



CLERK'S BOARD SUMMARY

REPORT OF ACTIONS OF THE FAIRFAX COUNTY BOARD OF SUPERVISORS

**TUESDAY
May 24, 2011**

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EBE:ebe

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium of the Government Center at Fairfax, Virginia, on Tuesday, May 24, 2011, at 9:35 a.m., there were present:

- Chairman Sharon Bulova, presiding
- Supervisor John C. Cook, Braddock District
- Supervisor John W. Foust, Dranesville District
- Supervisor Michael Frey, Sully District
- Supervisor Penelope A. Gross, Mason District
- Supervisor Patrick S. Herrity, Springfield District
- Supervisor Catherine M. Hudgins, Hunter Mill District
- Supervisor Gerald W. Hyland, Mount Vernon District
- Supervisor Jeffrey C. McKay, Lee District
- Supervisor Linda Q. Smyth, Providence District

Others present during the meeting were Anthony H. Griffin, County Executive; David P. Bobzien, County Attorney; Catherine A. Chianese, Assistant County Executive; Angela Schauweker, Management Analyst II, Office of the County Executive; Nancy Vehrs, Clerk to the Board of Supervisors; Patti M. Hicks, Chief Deputy Clerk to the Board of Supervisors; and Ekua Brew-Ewool, Administrative Assistant, Office of the Clerk to the Board of Supervisors.

BOARD MATTER1. **MOMENT OF SILENCE** (9:35 a.m.)

- (V) Supervisor Smyth asked everyone to keep in thoughts the family of Ms. Lilyan Spero who died recently. She said that Ms. Spero was a remarkable lady, who was an active member of the Fairfax Child Care Advisory Council, was instrumental in starting the School Aged Child Care (SACC) Program, was appointed to the Statewide Child Care Commission, and served as Registrar for the County, instituting the voter registration program that increased the accessibility of registration facilities and the number of active voters in the County. For her work there, she received the 1985 Human Rights Award and the 1987 National Association of Cities and Counties National Award. She was a member of the Fairfax Commission for Women and with her activities there, she was named to the Commission on the Status of Women for the State. In 1988, in recognition of her achievements on behalf of human rights, she was named to the Statewide Commission on Human Rights and the Federation recognized her as the Citizen of Year in 1997. When she was in retirement, she became involved in the Osher Lifelong Learning Institute (OLLI), which is in partnership with George Mason University (GMU). She was president and on the Board of that institution that has been a resource for seniors.

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and asked unanimous consent that the Board direct the Clerk to the Board to send a copy of the remarks and comments made about Ms. Spero to her family. Without objection, it was so ordered.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

Supervisor Hyland asked everyone to keep in thoughts the family of Mr. Raymond Colley who died recently. Mr. Colley was a very special person in the community with his involvement in every aspect of political life both nationally, with the State and at the local level. He formerly served in the Office of the House of Representatives in the Clerk's Office, and was an expert in parliamentary procedures and rules that guided the national Democratic and State party.

Supervisor Hudgins asked everyone to keep in thoughts the family of Mr. William Soza who died recently. Mr. Soza served on the Economic Development Authority (EDA), and was an outstanding Hispanic business owner. He brought a great deal of skill and knowledge to the County and the Hispanic community in developing his business and reaching out and advocating for economic development. He was recognized multiple times as an outstanding business leader.

Chairman Bulova asked everyone to keep in thoughts the citizens of Joplin, Missouri, who have been affected by the deadly tornado that affected the Mid-West.

AGENDA ITEMS

2. **RESOLUTION OF RECOGNITION PRESENTED TO MR. MARK BENDORF** (9:43 a.m.)

Supervisor Cook moved approval of the Resolution of Recognition presented to Mark Bendorf, football coach at Robinson Secondary School, for his dedication to the sport of football and the contributions he has made to the County. Supervisor Herrity seconded the motion and it carried by unanimous vote.

3. **CERTIFICATE OF RECOGNITION PRESENTED TO THE PARK AUTHORITY FOR THE SUPERVISION OF THE FARMERS MARKETS THAT HAVE EXISTED FOR MORE THAN 30 YEARS** (9:52 a.m.)

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and moved approval of the Certificate of Recognition presented to the Park Authority for its supervision of the Farmers Markets that have existed for more than 30 years. This motion was multiply seconded and it carried by unanimous vote.

More information on the Farmers Markets can be found online at: www.fairfaxcounty.gov/parks/farmersmarkets, or by calling 703-642-0128.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

4. **CERTIFICATES OF RECOGNITION PRESENTED TO STAFF OF THE AUDREY MOORE RECenter** (10:09 a.m.)

Supervisor Cook moved approval of the Certificates of Recognition presented to Maureen Fletcher, John Abernathy, David Barr, Megan Hare, and Meredith Dumm, staff of the Audrey Moore RECenter, for quick thinking and skilled care that saved the life of Michael Brown, a County resident. Supervisor Hyland seconded the motion and it carried by unanimous vote.

5. **CERTIFICATE OF RECOGNITION PRESENTED TO MS. TAWNY HAMMOND** (10:17 a.m.)

Supervisor McKay moved approval of the Certificate of Recognition presented to Ms. Tawny Hammond for her efforts to make the Springfield Civic Association inclusive for its residents with disabilities. Chairman Bulova and Supervisor Hudgins jointly seconded the motion and it carried by a vote of nine, Supervisor Frey being out of the room.

6. **CERTIFICATE OF RECOGNITION PRESENTED TO DEPARTMENT OF TRANSPORTATION (DOT) STAFF AND MEMBERS OF THE BICYCLING COMMUNITY** (10:29 a.m.)

(BACs) Jointly with the whole Board, Supervisor Hudgins moved approval of the Certificate of Recognition presented to DOT staff and members of the bicycling community for their work for Bike to Work Day 2011. Supervisor Herrity and Supervisor Smyth jointly seconded the motion and it carried by unanimous vote.

7. **PROCLAMATION DESIGNATING JUNE 2-5, 2011, AS "SPRINGFIELD DAYS" IN FAIRFAX COUNTY** (10:38 a.m.)

Supervisor McKay moved approval of the Proclamation to designate June 2-5, 2011, as "*Springfield Days*" in Fairfax County. Supervisor Foust and Supervisor Herrity jointly seconded the motion and it carried by unanimous vote.

