virginia).

PLANNING COMMISSION RECOMMENDATION:

On Thursday, July 26, 2007, the Planning Commission voted unanimously (Commissioners Flanagan and Koch absent from the meeting) to recommend the following actions to the Board of Supervisors:

- Approval of RZ 2007-PR-002, subject to the execution of proffers consistent with those dated July 25, 2007;
- Approval of SEA 84-P-105-03, subject to the proposed Development Conditions dated July 25, 2007;
- Waiver of the service drive requirement along Chain Bridge Road;
- Modification of the transitional screening requirement along the northern, western and southern property lines to that shown on the GDP/SEA Plat;
- Modification of the barrier requirement along the western property lined to that shown on the GDP/SEA Plat;

Board Agenda Item
September 10, 2007

- Modification of the fence height requirement to allow an increase in height, six foot maximum, for the proposed fence along the northern property line;
- Direct the Director of the Department of Public Works & Environmental Services to modify the dedication and frontage improvement requirements along Chain Bridge Road and Jermantown Road; and
- Modification of the trail requirement along Miller Road, Jermantown Road, and Chain Bridge Road in favor of the pedestrian facilities depicted on the GDP/SEA Plat.

ENCLOSED DOCUMENTS:

None. Staff Report previously furnished.

STAFF:

Regina Coyle, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)

John Thompson, Staff Coordinator, Zoning Evaluation Division, DPZ

Board Agenda Item
September 10, 2007

3:30 p.m.

Public Hearing on SE 2006-LE-030 (Petroleum Marketing Group, Inc.) to Permit an Existing Service Station and Car Wash in a Highway Corridor Overlay District to Continue, Located on Approximately 31,776 Square Feet, Zoned C-6 and HC, Lee District

The application property is located at 5500 Franconia Road, Tax Map 81-4 ((1)) 71C.

PLANNING COMMISSION RECOMMENDATION:

On Thursday, June 28, 2007, the Planning Commission voted 9-0-1 (Commissioner Hart abstaining; Commissioners Harsel and Hopkins absent from the meeting) to recommend the following actions to the Board of Supervisors:

- Approval of SE 2006-LE-030, subject to the Development Conditions dated June 27, 2007;
- Modification of the transitional screening and barrier requirements along the eastern boundary of the property; and
- Waiver of the barrier requirement along the southern boundary of the property.

ENCLOSED DOCUMENTS:

None. Staff Report previously furnished.

STAFF:

Regina Coyle, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)

St. Clair Williams, Staff Coordinator, Zoning Evaluation Division, DPZ

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Board Agenda Item
September 10, 2007

3:30 p.m.

Public Hearing on PCA 92-P-001-06 (West*Group Properties LLC) to Amend the Proffers for RZ 92-P-001 Previously Approved for Office Development to Permit Modification to Approved Plan Tabulations (Create New Land Bays) With No New Construction with an Overall Floor Area Ratio of 0.65, Located on Approximately 31.25 Acres Zoned C-3 and HC, Providence District

The application property is located on the south side of Dolley Madison Boulevard, east and west sides of Old Meadow Road, Tax Map 29-4 ((6)) 95C, 96A, 97C, 99B, 101A, 102, 105, 106 and 107.

PLANNING COMMISSION RECOMMENDATION:

On Wednesday, July 11, 2007, the Planning Commission voted unanimously (Commissioners Alcorn and Harsel absent from the meeting) to recommend that the Board of Supervisors approve PCA 92-P-001-6, subject to the execution of proffers consistent with those contained in Appendix 1 of the staff report.

ENCLOSED DOCUMENTS:

None. Staff Report previously furnished.

STAFF:

Regina Coyle, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)

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

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Board Agenda Item
September 10, 2007

3:30 p.m.

Public Hearing on PCA 88-D-005-06 (West*Group Properties LLC) to Amend the Proffers for RZ 88-D-005 Previously Approved for Office Development to Permit Modification to Approved Plan Tabulations (Create A New Land bay) With No New Construction with an Overall Floor Area Ratio of 0.58, Located on Approximately 97.58 Acres Zoned C-3 and SC, Providence District

The application property is located on the south side of Dulles Airport Access Road, southeast and southwest quadrants of the intersection of Jones Branch Drive and West Branch Drive, Tax Map 29-2 ((15)) A6 and B2; 29-4 ((7)) A5, C1, C2, 1, 1A1, 1A2, 2, 3, 4, 6, 7A1, 7B, 8, 9, 10 and 11A

PLANNING COMMISSION RECOMMENDATION:

On Wednesday, July 11, 2007, the Planning Commission voted unanimously (Commissioners Alcorn and Harsel absent from the meeting) to recommend that the Board of Supervisors approve PCA 88-D-005-6, subject to the execution of proffers consistent with those contained in Appendix 1 of the staff report.

ENCLOSED DOCUMENTS:

None. Staff Report previously furnished.

STAFF:

Regina Coyle, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)

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

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Board Agenda Item
September 10, 2007

3:30 p.m.

Public Hearing on RZ 2007-SU-006 (Vahid K. Amin) to Rezone from I-3, AN, HC and WS to I-5 AN, HC and WS to Permit Industrial Development with an Overall Floor Area Ratio of 0.17, Located on approximately 1.53 Acres, Sully District

The application property is located on the north side of Lee Jackson Memorial Highway adjacent to its intersection with Pleasant Valley Road, Tax Map 33-2 ((1)) 3.