DET:det

ADDITIONAL BOARD MATTER

8. **PRESENTATION OF THE SHELTER HOUSE THIRTIETH ANNIVERSARY CHAMPION AWARD** (10:47 a.m.)

Supervisor Gross announced that on Saturday night, May 21, she and Supervisor Smyth attended the Shelter House gala and accepted, on behalf of the Board, a Thirtieth Anniversary Shelter Champion award. Supervisor Gross said that she was pleased to present this anniversary recognition to the Board and noted that Shelter House has a family shelter in Mason District and also operates the Katherine K. Hanley Shelter, the County's newest family shelter.

AGENDA ITEMS

9. **10:30 A.M. – PRESENTATION OF THE VOLUNTEER FIRE COMMISSION (VFC) ANNUAL REPORT** (10:48 a.m.)

Tim Fleming, Chief, Franconia Volunteer Fire Department, and Chair of the VFC, introduced members of the VFC in the auditorium and proceeded to present the VFC annual report for calendar year 2010.

Following the report, discussion ensued concerning:

- Classification of the Bailey's Crossroads fire station
- Strategy for addressing growth and increased training costs
- Recruitment standards

- Increase in membership and more technical training requirements resulting in increased training hours
- Recruitment increase versus retirement loss
- The financial benefit to the County and the need to monitor training for increased efficiencies

Chairman Bulova thanked Chief Fleming and his fellow volunteers for the good work they do in the community and their uniquely successful leveraging of County resources.

EBE:ebe

10.

11 A.M. – APPOINTMENTS TO CITIZEN BOARDS, AUTHORITIES, COMMISSIONS, AND ADVISORY GROUPS (11:04 a.m.)

(APPTS)
(BACs)

Supervisor Gross moved the appointments and reappointments of those individuals identified in the revised “Appointments to be Heard May 24, 2011,” distributed around the dais. Supervisor Hyland seconded the motion.

Supervisor Cook asked to amend the motion to include the appointment of Mr. Christopher Thomas Craig as the Braddock District Representative to the Redevelopment and Housing Authority, and this was accepted.

Following a brief discussion regarding appointments to the Community and Revitalization and Reinvestment Advisory Group (CRRAG), Supervisor McKay asked to amend the motion to move the reappointment of Mr. Kyle Talente as the Lee District Representative. This was accepted.

The question was called on the motion, as amended, and it carried by unanimous vote.

Chairman Bulova asked unanimous consent that the Board direct staff to invite the Reverend Ronald Christian, the outgoing Braddock District Representative to the Redevelopment and Housing Authority Board, to appear before the Board to be recognized for his years of service. Without objection, it was so ordered.

Appointments are as follows:

A. HEATH ONTHANK MEMORIAL AWARD SELECTION COMMITTEE

The Board deferred the appointment of the Sully District Representative.

AFFORDABLE DWELLING UNIT ADVISORY BOARD

The Board deferred the appointments of the Citizen and the Lending Institution Representatives.

AIRPORTS ADVISORY COMMITTEE

The Board deferred the appointment of the Mason District Representative.

Confirmation of Mr. Frank Crandall as a Federation of Citizens Associations Representative.

ATHLETIC COUNCIL

Appointment of Mr. Gregory Beckwith as the Dranesville District Alternate Representative.

The Board deferred the appointment of the Dranesville District Principal Representative.

BARBARA VARON VOLUNTEER AWARD SELECTION COMMITTEE

The Board deferred the appointment of the Hunter Mill District Representative.

CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION REVIEW COMMITTEE

The Board deferred the appointment of the Providence District Representative.

COMMISSION ON AGING

Reappointments of:

- Ms. Tena Bluhm as the At-Large Chairman's Representative
- Mr. Kenneth Malmberg as the Braddock District Representative
- Mr. Joseph Heastie as the Providence District Representative

Appointment of Mr. Thomas B. Bash as the Springfield District Representative.

The Board deferred the appointments of the At-Large Chairman's and Dranesville District Representatives.

COMMISSION ON ORGAN AND TISSUE DONATION AND TRANSPLANTATION

The Board deferred the appointment of the Providence District Representative.

COMMUNITY ACTION ADVISORY BOARD (CAAB)

Confirmation of Ms. Margaret Thaxton as the Federation of Citizens Association Representative.

COMMUNITY REVITALIZATION AND REINVESTMENT ADVISORY GROUP

(NOTE: Earlier in the meeting, the Board reappointed Mr. Kyle Talente as the Lee District Representative. See page 5.)

Reappointment of:

- Mr. Kyle Talente as the Lee District Representative
- Mr. Michael DeLoose as the Springfield District Representative

Confirmations of:

- Mr. Daniel McKinnon as the G-7 Representative
- Ms. Elisabeth Lardner as the Redevelopment and Housing Authority Representative

The Board deferred the appointments of the Braddock and the Hunter Mill District Representatives.

ENVIRONMENTAL QUALITY ADVISORY COUNCIL (EQAC)

The Board deferred the appointment of the Springfield District Representative.

FAIRFAX AREA DISABILITY SERVICES BOARD

The Board deferred the appointments of the At-Large Fairfax County and the Sully District Representatives.

FAIRFAX LONG TERM CARE COORDINATING COUNCIL

Confirmation of Dr. Terrence McCormally as a Medical Community Representative.

FAIRFAX-FALLS CHURCH COMMUNITY SERVICES BOARD

Re-nomination of:

- Ms. Jean McNeal as the Dranesville District Representative
- Ms. Mary Ann Beall as the Providence District Representative

(NOTE: The Board is scheduled to take action on these appointments on June 21, 2011.)

The Board deferred the nominations of the At-Large #3, At-Large #4, and Springfield District Representatives.

GEOTECHNICAL REVIEW BOARD

Confirmations of:

- Mr. Amin Rahman as the Alternate #1 Representative
- Mr. James G. Collin as the Alternate #3 Representative

JUVENILE AND DOMESTIC RELATIONS COURT CITIZENS ADVISORY COUNCIL

Reappointment of Mr. Michael McClanahan as the At-Large Chairman's Representative.

The Board deferred the appointment of the Providence District Representative.

REDEVELOPMENT AND HOUSING AUTHORITY

Appointment of Mr. Christopher Thomas Craig as the Braddock District Representative.

SOUTHGATE COMMUNITY CENTER ADVISORY COUNCIL

The Board deferred the appointments of the Fairfax County #2 and #7 Representatives.