PLANNING COMMISSION RECOMMENDATION:

On Thursday, July 12, 2007, the Planning Commission voted unanimously (Commissioners Alcorn, Hall, and Harsel absent from the meeting) to recommend the following actions to the Board of Supervisors:

- Approval of RZ 2007-SU-006, subject to the execution of proffers consistent with those dated July 12, 2007; and
- Waiver of the service drive requirement along Route 50, in favor of the applicant providing interparcel access to the adjoining property to the east [38-2 ((1)) 4].

ENCLOSED DOCUMENTS:

None. Staff Report previously furnished.

STAFF:

Regina Coyle, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)

Shelby McKnight, Staff Coordinator, Zoning Evaluation Division, DPZ

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Board Agenda Item
September 10, 2007

3:30 p.m.

Public Hearing on RZ 2006-HM-019 (MB Herndon, L.L.C.) to Rezone from I-4 to C-3 to Permit Office Development with an Overall Floor Area Ratio of 1.0, Located on Approximately 14.7 Acres, Hunter Mill District

and

Public Hearing on PCA 79-C-037-06 (MB Herndon, L.L.C.) to Amend the Proffers for RZ 79-C-037 Previously Approved for Office Development with an Overall Floor Area Ratio of 0.7 to Permit Deletion of Land Area, Located on Approximately 14.7 Acres Zoned I-4, Hunter Mill District

The application property is located in the northwest quadrant of the intersection of Sunrise Valley Drive and Dulles Technology Drive, Tax Map 16-3 ((1)) 31A1 and 4N1.

PLANNING COMMISSION RECOMMENDATION:

On Thursday, July 12, 2007, the Planning Commission voted unanimously (Commissioners Alcorn, Hall, and Harsel absent from the meeting) to recommend the following actions to the Board of Supervisors:

- Approval of PCA 79-C-037-06; and
- Approval of RZ 2006-HM-019, subject to the execution of proffers consistent with those dated July 10, 2007.

ENCLOSED DOCUMENTS:

None. Staff Report previously furnished.

STAFF:

Regina Coyle, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)

Kristen Abrahamson, Branch Chief, Zoning Evaluation Division, DPZ

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Board Agenda Item
September 10, 2007



4:00 p.m.

Public Hearing on a Proposed Amendment to the Zoning Ordinance Re: Residential Temporary Portable Storage Containers

ISSUE:

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

PLANNING COMMISSION RECOMMENDATION

On Wednesday, July 25, 2007, the Planning Commission voted unanimously (Commissioners Flanagan, Hall, and Koch absent from the meeting) to recommend the following actions to the Board of Supervisors:

- Approval of the proposed Zoning Ordinance Amendment as set forth in the staff report dated June 18, 2007, with the following revision:

Modify Para. 27A(1) of Sect. 10-102 to read: "Temporary portable storage containers shall be permitted on a lot containing 36,000 square feet or less for a period not to exceed 30 consecutive days within a six-month period. On lots that are greater than 36,000 square feet, temporary portable storage containers shall be permitted for a period not to exceed 60 consecutive days within a six-month period. However, in cases where a dwelling unit has been damaged by casualty, a temporary portable storage container may be allowed for longer time periods that indicated above, in accordance with Part 8 of Article 18."

- Approval of the staff recommendation that implementation of this Zoning Ordinance Amendment be reviewed within 18 months of its effective date and that recommendations for change be brought back to the Planning Commission and Board of Supervisors; and
- Approval of the staff recommendation to develop a brochure on this topic for distribution to businesses, the general public, and community associations and that the draft brochure to submitted to the Planning Commission for review prior to distribution.

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RECOMMENDATION:

The County Executive concurs with the Planning Commission's recommendations.

TIMING:

Board of Supervisors authorization to advertise on June 18, 2007; Planning Commission public hearing on July 19, 2007; Planning Commission decision on July 25, 2007; Board of Supervisors' public hearing on September 10, 2007, at 4:00 p.m.

BACKGROUND:

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

On July 19, 2007, the Planning Commission held a public hearing on the proposed Zoning Ordinance amendment wherein a number of issues were raised by the Commission and the public, including the amount of signage, enforcement and the location of portable storage containers. It was suggested that consideration be given to allowing portable storage containers on larger lots for longer time periods than on smaller lots, given that impacts of portable storage containers on larger lots would be less due to larger lot sizes and setbacks than on smaller lots. In response, the Planning Commission recommended that portable storage containers on single family detached lots containing 36,000 square feet or less be allowed for a period not to exceed 30

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consecutive days and portable storage containers on single family detached lots containing more than 36,000 square feet be allowed for a period not to exceed 60 consecutive days. The original staff recommendation had been to allow portable storage containers on single family detached lots of all sizes to remain up to 30 consecutive days. It should be noted that the Planning Commission's recommendation is within the amendment's scope of advertisement.

REGULATORY IMPACT:

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

FISCAL IMPACT:

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

ENCLOSED DOCUMENTS:

Attachment 1 – Staff Report

Attachment 2 – Planning Commission Recommendation

STAFF:

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

Eileen M. McLane, Zoning Administrator, DPZ

Jack Reale, Senior Assistant to the Zoning Administrator, DPZ

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4:00 p.m.

Public Hearing on a Proposed Zoning Ordinance Amendment Re: Federal Emergency Management Agency References

ISSUE:

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

PLANNING COMMISSION RECOMMENDATION:

On Thursday, July 19, 2007, the Planning Commission voted unanimously (Commissioner Lusk absent from the meeting) to recommend that the Board of Supervisors approve the proposed Zoning Ordinance Amendment as set forth in the staff report dated June 18, 2007 and that the effective date be 12:01 a.m. on the date following adoption by the Board of Supervisors.

RECOMMENDATION:

The County Executive concurs with the Planning Commission's recommendation.

TIMING:

Board of Supervisors' authorization to advertise - June 18, 2007; Planning Commission public hearing - July 19, 2007, at 8:15 p.m.; and Board of Supervisors' public hearing - September 10, 2007, at 4:00 p.m.

BACKGROUND:

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

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REGULATORY IMPACT:

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

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

Attachment 1 – Staff Report

Attachment 2 – Planning Commission Recommendation

STAFF:

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

Eileen M. McLane, Zoning Administrator, DPZ

Andrew B. Hushour, Senior Assistant to the Zoning Administrator, DPZ

Board Agenda Item
September 10, 2007

4:00 p.m.

Public Hearing for the Continued Leasing of County-Owned Property at the Lewinsville Facility at 1609 Great Falls Street, McLean, Virginia to the McNair Child Development Center, Inc. d/b/a Fun and Friends Child Development Center (Dranesville District)

ISSUE:

Public hearing regarding the continued leasing of County-owned property at the Lewinsville Facility at 1609 Great Falls Street, McLean, Virginia (Tax Map 030-3-01-parcel 42) to the McNair Child Development Center, Inc. d/b/a Fun and Friends Child Development Center. The leased premises consist of approximately 5,109 rentable square feet.

RECOMMENDATION:

The County Executive recommends that the Board authorize County staff to execute a Lease Agreement for the continued leasing of County-owned property at 1609 Great Falls Street, McLean, Virginia (Tax Map 030-3-01-parcel 42) to the McNair Child Development Center, Inc. d/b/a Fun and Friends Child Development Center.

TIMING:

On July 23, 2007, the Board authorized the advertisement of a public hearing to be held on September 10, 2007, at 4:00 p.m.

BACKGROUND:

In 1983, Kiddie Korner, a private for profit day care provider for approximately 100 children, negotiated a lease with the Fairfax County School Board for a portion of the Lewinsville Facility located at 1609 Great Falls Street, McLean, Virginia 22101. In 1985, the Fairfax County Board of Supervisors acquired the Lewinsville Facility from the School Board. The lease with Kiddie Korner transferred with the facility and the Board became the new landlord on the lease.

In November 1993, the County approved a lease renewal with Kiddie Korner (d/b/a Kid's First) to use a portion (approximately 5,109 rentable square feet) of the Lewinsville Facility as a day care center. In September 1997, Kid's First filed for bankruptcy. In order to prevent minimal disruption to the children attending this day care center, a parent with children in the Kid's First Day Care Program assumed the existing lease and established a company called Fun and Friends Child Development Center, Inc.

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In 1999, the lease term applicable to the Kid's First lease expired and Fun and Friends Development Center, Inc. requested a new lease agreement. In accordance with authorization from the Board of Supervisors, the County entered into a new lease agreement with Fun and Friends Development Center, Inc. The current lease with Fun and Friends Development Center, Inc. expired on June 30, 2007.

In 2005, the owner of Fun and Friends Development Center, Inc. sold his center and assigned his lease to Richmond and Lynn Abbe (who own this center under the name McNair Child Development Center, Inc.). Mr. and Mrs. Abbe continue to operate the day care center under the same name (i.e. Fun and Friends Child Development Center). The day care center will continue to enroll approximately 95-100 children (ages 6 weeks to 5 years) and serve approximately 80 families in the McLean area.

The Fun and Friends Development Center requested to renew the existing lease. Therefore, subject to the County's completion of lease negotiations with the Fun and Friends Development Center, it is proposed that the County enter into a new lease (substantially in accordance with the proposed Lease attached hereto as Attachment B) that will permit the center to continue leasing space at the Lewinsville Facility from July 1, 2007, through June 30, 2008. In addition, the proposed lease will allow for two one-year option periods.

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

FISCAL IMPACT:

In Fiscal Year 2008, this lease will generate approximately \$93,000 in revenue.

ENCLOSED DOCUMENTS:

Attachment A – Tax map

Attachment B – Proposed Lease Agreement (Available in the Office of the Clerk to the Board)

STAFF:

Jose A. Comayagua, Director, Facilities Management Department

Board Agenda Item
September 10, 2007

4:00 p.m.

Public Hearing to Consider an Ordinance Amending County Code Relating to Election Precincts (Hunter Mill, Dranesville, Providence and Springfield Districts)

ISSUE:

An ordinance that proposes to amend Chapter 7 of the Fairfax County Code to become effective on January 16, 2008, to (1) divide the Reston #1 precinct to create a new precinct; (2) divide the Cooper precinct to create a new precinct; (3) adjust the boundaries of the Blake, Nottoway and Oak Marr precincts; and (4) divide the Monument and Leehigh precincts to form a new precinct and rename Leehigh precinct.