TENANT LANDLORD COMMISSION

The Board deferred the appointment of the Tenant Member #1 Representative.

TRAILS AND SIDEWALKS COMMITTEE

Appointment of Mr. Jeffrey Anderson as the Hunter Mill District Representative.

The Board deferred the appointment of the At-Large Chairman's Representative.

TREE COMMISSION

Confirmation of Ms. Patricia Greenberg as the Environmental Quality Advisory Council Representative.

DET:det

11. **ADMINISTRATIVE ITEMS** (11:08 a.m.)

Supervisor Gross moved approval of the Administrative Items. Supervisor Hyland seconded the motion.

Supervisor Cook called the Board's attention to Admin 9 – Authorization for the County Executive to Execute a Grant Agreement with the US Environmental Protection Agency (EPA). Discussion ensued concerning the billing of water use with input from Shahram Mohsenin, Director, Wastewater Planning and Monitoring Division, Department of Public Works and Environmental Services, concerning an agreement being negotiated with the Park Authority to provide wastewater discharge (reuse water) to the Laurel Hill Golf Course and Park.

Discussion continued concerning the fiscal funding year of the grant agreement, with input from Mr. Mohsenin, concerning finding an appropriate project to meet grant requirements.

The question was called on the motion, and it carried by unanimous vote, Supervisor Cook, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor Hyland, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting "AYE."

ADMIN 1 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON A SPOT BLIGHT ABATEMENT ORDINANCE FOR 7651 ROYSTON STREET, ANNANDALE, VA 22003 (BRADDOCK DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **June 21, 2011, at 4:30 p.m.** to consider a Spot Blight Abatement Ordinance for 7651 Royston Street, Annandale, VA, 22003, Tax Map Number 070-4-((02))-0049.

ADMIN 2 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON A SPOT BLIGHT ABATEMENT ORDINANCE FOR 6328 MILLER DRIVE, ALEXANDRIA, VA 22315 (LEE DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **June 21, 2011, at 4:30 p.m.** to consider a Spot Blight Abatement Ordinance for 6328 Miller Drive, Alexandria, VA 22315, Tax Map Number 091-3-((06))-03-0004A.

ADMIN 3 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON A SPOT BLIGHT ABATEMENT ORDINANCE FOR 6801 CUSTIS PARKWAY, FALLS CHURCH, VA 22042 (PROVIDENCE DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **June 21, 2011, at 4:30 p.m.** to consider a Spot Blight Abatement Ordinance for 6801 Custis Parkway, Falls Church, VA 22042, Tax Map Number 050-4-((05))-0450.

ADMIN 4 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON A SPOT BLIGHT ABATEMENT ORDINANCE FOR 6516 BEULAH STREET, ALEXANDRIA, VA 22310 (LEE DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **June 21, 2011, at 4:30 p.m.** to consider a Spot Blight Abatement Ordinance for 6516 Beulah Street, Alexandria, VA, 22310, Tax Map Number 091-1-((01))-0052.

ADMIN 5 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON A SPOT BLIGHT ABATEMENT ORDINANCE FOR 3412 ARNOLD LANE, FALLS CHURCH, VA 22042 (PROVIDENCE DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **June 21, 2011, at 4:30 p.m.** to consider a Spot Blight Abatement Ordinance for 3412 Arnold Lane, Falls Church, VA, 22042, Tax Map Number 060-1-((04))-0004.

ADMIN 6 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX G, TO EXPAND THE SKYLINE RESIDENTIAL PERMIT PARKING DISTRICT (RPPD), DISTRICT 31 (MASON DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **June 21, 2011, at 4 p.m.** on proposed amendments to the Code of the County of Fairfax, Appendix G, to consider expanding the Skyline RPPD, District 31. The

proposed expansion includes the following roads:

- South Fourteenth Street (Route 912) east side only, from South Greenbrier Street to the southern boundary of Tax Map Number 6-23((6)) parcel 6.
- South Greenbrier Street south side only, from South Fourteenth Street to the Arlington County line.

ADMIN 7 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APENDIX G, TO EXPAND THE LANGLEY RESIDENTIAL PERMIT PARKING DISTRICT (RPPD), DISTRICT 20 (DRANESVILLE DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **June 21, 2011, at 4 p.m.** on proposed amendments to the Code of the County of Fairfax, Appendix G, to consider expanding the Langley RPPD, District 20. The proposed District expansion encompasses Ridge Drive (Route 6090) from Urslin Court south to Ridge Drive.

ADMIN 8 – APPROVAL OF “WATCH FOR CHILDREN” SIGNS AS PART OF THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (RTAP) (SPRINGFIELD DISTRICT)

- (R)
- Adopted the Resolution authorizing installation of “Watch for Children” signs on the following roads in the Springfield District:
 - Robert Carter Road
 - Clara Barton Drive
 - Directed staff to coordinate with the Virginia Department of Transportation (VDOT) to schedule the installation of the approved measures as soon as possible.

ADMIN 9 – AUTHORIZATION FOR THE COUNTY EXECUTIVE TO EXECUTE A GRANT AGREEMENT WITH THE US ENVIRONMENTAL PROTECTION AGENCY (EPA)

(NOTE: Earlier in the meeting, the Board discussed this item. See page 9.)

Authorized the County Executive to execute a grant agreement with the EPA to receive \$289,300 in grant funding from the Fiscal Year 2004 Congressional special appropriation. The required local match of \$236,700 will be met through bond funding from Fund 408, Sewer Bond Construction.

ADMIN 10 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 30 (MINIMUM PRIVATE SCHOOL AND CHILD CARE FACILITY STANDARDS), SECTIONS 30-3-2, 30-3-4, AND 30-3-6, RELATING TO NATIONAL BACKGROUND CHECKS FOR APPLICANTS FOR A HOME CHILD CARE FACILITY PERMIT AND TO THE ADMINISTRATION OF MEDICATION IN HOME CHILD CARE FACILITIES

- (A) Authorized the advertisement of a public hearing to be held before the Board on **June 21, 2011, at 4 p.m.** on proposed amendments to the Code of the County of Fairfax, Chapter 30 (Minimum Private School and Child Care Facility Standards), Sections 30-3-2, 30-3-4, and 30-3-6, relating to national background checks for applicants for a home child care facility permit and to the administration of medication in home child care facilities.

12. **A-1 – ENDORSEMENT OF APPLICATION FOR SAFE ROUTES TO SCHOOL (SRTS) GRANT** (11:12 a.m.)