RECOMMENDATION:

The County Executive recommends adoption of the proposed ordinance.

TIMING:

The Board authorized this public hearing on August 6, 2007. Board action on September 10, 2007, is necessary to provide sufficient time to complete the federal preclearance process in advance of the February 12, 2008, presidential primary election. Note that January 16, 2008, will be the effective date for these proposed changes. No precincts or polling places are scheduled to be altered before the November 6, 2007, general election.

BACKGROUND:

Virginia Code permits the governing body of each county and city to establish by ordinance as many precincts as it deems necessary with one polling place for each precinct. The Board of Supervisors is authorized to increase or decrease the number of precincts and alter precinct boundaries and polling place locations subject to the requirements of Virginia Code Sections 24.2-307, 24.2-310 and 24.2-310.1. All registered voters who are affected by a change in their precinct or polling place will be mailed a new Virginia Voter Information Card following federal preclearance for the proposed changes.

(1) In Hunter Mill District, the Electoral Board recommends dividing the Reston #1 precinct which has grown to over 5,300 registered voters. This proposal would divide the precinct to create a new precinct named "Cameron Glen." The proposed polling place for Cameron Glen precinct is the North County Human Services Building located at 1850 Cameron Glen Drive, Reston. Reston #1 precinct voters will continue to vote at the Lake Anne Elementary School located at 11510 North Shore Drive, Reston.

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(2) In Dranesville District, the Electoral Board recommends dividing Cooper precinct which has grown to over 4,600 registered voters. This proposal would divide the precinct to create a new precinct named "Spring Hill." The proposed polling place for Cooper precinct is the Cooper Middle School located at 977 Balls Hill Road, McLean. The "Spring Hill" precinct voters will continue to vote at the Spring Hill Elementary School located at 8201 Lewinsville Road, McLean.

(3) In Providence District, the Electoral Board recommends adjusting the boundaries of the Blake, Nottoway and Oak Marr precincts to reduce the size of the Nottoway precinct which has grown to over 4,700 registered voters. The proposed boundary adjustments will reduce Nottoway precinct by 1,019 voters, increase Blake precinct by 392 voters and increase Oak Marr precinct by 627 voters. The existing polling places will remain the same. All voters that are affected by the proposed changes will be reassigned to polling places that are closer to their homes than their current polling place.

(4) In Springfield District, the Electoral Board recommends dividing the Monument and Leehigh precincts which have 4,814 and 2,694 registered voters, respectively, to form a new precinct to allow for additional growth in this area. This proposal will create a new precinct named "Eagle View" and establish its polling place at the new Eagle View Elementary School located at 4500 Dixie Hill Road, Fairfax. Monument precinct will continue to vote at the Fairfax County Government Center located at 12000 Government Center Parkway, Fairfax. The Electoral Board further recommends that the name of Leehigh precinct be changed to "Fair Oaks" to be consistent with its polling place at the Fair Oaks Church Rec Center (formerly called the Fair Oaks Academy Gym) located at 4531 West Ox Road, Fairfax.

The Electoral Board recommends a delayed effective date for these changes to avoid changing any of these election precincts during the current 2007 election cycle, but the Electoral Board recommends having these changes in place prior for the busy 2008 election cycle. More specifically, the Electoral Board has requested adoption of these proposed changes on September 10, 2007, with an implementation date of January 16, 2008, in order to prepare for the three major elections that will be held in 2008: (1) the February 12 Presidential Primary, (2) the June 10 Congressional Primary, and (3) the November 4 Presidential Election. In the unlikely event that a special General Assembly election is ordered in December or early January, the January 16 implementation date will permit a special election to be held in the same polling places as the November 6, 2007, election.

Additionally, in preparation for the 2008 elections, the General Registrar is planning a countywide mailing of new Voter Information Cards with informational inserts regarding absentee voting and the need for election officers. This will be the first countywide mailing to voters in over 20 years. It also should be noted that many of the older voter cards were printed with social security numbers. All Fairfax County registered voters will receive a new Voter Information Card in January 2008 with an assigned registration number instead of their social security number along with their precinct, polling place and election district information.

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FISCAL IMPACT:

Insignificant. Funding for precinct and polling place changes and a countywide voter card mailing is included in the FY 2008 Adopted Budget.

ENCLOSED DOCUMENTS:

Attachment 1 - Virginia Code Pertaining to Election Precincts and Polling Places

Attachment 2 - Summary of Proposed Precinct and Polling Place Changes

Attachment 3 – Maps and Descriptions of Proposed Precinct and Polling Place Changes

Attachment 4 - Proposed Ordinance

STAFF:

Jackie C. Harris, General Registrar

Michael Long, Senior Assistant County Attorney

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4:00 p.m.

Public Hearing on Spot Blight Abatement Ordinance for 2719 Chain Bridge Road
(Providence District)

ISSUE:

Public hearing by the Board to consider adoption of a Spot Blight Abatement Ordinance for 2719 Chain Bridge Road, Vienna , VA 22181 (Tax Map No. 048-1-((01))-0048)(Property) and approval of a blight abatement plan for Property.

RECOMMENDATION:

The County Executive recommends that, following the public hearing, the Board adopt an ordinance to declare 2719 Chain Bridge Road blighted, constituting a nuisance, and approve the blight abatement plan for the Property.

TIMING:

On July 23, 2007, the Board authorized advertisement of this public hearing to be held Monday, September 10, 2007, at 4:00 p.m.

BACKGROUND:

Va. Code Ann. § 36.49.1:1 (Supp. 2007) (Spot Blight Abatement Statute) allows the Board, by ordinance, to declare a blighted property a nuisance, thereby enabling abatement in accordance with Va. Code Ann. § 15.2-900 (2003) or Va. Code Ann. § 15.2-1115 (Supp. 2007) (Abatement of Nuisance Statutes). The Abatement of Nuisance Statutes permit the County to compel the abatement or removal of nuisances. If, after reasonable notice, the owner(s) fails to abate or obviate the nuisance, the County may abate the nuisance in which event the property owner(s) may then be charged for the costs of abatement, which may be collected from the property owner(s) in any manner provided by law for the collection of state or local taxes.

Properties are considered "blighted" under the Spot Blight Abatement Statute if they meet the definition for "Blighted property" established under Va. Code Ann. 36-3 (Supp. 2007) which defines a blighted property as "any individual commercial, industrial, or residential structure or improvement that endangers the public's health, safety, or welfare because the structure or improvement upon the property is dilapidated, deteriorated, or violates minimum health and safety standards, or any structure or improvement previously designated as blighted pursuant to § 36-49.1:1, under the process for determination of 'spot blight.'"

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In November 1996, the Board authorized the implementation of a Blight Abatement Program using the Spot Blight Abatement Statute to address citizen concerns about specific properties in their communities which were abandoned, dilapidated, or otherwise kept in an unsafe state. Under guidelines established by the Board, a property can be considered "blighted" for purposes of a County Abatement Ordinance under the Spot Blight Abatement Statute if it meets the definition for of "Blighted property" under Va. Code Ann. 36-3 (Supp. 2007) and if it meets all of the following conditions:

1. It has been vacant and/or boarded up for at least one year.
2. It has been the subject of complaints.
3. It is no longer being maintained for useful occupancy.
4. It is in a dilapidated condition or lacks normal maintenance or upkeep.

The property located at 2719 Chain Bridge Road was referred to the Blight Abatement Program (BAP) on July 27, 2006. Located on the subject property is an abandoned one and one-half story, dilapidated, residential structure with 1/2 basement that was constructed sometime in 1941 according to Fairfax County Tax Records. The structure has been vacant since at least 2005 and has been placarded unfit by the Health Department since December 29, 2005.

On November 16, 2006, the Neighborhood Enhancement Task Force (NETF) found that the subject property met the blighted property guidelines, and the property received a preliminary blight determination. Certified notice was sent to the owner advising him of this determination. On December 20, 2006, the owner sent blight abatement program staff a letter advising that he purchased the property with the dilapidated structure and that he was working on a new development plan for the property along with the adjacent parcels which he also owned. His development plan was contingent on gaining access to the parcels through an extension of Fox Rest Lane. The owner's blight abatement plan was rejected by BAP staff because the timeline was for an extended period and his development plan was contingent on road access approval. A letter was sent to the owner advising him that his plan was unacceptable. The owner wrote back and stated that he would demolish the structure in the upcoming months. To date the structure has not been demolished and the owner has contended at this time that he does not have the finances to demolish the structure.

In accordance with the Spot Blight Abatement Statute, the Board, by ordinance, may declare the Property to be blighted, and to constitute a nuisance, and approve abatement of blight as allowed under the Va. Code Ann. § 15.2-1115 (Supp. 2007). State code requires that the Board provide notice concerning adoption of such an ordinance. Notice was published on August 23, 2007 and August 30, 2007.

Although the Department of Housing and Community Development (HCD) will continue to seek cooperation from the owner to eliminate blighted conditions on the Property, it is

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requested that a public hearing, in accordance with the Spot Blight Abatement Statute, be held to adopt an Ordinance declaring the Property to be blighted and to constitute a nuisance. At the public hearing, HCD will also request authorization to contract for demolition of the blighted structure on the site pursuant to Va. Code Ann. §15.2-1115 (Supp. 2007) as authorized under the Spot Blight Abatement Statute. If the owner fails to abate the blighted conditions within thirty days after notification to the Property owner of the Board's action, HCD will proceed with demolition of the structure. HCD is also asking that the Board of Supervisors direct the Department of Public Works and Environmental Services staff to provide for an expedited processing of the items necessary for the demolition permit. This action will reduce the time it takes for the review of the grading plan and other items that are part of the permit process. The County will incur the cost, expending funds that are available in Project 014048, Revitalization Spot Blight Abatement, within Fund 340, Housing Assistance Program. The County will then pursue reimbursement from the owner who is ultimately liable for all abatement costs incurred. A lien will be placed on the Property and recorded in the County land and judgment records.

FISCAL IMPACT:

In the event that the blighted conditions are not eliminated by the owner, HCD will use monies from Project 014048, Revitalization Spot Blight Abatement, within Fund 340, Housing Assistance Program, to demolish the structure. The balance in this project as of August 13, 2007, is \$309,115. It is estimated that the cost of demolition of the structures will be approximately \$45,000. It is anticipated that all of the costs (including direct County administrative costs) of the blight abatement will be recovered from the Property owner. Funds recovered will be allocated to the Blight Abatement Program in order to carry out future blight abatement plans.