- (R) Chairman Bulova announced that:

- A revised version of this Agenda Item had been distributed to the Board.
- The revision includes an increase in the funding amount being requested.

Supervisor Hudgins moved that the Board concur in the recommendation of staff and:

- Endorse the SRTS projects for which applicants have submitted school travel plans and qualify for SRTS infrastructure funding.
- Approve a Project Endorsement Resolution for each application endorsed by the Board.

Supervisor Cook seconded the motion.

Discussion ensued with input from Chris Wells, Pedestrian Program Manager, Department of Transportation (DOT), regarding:

- School sidewalk request submissions and prioritizations
- Matching community and school needs
- Preparation of school travel plans

Supervisor Cook explained the work done by a task force he created to develop a realistic and doable proposal with broad support. He noted that staff is using this community idea as a pilot to see how it works.

Discussion ensued concerning:

- The use of SRTS programs as a major priority to help fill gaps in school community areas
- Facilitating the School-County process
- Police and community concerns

Supervisor McKay stated that this is a SRTS capital construction pilot program, noting that there are SRTS programs already in existence in the County. Discussion ensued concerning a limit to the amount a locality can apply for in a calendar year, with input from Mr. Wells regarding the amount (\$500,000).

Discussion continued regarding:

- The need for a Board conversation about other funding sources
- The County process to connect schools to communities
- The \$500,000 locality limitation

With input from Tom Biesiadny, Acting Director, DOT, concerning SRTS being a federal program.

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and asked unanimous consent that the Board direct staff to review how the program works for the County and then visit the issue of equity which could be subject to referral to a future Legislative Committee meeting. Without objection, it was so ordered.

The question was called on the motion and it carried by unanimous vote.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

13. **C-1 – ELECTION YEAR POLICIES** (11:25 a.m.)

- (P) The Board next considered an item contained in the Board Agenda dated May 24, 2011, regarding Election Year Policies for the 2011 Board. Chairman Bulova announced that a revised Agenda Item had been distributed to the Board and pointed out that on the second page in bullet #2 there is a current prohibition on links from a magisterial district's webpage on the County's official website to linking to campaign or social media websites, and that this revision clarifies this prohibition.

Supervisor Gross moved approval of the revised Election Year Policies. Supervisor Smyth seconded the motion.

Supervisor Gross, noting the lateness of the primary, August 23 instead of June due to redistricting, inquired as to the selection of September 6 as a cutoff date with input from Anthony H. Griffin, County Executive, regarding the five to six day delay after the election due to State election certification.

Supervisor Gross asked to amend her motion to change the dates in the revised Board Agenda Item from September 6 to August 24, and this was accepted.

Following discussion, Supervisor Smyth asked to amend the motion to change the August 24 date to August 31 due to the certification delay, and this was accepted.

Following a clarification of the last bullet on the second page of the revised Board Agenda Item concerning the applicability of the moratorium, Supervisor Frey moved a substitute motion to change the September 6 dates in the revised Board Agenda Item to June 1. Supervisor Hyland seconded the motion.

Following discussion concerning the need to keep constituents informed, the question was called on the substitute motion, and it **FAILED** by a recorded vote of seven, Supervisor Frey, Supervisor Herrity, and Supervisor Hyland voting “**AYE.**”

The question was called on the main motion, as amended, and it **CARRIED** by a recorded vote of nine, Supervisor Frey voting “**NAY.**”

14. **I-1 – CONTRACT AWARD – COLUMBIA PIKE WALKWAY PHASE II (MASON DISTRICT)** (11:42 a.m.)

The Board next considered an item contained in the Board Agenda dated May 24, 2011, requesting authorization for staff to award a contract to Ashburn Contracting Corporation in the amount of \$539,085.75 for construction of Columbia Pike Walkway, Phase II, Project 26008G, in Fund 102, Federal/State Grant Fund, and Project 4YP201, in Fund 304, Transportation Improvements.

The staff was directed administratively to proceed as proposed.

15. **I-2 – STANDARD PROJECT ADMINISTRATION AGREEMENT WITH THE VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) FOR THE MASON NECK TRAIL PROJECT (MOUNT VERNON DISTRICT)** (11:42 a.m.)

The Board next considered an item contained in the Board Agenda dated May 24, 2011, requesting authorization for the County Executive to execute the

Standard Project Administration Agreement with VDOT for the Mason Neck Trail Project.

The staff was directed administratively to proceed as proposed.

16. **I-3 – CONTRACT AWARD – WOLFTRAP FIRE STATION (DRANESVILLE DISTRICT)** (11:43 a.m.)

The Board next considered an item contained in the Board Agenda dated May 24, 2011, requesting authorization for staff to award a contract to Milestone Construction Services, Incorporated, in the amount of \$5,388,000 for the construction of a new fire station of approximately 14,000 square feet, Project 009094, Wolftrap Fire Station, Fund 312, Public Safety Construction.

The staff was directed administratively to proceed as proposed.

17. **I-4 – CONTRACT AWARD – ZION DRIVE SPOT IMPROVEMENT (BRADDOCK DISTRICT)** (11:43 a.m.)

The Board next considered an item contained in the Board Agenda dated May 24, 2011, requesting authorization for staff to award a contract to Omni Excavators, Incorporated, in the amount of \$1,097,470.64 for construction of the Zion Drive realignment, Project 4YP205, in Fund 304, Transportation Improvements.

The staff was directed administratively to proceed as proposed.

18. **I-5 – PLANNING COMMISSION (PC) ACTION ON APPLICATION 2232-H11-4, DOMINION VIRGINIA POWER (HUNTER MILL DISTRICT)** (11:43 a.m.)

The Board next considered an item contained in the Board Agenda dated May 24, 2011, announcing the PC's approval of Application 2232-H11-4. The PC noted that the application met the criteria of character, location, and extent, and was in conformance with Section 15.2-2232 of the *Code of Virginia*. The application sought approval to construct and operate an electric substation to provide power to the Metro Silver Line and more efficiently serve businesses and households within a 1-2 mile radius of the site, on property located approximately 400 feet northwest of the intersection of Clay Lane and Sunset Hills Road, Tax Map 18-3 ((1)) 13B.

NV:nv

ADDITIONAL BOARD MATTERS

19. **REQUESTING SUPPORT FROM FEDERAL DELEGATION FOR BASE REALIGNMENT AND CLOSURE (BRAC) DELAY LANGUAGE IN FISCAL YEAR (FY) 2012 NATIONAL DEFENSE AUTHORIZATION ACT** (11:43 a.m.)