ENCLOSED DOCUMENTS:

Attachment 1: Property Photographs

Attachment 2: Ordinance for 2719 Chain Bridge Road (Providence District)

Attachment 3: Blighted Property Technical Report and Abatement Plan

STAFF:

Paula C. Sampson, Director, Department of Housing and Community Development (HCD)

John Payne, Acting Deputy Director, Real Estate and Development, HCD

Cynthia Ianni, Director, Design, Development and Construction Division, HCD

Patricio J. Montiel, Chief, Housing Rehabilitation, HCD

Christina M. Sadar, Blight Abatement Program Coordinator, HCD

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4:30 p.m.

Public Hearing to Establish the Sequoia Farms Community Parking District (Sully 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 Sequoia Farms 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 Sequoia Farms CPD in accordance with existing CPD restrictions.

TIMING:

The public hearing was authorized on August 6, 2007, for September 10, 2007, 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

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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 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 CPD have been satisfied.

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

FISCAL IMPACT:

The cost of sign installation is estimated at \$1500 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 Sequoia Farms CPD Establishment

STAFF:

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

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4:30 p.m.

Public Hearing to Establish the Newington Community Parking District (Mount Vernon 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 Newington 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 Newington CPD in accordance with existing CPD restrictions.

TIMING:

The public hearing was authorized on August 6, 2007, for September 10, 2007, 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

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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 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 CPD have been satisfied.

The parking prohibition identified above for the Newington CPD establishment 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. 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 Newington CPD Establishment

STAFF:

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

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4:30 p.m.

Public Hearing Regarding the Vacation of a Storm Sewer Easement Located on Property Owned by the Fairfax County Park Authority (Mount Vernon District)

ISSUE:

Public hearing regarding the vacation of a storm sewer easement located on property owned by the Fairfax County Park Authority.

RECOMMENDATION:

The County Executive recommends the Board adopt the attached Resolution for the vacation of the subject storm sewer easement.

TIMING:

On July 23, 2007, the Board authorized the advertisement of a public hearing to be held on September 10, 2007, at 4:30 p.m.

BACKGROUND:

The Board acquired a storm sewer easement on the subject property on November 27, 1962, by consent of the owner. The easement is recorded in Deed Book 2223 at Page 280 among the land records of Fairfax County, and is located on the parcel identified as Tax Map Number 093-1-01-0057.

The County has decided to realign the storm drainage system to a better location and will no longer need the existing easement. In exchange, the property owner has granted a new storm drainage easement that will be sufficient for this project.

Staff recommends that the existing storm sewer easement be vacated in conformance with Section 15.2-1800 (B) of the Code of Virginia.

FISCAL IMPACT:

None

ENCLOSED DOCUMENTS:

Attachment A – Resolution

Attachment B – Tax Map No. 093-1

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STAFF:

Jose A. Comayagua, Director, Facilities Management Department

James Ratliff, Project Manager, Department of Public Works and Environmental Services

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4:30 p.m.

Public Hearing on SE 2006-LE-026 (The Howard Gardner School) to Permit a Private School of General Education with a Maximum Enrollment of 48 Students, Located on Approximately 1.36 Acres Zoned R-3, Lee District

The application property is located at 4913 Franconia Road, Tax Map 82-3 ((1)) 3.

PLANNING COMMISSION RECOMMENDATION:

On Wednesday, July 25, 2007, the Planning Commission voted unanimously (Commissioner Alcorn not present for the votes; Commissioners Flanagan, Hall and Koch absent from the meeting) to recommend the following actions to the Board of Supervisors:

- Approval of SE 2006-LE-026, subject to the proposed Development Conditions dated July 23, 2007; and
- Modification of the barrier requirement along the western and southern property lines to allow the existing chain link fence to remain, as shown on the SE Plat.

ENCLOSED DOCUMENTS:

None. Staff Report previously furnished.

STAFF:

Regina Coyle, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)

St. Clair Williams, Staff Coordinator, Zoning Evaluation Division, DPZ

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4:30 p.m.

Public Hearing on RZ 2007-SU-003 (Fair Ridge, LLC) to Rezone from PDC, HC and WS to R-8, HC and WS to Permit Residential Development at a Density of 28.82 Dwelling Units Per Acre, Located on Approx. 6.94 Acres Sully District

and

Public Hearing on SE 2007-SU-002 (Fair Ridge, LLC) to Permit an Independent Living Facility, Located on Approx. 6.94 Acres Zoned R-8, HC and WS, Sully District

and

Public Hearing on PCA 1998-SU-009-02 (Fair Ridge, LLC) PCA Appl. to Amend the Proffers and Conceptual Development Plan for RZ 1998-SU-009 to Delete Land Area to be Incorporated with RZ 2007-SU-003, Located on Approximately 6.94 Acres Zoned PDC, HC and WS, Sully District

The application property is located on the N. side of Fair Ridge Dr. and S. side of Ox Hill Road. Tax Map 46-3 ((1)) 14C.