In a joint Board Matter with Supervisor McKay, Chairman Bulova noted that in 2005, the BRAC Commission recommended the transfer of approximately 20,000 military personnel to the Fort Belvoir Main Post, the Engineer Proving Grounds, and the Mark Center in Alexandria. Under current law, these recommendations must be completed by September 15, 2011. Many personnel are being transferred from locations well-served by developed highway and transit networks. Fort Belvoir, by comparison, has much less transportation and transit options available. The associated traffic impacts are anticipated to be significant in several local transportation corridors. The local region already has some of the worst congestion in the nation.

Congress recently included funding for transportation infrastructure improvements associated with medical facilities related to BRAC recommendations in its FY 2011 budget, and the County is preparing to apply for a portion of these funds. In an unrelated decision, the Federal Highway Administration (FHWA) announced its decision to expand the environmental review of the I-395 HOV/Transit Ramp to Seminary Road project from a Categorical Exclusion to an Environmental Assessment. The project is already expected to take several years and FHWA's decision will delay its completion.

Chairman Bulova stated that on May 12, the House Armed Services Committee reported HR 1540, the National Defense Authorization Act, by a vote of 60-1. Language in the bill grants the Secretary of Defense the authority to extend the deadline, by one year, for completion of not more than seven of the closure or realignment recommendations. Given recent actions and the ongoing need for transportation infrastructure to address the BRAC recommendations, a one year delay of their implementation would be extremely beneficial in that it could allow completion of short-term transportation improvements that will offset some impacts of the move.

Accordingly, Chairman Bulova relinquished the Chair to Vice-Chairman Gross and, jointly with Supervisor McKay, moved that the Board approve sending a letter to the County's Congressional delegation expressing support for language in the National Defense Authorization Act providing the Secretary of Defense the authority to extend by one year the completion of some 2005 BRAC recommendations. Supervisor Herrity, Supervisor Hyland, Supervisor McKay, and Vice-Chairman Gross jointly seconded this motion.

Following a brief discussion about the implementation of BRAC and impending transportation issues, the question was called on the motion, which carried by unanimous vote.

20. **REQUESTING ASSISTANCE ACQUIRING RIGHT-OF-WAY FROM FEDERAL PROPERTY IN TYSONS CORNER** (11:52 a.m.)

Chairman Bulova recounted that on June 22, 2010, the Board adopted a Comprehensive Plan for Tysons Corner that will turn the area into the County's "downtown." This plan, which has received local and national accolades, encourages high density, mixed use development in areas within a short walk of the four Metrorail stations under construction in Tysons. To be successful, a transformation of Tysons' transportation system will also be required. The current superblock street network must be transformed into a system of smaller connected streets to provide alternative pathways for traffic flow and to facilitate pedestrian environments that attract new residents and businesses.

Chairman Bulova said that one important component to this enhanced network is a new road on the north side of Tysons Corner that will be located between Route 7 and Greensboro Drive. The private property owners in the area adjacent to the new street have agreed to provide sufficient right-of-way for half the road section. However, the other half of the road section is located on Federal property. Due to the sensitive nature of the facility, the County has been unable to identify personnel within the Department of Defense or other Federal agencies to discuss this property. The private property owners have requested assistance from Congressman Moran, whose Congressional district includes the area.

As home to a number of critical Federal facilities, Chairman Bulova said that the County understands the unique safety concerns faced by the Federal government, but believes the two governments can work to find a solution that can provide the construction of this road and address security concerns.

Accordingly, Chairman Bulova moved that the Board approve sending a letter to the County's Congressional delegation to ask for assistance in working with Fort Belvoir and the US Army Corps of Engineers to allow the property to become public right-of-way for this road project. Supervisor Smyth seconded the motion.

Following a brief discussion, with input from Tom Biesiadny, Acting Director, Department of Transportation, regarding pending engineering, the question was called on the motion, and it carried by a vote of nine, Supervisor McKay being out of the room.

21. **ESTABLISHMENT OF A VOTING PRECINCT FOR GEORGE MASON UNIVERSITY (GMU) (BRADDOCK DISTRICT)** (11:55 a.m.)

Chairman Bulova stated that later this spring, the Board will have an item from the County Executive with recommendations for adjusted precinct boundaries and

new precincts. Some adjustments to precinct boundaries are required because of the new General Assembly districts. These districts have a number of split precincts around the County. Woodson precinct, where GMU is located, has been split at Roberts Road, which borders the campus on the East.

Chairman Bulova said that over the years, she has heard requests from the student body at GMU to establish a polling location on the GMU campus. Over the past decade, a substantial amount of residential construction has been built on campus to house students, faculty, and staff. In 2000 the on-campus population was 2940 and has since grown to 5658 in 2010. This expansion of on-campus housing is expected to continue. GMU will be constructing 7500 new residential units on campus in the next 5 years, resulting in 7000 on-campus residents by the year 2015.

Given the distance from campus to the proposed new polling location and plans for residential growth on campus, Chairman Bulova moved that the Board direct staff to:

- Work with GMU to consider the establishment of an on-campus polling location and the creation of a new University precinct.
- If supported by GMU and found to be feasible, present this to the Board for consideration and potential action in the County Executive's agenda items.

Supervisor McKay seconded the motion.

Discussion ensued regarding:

- Input from the District Supervisor.
- Whether students would vote in their home districts by absentee ballot.
- Formal input from students.

Supervisor Herrity asked unanimous consent that the Board direct staff to answer the following questions:

- Why no other campuses in the Commonwealth of Virginia have polling places on their campuses.
- The number of registered voters on campus.
- The additional cost of the creation of this precinct.

Without objection, it was so ordered.

The question was called on the motion, and it carried by unanimous vote.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

22. **INTENT TO DEFER BOARD DECISION (MASON DISTRICT)**
(12:04 p.m.)

Supervisor Gross announced her intent, later in the meeting at the appropriate time, to defer decision on Special Exception Application SE 2009-MA-026.

(NOTE: Later in the meeting, the Board formally deferred this decision. See Clerk's Summary Item #46.)

23. **INTENT TO DEFER THE PUBLIC HEARING ON SPECIAL EXCEPTION APPLICATION SE 2008-MA-011 (WASHINGTON BAPTIST UNIVERSITY, INCORPORATED) (MASON DISTRICT)** (12:05 p.m.)