PLANNING COMMISSION RECOMMENDATION:

On Thursday, July 19, 2007, the Planning Commission voted 9-0-2 (Commissioners Alcorn and Harsel abstaining; Commissioner Lusk absent from the meeting) to recommend the following actions to the Board of Supervisors:

- Approval of PCA 1998-SU-009-02;
- Approval of RZ 2007-SU-003, subject to the execution of proffers consistent with those dated July 19, 2007;
- Approval of SE 2007-SU-002, subject to the proposed Development Conditions dated June 27, 2007;
- Modification of the transitional screening requirement in favor of the use of existing vegetation; as shown on the GDP/SE Plat;
- Modification of the barrier requirements to the north in favor of that proffered; and
- Modification of Additional Standard 9 of Sect. 9-306 to allow a 19.8-foot setback instead of 30 feet on the eastern boundary, as shown on the GDP/SE Plat.

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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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5:00 p.m.

Public Hearing on Proposed Plan Amendment S07-III-UP1, Bounded by Reston Parkway and Colts Neck Road Generally Between Glade Drive and South Lakes Drive (Hunter Mill District)

ISSUE:

Proposed Plan Amendment S07-III-UP1 considers amending the Comprehensive Plan for Tax Map Parcel 26-1 ((13)) 1. The area is currently planned for high density residential use in the Land Use component of the Reston Master Plan and shown as an existing church in the Community Facilities Plan component of the Reston Master Plan. The proposed Plan amendment would provide an option for elderly housing at this location.

PLANNING COMMISSION RECOMMENDATION:

On Wednesday, July 25, 2007, the Planning Commission voted unanimously (Commissioner Alcorn not present for the vote; Commissioners Flanagan, Hall, and Koch absent from the meeting) to recommend that the Board of Supervisors approve the staff recommendation on S07-III-UP1, as revised by the handout dated July 25, 2007, and further amended to revise the first line of the second bullet to read, "A minimum 65-foot-wide buffer should be provided from the existing edge of pavement of Reston Parkway."

RECOMMENDATION:

The County Executive recommends that the Board approve the Planning Commission recommendation for proposed Plan Amendment S07-III-UP1 as shown in Attachment II. The proposed Plan amendment would provide an opportunity to locate elderly housing within walking distance of community services and public transportation.

TIMING:

Planning Commission public hearing – July 25, 2007
Board of Supervisors' public hearing – September 10, 2007

BACKGROUND:

The Board authorized a Plan amendment for the subject area on February 5, 2007, to consider adding an option in the Comprehensive Plan for the development of elderly housing and the restoration of the impaired Snakeden Stream Valley.

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FISCAL IMPACT:
None

ENCLOSED DOCUMENTS:

Attachment I: Staff Report for proposed Plan Amendment S07-III-UP1
Attachment II: Planning Commission verbatim and recommendation

STAFF:

James P. Zook, Director, Department of Planning and Zoning (DPZ)
Fred R. Selden, Director, Planning Division (PD), DPZ
Pamela G. Nee, Chief, Environment and Development Review Branch, PD, DPZ
Jennifer Bonnette, Planner I, Environment and Development Review Branch, PD, DPZ

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5:00p.m.

Public Hearing on the Acquisition of Certain Land Rights Necessary for the Construction of the Wiehle Avenue Trail Project (Hunter Mill District)

ISSUE:

Public hearing on the acquisition of certain land rights necessary for the construction of Project W00300 (W3040), Wiehle Avenue Trail, Fund 307, Pedestrian Walkway Improvements.

RECOMMENDATION:

The County Executive recommends that the Board adopt the attached resolution authorizing the acquisition of the necessary land rights.

TIMING:

On August 6, 2007, the Board authorized advertisement of a public hearing to be held on September 10, 2007, commencing at 5:00 p.m.

BACKGROUND:

This project, Wiehle Avenue Trail, consists of approximately 1,200 linear feet of 5-foot-wide concrete sidewalk, including 170 linear feet of concrete retaining wall along the west side of Wiehle Avenue (Route 828) between North Shore Drive (Route 4726) and Baron Cameron Avenue (Route 606). This project is important because it will complete a critical segment of the countywide trail system in the Reston area.

The construction of this project requires the acquisition of Sidewalk, Retaining Wall, and Grading Agreement and Temporary Construction Easements on two contiguous parcels, Tax Maps 011-4-08-CONDO and 017-2-35-CONDO, owned by one property owner in the Hunter Mill District. Although the Land Acquisition Division has been negotiating to acquire these land rights since August 26, 2002, as of this date, the required land rights are still outstanding. Therefore, condemnation is necessary.

Pursuant to state statute, namely, VA. Code Ann. Section 15.2-1903 (Supp. 2006), a public hearing is required before property interests can be acquired by eminent domain.

FISCAL IMPACT:

Funding for this project is available in Project W00300 (W3040), Wiehle Avenue Trail, Fund 307, Pedestrian Walkway Improvements, and Project 009470 (WT001), Wiehle

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Avenue Trail, Fund 303, County Construction. No additional funding is being requested from the Board of Supervisors for land acquisition.

ENCLOSED DOCUMENTS:

Attachment A - Project Location Map

Attachment B – Resolution with Fact Sheet on each affected parcel with plat showing interests to be acquired (Attachments 1 through 1-A)

STAFF:

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

Howard J. Guba, Deputy Director, DPWES

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5:00 p.m.