Supervisor Gross said that Special Exception Application SE 2008-MA-011 was scheduled for public hearing today. Due to the untimely filing of the reaffirmation of the affidavit, the public hearing needs to be scheduled for a later date.

Therefore, Supervisor Gross announced her intent, later in the meeting, at the appropriate time, to defer the public hearing for Special Exception Application SE 2008-MA-011, in the name of Washington Baptist University, Incorporated until June 7.

(NOTE: Later in the meeting, this public hearing was formally deferred. See Clerk's Summary Item #51.)

24. **WAIVER OF FILING FEES (MASON DISTRICT)** (12:05 p.m.)

Supervisor Gross said that Ana Cornejo is the record owner of two contiguous parcels of property located at 4954 Sunset Lane [Tax Map 71-4((1)) parcel 20] and 4921 Backlick Road [Tax Map 71-3((1)) parcel 24A] in the Mason District. On March 23, 2010, the Board approved Special Exception Application SE 2009-MA-015 under Zoning Ordinance Section 9-610 to permit a waiver of the minimum lot-width requirement for these parcels to allow Ms. Cornejo to construct four single-family detached dwellings on the parcels. On April 12, the County Circuit Court ruled that the Board did not have the authority to permit a waiver of the minimum lot-width requirements for Ms. Cornejo's parcels by special exception, which had the effect of invalidating Special Exception Application SE 2009-MA-015.

In response to the Court's ruling, Supervisor Gross said that she has been informed that Ms. Cornejo will be filing an application with the County to rezone her two parcels of property from the R-2 District to a P District so that she will be able to develop her parcels in a manner similar to that which would have been permitted if the special exception the Board approved for Ms. Cornejo's parcels had not been invalidated by the Court. Given the special circumstances of this case, she expressed her belief that there is good cause to waive the filing fee for the rezoning application that Ms. Cornejo intends to file with the County.

Therefore, after consultation with the County Attorney, and pursuant to Zoning Ordinance Section 18-106, Supervisor Gross moved that the Board waive the filing fee for the rezoning application that Ms. Cornejo will be filing with the County to rezone her two parcels of property from the R-2 District to a P District. Chairman Bulova seconded the motion.

Supervisor Gross noted that the applicant understands that this motion does not relieve it of any obligations, ordinances, or standards and will not prejudice the consideration of the application in any way.

The question was called on the motion, and it carried by unanimous vote.

25. **McLEAN COMMUNITY CENTER (MCC) ELECTIONS (DRANESVILLE DISTRICT)** (12:08 p.m.)

(APPTS) Supervisor Foust said that on Saturday May 21, 2011, the MCC held elections for five positions on the MCC's Board of Directors including three adult 3-year terms, one youth 1-year term for the Langley High School (HS) area, and one youth 1-year term for the McLean HS area.

Pursuant to the Memorandum of Understanding between the Board and the Governing Board of the MCC dated February 8, 1984, the full results of the election shall be reported to the Board of Supervisors at its first meeting following the election. The Board, after determining that it is in the public interest to do so, shall appoint those persons receiving the highest number of votes to the MCC Governing Board.

Therefore, based on the results of the election, as certified by the MCC's Elections and Nominations Committee, Supervisor Foust moved that the Board finds that it is in the public interest to appoint those persons receiving the highest number of votes in this election of Governing Board Members, and that the following individuals be appointed to the MCC Board:

- Adults, three year terms: Sean Dunn, Risa Sanders and Chad Quinn
- Youth, one year term, Langley HS area: Christy Meyer

- Youth, one-year term, McLean HS area: Maggie Himpler

Supervisor McKay seconded the motion and it carried by unanimous vote.

26. **JUNE 2011 OPTIMIST INTERNATIONAL CHILDHOOD CANCER AWARENESS MONTH** (12:10 p.m.)

Supervisor Foust announced that the Great Falls Optimist Club, a nonprofit organization under the umbrella of Optimist International, is celebrating its thirty-first year of service to the community. The club prides itself on “Bringing Out the Best in Kids” and is dedicated to activities that contribute to a better future for children, promoting an active interest in good government, encouraging community service among young people, and developing optimism as a philosophy of life.

Supervisor Foust noted that a few of the many activities that the club has undertaken are: organizing and staffing the annual Great Falls Spring Festival; supporting Reach for College, an organization that provides instructional materials and books to underprivileged students; and conducting a fundraising effort for a young high school student paralyzed in a swimming accident. The club is also dedicated to the elimination of childhood cancer, the number one disease killing children today, and has raised funds for a national childhood cancer campaign.

Therefore, Supervisor Foust asked unanimous consent that the Board direct staff to prepare a proclamation recognizing the contributions of the Great Falls Optimist Club and proclaiming June 2011 as “*Optimist International Childhood Cancer Awareness Month*,” in Fairfax County, which he will present to the club’s officers on June 13, 2011. Without objection, it was so ordered.

27. **EVENING SCHEDULE FOR THE JUNE 7 BOARD MEETING** (12:11 p.m.)

Supervisor Smyth noted that traditionally Celebrate Fairfax! has hosted a dinner in honor of the Lords and Ladies Fairfax following the conclusion of the first Board meeting in June. Following a query about the Board’s public hearing schedule for that evening, with input from Catherine A. Chianese, Assistant County Executive, Chairman Bulova confirmed that the event was scheduled and that the public hearing agenda should be light on June 7.

28. **PUBLIC COMMENT ON COMPREHENSIVE SERVICES ACT (CSA) DRAFT POLICIES** (12:12 p.m.)

In a joint Board Matter with Supervisor Hudgins, Supervisor McKay noted that the CSA for At-Risk Youth is a state and local funding program designed to provide high quality, family centered, cost effective, community based services to

high risk youth and their families. The CSA is a partnership between the Commonwealth and localities with shared funding responsibilities. Localities manage the funds and purchase services at the local level. CSA is a national model for providing effective and innovative care for children with emotional and behavioral problems.

As the costs of CSA have risen, the State has sought to cap or decrease its financial support. Some of these efforts have been successful, including changes to the required local match, while others have not, including proposals to cap the State's contribution to CSA.

During the 2011 General Assembly session, two identical bills were passed with the potential of decreasing the state's financial CSA responsibility: HB 1679 and SB 1171. These bills would deny State funding to localities that do not comply with State laws, policies, or federal laws pertaining to any service funded through CSA. While the intent is good, draft guidelines issued by the State Executive Council (available for public comment) raise some problematic issues. Supervisor McKay reminded the Board that during the session, legislative staff worked to ameliorate this bill and, while the bill as passed is better than the introduced version, staff remained concerned with potential problematic implementation policies.

The draft policies are technical and for localities, the overarching issue is that CSA is a state-local partnership. It has increasingly become the practice of the Commonwealth to significantly underfund core services, leaving localities to fill funding gaps with local revenues to maintain essential services. The Board has strongly advocated for the restoration of the critical state-local funding partnership across all programs and services, including CSA.

For the draft CSA policies, Supervisor McKay asserted that the State's emphasis must be to strengthen state and local governments' partnership in obtaining successful outcomes for the children served, rather than solidifying or overemphasizing state oversight of local actions and decisions when using state funding. For this partnership to operate effectively, both levels of government must fill their appropriate roles, so that:

- The State should provide clear guidance and direction to localities about requirements of state and federal law, and should allocate sufficient resources to conduct due diligence in the licensing of providers and facilities that serve CSA children.
- The local government then understands what is and is not permitted and there is no ambiguity about differing State and local laws and regulations that span numerous State agencies.

- In cases of fraud by unlicensed providers, the State and localities should work together to ensure accountability and to secure the return of both State and local funding from the provider.

Many groups are now preparing comments that highlight similar concerns, including the Virginia Association of Counties (VACo), the Virginia Municipal League (VML), the Virginia League of Social Services Executives, the Virginia Association of Local Human Services Officials, and the Fairfax-Falls Church Community Policy and Management Team (CPMT). County staff has been working with these groups to analyze the draft CSA policy, as the public comment period is brief, ending on May 31.

Therefore, jointly with Supervisor Hudgins, Supervisor McKay moved that the Board direct staff to provide comments to the State Executive Council on the CSA draft policies, emphasizing the state-local partnership, referencing the principles above, and highlighting County issues or concerns with such policies. Chairman Bulova seconded the motion

Supervisor Gross asked to amend the motion to direct staff to provide in the letter examples relating to the second bullet, and this was accepted.

Following a brief discussion regarding the provision of examples to highlight concerns, the question was called on the motion, and it carried by unanimous vote.

29. **FEE WAIVER FOR AMERICAN LEGION FLEA MARKETS (LEE DISTRICT)** (12:19 p.m.)

Supervisor McKay explained that he was requesting a waiver of the application fees for permits associated with the flea markets that American Legion Post 176 will be holding in its parking lot.

The flea markets will be held twice a month on Saturdays from June through November in the American Legion's parking lot at 6520 Amherst Avenue. The American Legion has coordinated with the Springfield-Franconia Host Lions Club so that both organizations' flea markets will be held on alternate weeks. Proceeds from the American Legion flea markets will be returned to the community through the numerous organizations and activities that the post supports.

Accordingly, Supervisor McKay moved that the Board waive the application and escrow fees permits associated with the American Legion Post 176 2011 flea markets. Supervisor Foust and Supervisor Herrity seconded the motion, which carried by unanimous vote.

30. **INTENT TO DEFER THE PUBLIC HEARING ON REZONING APPLICATION RZ 2010-LE-013 (LEE DISTRICT)** (12:20 p.m.)

Supervisor McKay announced his intent, later in the meeting at the appropriate time, to defer the public hearing on Rezoning Application RZ 2010-LE-013.

(NOTE: Later in the meeting, this public hearing was formally deferred. See Clerk's Summary Item #50.)

PMH:pmh

31. **TRUSTEES OF THE CUB RUN MEMORIAL GARDENS FEE WAIVER (SULLY DISTRICT)** (12:20 p.m.)

Supervisor Frey said that earlier this year, the Board of Zoning Appeals (BZA) approved Variance Application VC 2011-SU-004 to permit a subdivision of an R-C zoned lot. The purpose of subdivision is to allow the Trustees of Cub Run Memorial Gardens Cemetery ("Trustees") to acquire approximately one-half acre adjacent to their cemetery to correct the title and to protect the entirety of the burial grounds.

Supervisor Frey noted that the Trustees are a nonprofit entity, and have encountered significant expense in correcting this decades-old deed irregularity. Therefore, to assist in their efforts to preserve the original boundaries of the cemetery, he moved that the Board waive any and all engineering fees associated with completing this boundary line adjustment. Chairman Bulova seconded the motion.

Following a brief discussion regarding engineering fees, the question was called on the motion and it carried by unanimous vote.

32. **COMMUNITY SOFTBALL GAME (HUNTER MILL DISTRICT)** (12:22 p.m.)

Supervisor Hudgins said that as part of its community outreach efforts, CBS Radio, the owner of WPGC, sponsors events throughout the Washington, DC Metropolitan Region. These events aim to encourage local youth, governmental agencies, and other service providers to collaborate with one another, foster relationships based on respect and communication, while also discouraging violence.

On June 8 the Hunter Mill District will sponsor a community softball game from 5:30 p.m. until 8 p.m. at the South Lakes High School varsity baseball field in Reston. The game will feature WPGC 95.5 against the County Police Department's Road Dawgs and faculty members from South Lakes High School.

Soft drinks and food from the grill will be provided. Residents are encouraged to come out to enjoy the game, meet radio personalities, and get to know some of the police officers and County staff.

Therefore, Supervisor Hudgins asked unanimous consent that the Board direct staff to work with local media to publicize this community event. Without objection, it was so ordered.

33. **RECOGNIZING MASTER POLICE OFFICER (MPO) J. T. FREY**
(12:23 p.m.)

Supervisor Cook recognized a tremendous public servant who has gone above and beyond what was required of him and has made significant contributions to the community in terms of both safety and public awareness.

Supervisor Cook noted that on May 17, MPO J. T. Frey was recognized as the Crime Prevention Officer of the Year. This prestigious award from the nation's preeminent organization for security professionals offers only a hint of the service that Officer Frey has provided to the community.

Supervisor Cook referred to his written Board Matter which outlined MPO Frey's many accomplishments.

Therefore, Supervisor Cook asked unanimous consent that the Board direct staff to invite MPO Frey to appear before the Board at a future meeting to be recognized for his tireless efforts in working to increase awareness of crime prevention measures and his ceaseless contributions towards keeping the community safe and well-informed. Without objection, it was so ordered.