Public Hearing to Propose Amendment to Chapter 4 of the Fairfax County Code to Adopt a New Section Relating to the Separate Classification and Taxation of Certain Commercial and Industrial Property in Fairfax County for Transportation Purposes

ISSUE:

Public hearing to consider the adoption of an ordinance to establish a separate classification of certain commercial and industrial property for transportation taxation pursuant to HB 3202 (Chapter 896, Acts of Assembly).

RECOMMENDATION:

The County Executive recommends that the Board adopt the ordinance as proposed in Attachment 1.

TIMING:

A 5:00 p.m. public hearing on September 10, 2007, on the proposed ordinance has been advertised. By state law, the new tax authorized by HB 3202 cannot take effect until tax year 2008 (FY 2009). However, in order for the Board to avail itself of this new funding authority beginning in tax year 2008, an ordinance adopting the new classification must first be enacted during calendar year 2007.

BACKGROUND:

HB 3202 (Chapter 896, Acts of Assembly) was enacted into law during the 2007 session of the Virginia General Assembly. This legislation authorizes additional revenue for transportation projects and services, to include local funding in the Northern Virginia and the Hampton Roads areas; regional transportation authority funding; and statewide revenue.

The main source of new local transportation funding authorized by HB 3202 is an additional real estate tax on commercial and industrial property. Specifically, Va. Code Section 58.1-3221.2 has been added to allow localities embraced by the Northern Virginia Transportation Authority (NVTa) and the Hampton Roads Transportation Authority (HRTA) to adopt a tax on "all real property used for or zoned to permit commercial or industrial uses." Fairfax County is a member of the NVTa and is therefore authorized to adopt this new transportation tax. The local tax rate for this transportation funding would be in addition to all other tax rates currently imposed and

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can not exceed \$0.25 per \$100 of assessed valuation for Fairfax County and other NVRTA member localities.

The new tax can be imposed on a county-wide basis, or the tax can be imposed within one or more "special regional transportation tax districts." However, if the tax is levied based on special tax districts, rather than county-wide, then the resulting tax revenue must equal not less than 85% of the revenue that would have been generated by a county-wide tax at the maximum rate of \$0.25 per \$100 of assessed valuation.

Based on the Board's August 6, 2007, motion to advertise a public hearing, the proposed ordinance assumes a county-wide real estate tax. This preserves greater flexibility for the Board to consider and adopt a tax rate less than the \$0.25 maximum if it so desires, since the 85% formula requirement does not come into play if the tax is adopted on a county-wide basis. Under the proposed amendment, the Board can adopt any tax rate, up to or less than \$0.25 per \$100 of assessed valuation, effective as of tax year 2008.

The adoption of the proposed ordinance in Attachment 1 does not actually impose the tax, nor does it lock the Board into adopting an eventual tax rate. As required under HB 3202, this ordinance simply positions the Board to be able to impose a tax, if it so desires, as it deliberates on the FY 2009 Advertised Budget Plan. If the ordinance is not adopted, the Board will not be able to consider and impose the tax until tax year 2009 (FY 2010) at the earliest.

By adopting the ordinance in Attachment 1, the County Executive will be able to take this under consideration as he prepares his FY 2009 Advertised Budget Plan. As a result, he will be able to include a new commercial and industrial transportation tax rate as part of the FY 2009 tax rate resolution for the Board's consideration at the FY 2009 public hearing.

Assuming the rate is advertised as "not to exceed \$0.25", the Board can subsequently choose to adopt or not adopt the new tax rate, or adopt a lesser tax rate following public hearing in Spring, 2008. Upon Board appropriation, the additional commercial and industrial real estate tax must be used exclusively for transportation purposes benefiting the County. If the tax were to be implemented on a special tax district basis (i.e., carving out certain areas of the County from this tax), the resulting revenue could only be used for transportation purposes benefiting the specific areas within the special tax districts. As proposed however, the resulting revenue can be used for transportation purposes throughout the entire County.

The additional commercial and industrial tax will not affect any other existing rate of taxation. It will not affect the underlying General Fund tax rate, or any special tax rates

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that may be applicable. Rather, the proposed ordinance will simply establish the separate classification and enable the Board to adopt an additional tax rate for transportation purposes. It is important to emphasize that this new tax does not apply to residential property. For purposes of this tax, commercial or industrial uses “shall exclude all residential uses and all multifamily residential uses.” A copy of the pertinent section from HB 3202, adding Va. Code Section 58.1-3221.2, is provided for reference in Attachment 2.

FISCAL IMPACT:

As of tax year 2007, each penny on the tax rate is equivalent to approximately \$4.4 million in tax revenue. (January 1, 2007, values are used for illustrative purposes only.) Under the law, the tax would become effective beginning with the assessed values for tax year 2008.

The revenue generated from the new commercial and industrial real estate tax will be local revenue. These funds will remain entirely under the control and appropriation authority of the Fairfax County Board of Supervisors for County transportation purposes.

ENCLOSED DOCUMENTS:

Attachment 1 – Proposed Ordinance, Section 4-10-5, Code of the County of Fairfax
Attachment 2 – Pertinent section from HB 3202, Va. Code Section 58.1-3221.2

STAFF:

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