34. **RECOGNIZING THE BRADDOCK ROAD YOUTH CLUB (BRYC) 98 ELITE U-12 BOYS' TRAVEL SOCCER TEAM (BRADDOCK DISTRICT)**
(12:25 p.m.)

Supervisor Cook congratulated the U-12 boys' soccer team from the BRYC on its very impressive and historic win this past Sunday. Competing in its very first Virginia Youth Soccer Association (VYSA) State Cup Championship, the team won in convincing fashion - shutting out FASA Hotspur 98 Elite 3-0 in the championship game. Held annually, the VYSA State Championship (or State Cup) is a state championship for boys and girls teams in the Under 12 through Under 19 age groups and serves as a qualifying event for the larger US Youth Soccer Region I Championships and National Championships conducted by US Youth Soccer.

The BRYC 98 Elite started the tournament off on the right foot, defeating VAR Academy Black 5-2. They followed up that opening round win with two more victories before moving into the semifinal match, where they beat the KIC Richmond Kickers Elite Central 6-1.

BRYC 98 Elite will go on to represent Virginia at the US Youth Soccer Region 1 Championship in Lancaster, Pennsylvania, over the July 4 weekend.

Supervisor Cook asked unanimous consent that the Board congratulate the team for its achievement and direct staff to invite its members to appear before the Board at a future meeting to be formally recognized. Without objection, it was so ordered.

35. **ESTABLISHING A VOLUNTEER PROGRAM TO CLEAR COUNTY TRAILS AND SIDEWALKS** (12:26 p.m.)

(BACs) Supervisor Cook said that trails and sidewalks are key assets and pieces of infrastructure that are used not only for exercise and enjoyment, but also commuting. Unfortunately, due to budgetary constraints, the County is unable to ensure these particular pieces of infrastructure stay "clean, clear and accessible." To address this glaring need, the County's Trails and Sidewalks Committee is asking that volunteer support for cleaning and clearing sidewalk and asphalt trail surfaces be authorized to help maintain public walkways in an acceptable condition. He noted that cleaning and clearing does not include significant maintenance projects, but rather minor upkeep efforts such as raking, edging, and trash and debris removal.

Supervisor Cook referred to his written Board Matter which includes a set of suggested guidelines, drafted by the Trails and Sidewalks Committee which explain the vision the Committee has for this undertaking. They seek to develop an informal program that encourages and organizes volunteers to assist in the clearing of trails and sidewalks.

Supervisor Cook said that his community engagement initiative has worked to inspire and train residents to take ownership of neighborhoods by working together to address opportunities for growth as well as meeting challenges.

Therefore, Supervisor Cook moved that the Board direct the County Executive to develop guidelines for implementing a citizen volunteer trail and sidewalk maintenance program, and present these guidelines to the Board at a future date in this calendar year for consideration. As part of the development of such guidelines, the County Executive should consult with the County Attorney to insure that any legal liability issues are addressed appropriately in the program guidelines. Supervisor Herrity seconded the motion.

Discussion ensued regarding:

- The clearance of walkways
- Liability issues
- Trails

Supervisor Foust asked to amend the motion to change the reference in number 1 of the proposed Guidelines for Volunteer Efforts from “. . . walkway surface (either concrete or asphalt)” to “***all trails,***” and this was accepted.

Supervisor McKay asked to amend the motion to include coordinating with the schools regarding prioritizing routes for snow removal, and this was accepted.

The question was called on the motion, as amended, and it carried by unanimous vote.

36. **NO BOARD MATTERS FOR SUPERVISOR HYLAND (MOUNT VERNON DISTRICT)** (12:34 p.m.)

Supervisor Hyland announced that he had no Board Matters to present today.

37. **NO BOARD MATTERS FOR SUPERVISOR HERRITY (SPRINGFIELD DISTRICT)** (12:35 p.m.)

Supervisor Herrity announced that he had no Board Matters to present today.

38. **INTENT TO DEFER A BOARD DECISION AND PUBLIC HEARINGS (LEE AND MASON DISTRICTS)** (12:37 p.m.)

Chairman Bulova announced that the following Board Agenda items would be deferred later in the meeting, at the appropriate time:

- Board decision on Special Exception Application SE 2009-MA-026
- Public hearing on Special Exception Application SE 2008-MA-011
- Public hearing on Rezoning Application RZ 2010-LE-013

(NOTE: Later in the meeting, these items were deferred. See Clerk’s Summary Items #46, #50, and #51.)

39. **RECESS/CLOSED SESSION** (12:36 p.m.)

Supervisor Smyth moved that the Board recess and go into closed session for discussion and consideration of matters enumerated in Virginia Code Section (§) 2.2-3711 and listed in the agenda for this meeting as follows:

- (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. Application of Virginia Electric and Power Company, PUE-2011-00027 (Va. State Corp. Comm'n) (County-wide)
 2. *Glenn S. Ovrevik, Mary R. Ovrevik, and James H. Wessels v. Board of Supervisors of Fairfax County, Virginia, and Hilltop Sand and Gravel Company, Inc.*, Case No. CL-2009-0005160 (Fx. Co. Cir. Ct.) (Lee District)
 3. *Mary Getts Bland v. Fairfax County, Virginia*, Case No.1:10cv01030 (E.D. Va.)
 4. *Nicholas W. Jones v. David M. Rohrer, Chief, Fairfax County Police*, Case No. 2011-0003999 (Fx. Co. Cir. Ct.)
 5. *Bourj, Ltd. v. Board of Supervisors of Fairfax County*, Case No. CL-2011-0003966 (Fx. Co. Cir. Ct.) (Braddock District)
 6. *Board of Supervisors of Fairfax County, Virginia v. Xicheng Qi and Xiao Cai*, Record No. 110052 (Va. Sup. Ct.) (Dranesville District)
 7. *Eileen M. McLane, Fairfax County Zoning Administrator v. Nina Catherine Ford and Aubrey L. Lane*, Case No. CL-2009-0015972 (Fx. Co. Cir. Ct.) (Mason District)
 8. *Eileen M. McLane, Fairfax County Zoning Administrator v. SCI Virginia Funeral Services, Inc.*, Case No. CL-2010-0004119 (Fx. Co. Cir. Ct.) (Providence District)

9. *Eileen M. McLane, Fairfax County Zoning Administrator v. Miguel Angel Alvarez and Delmi Aurora Alvarez*, Case No. CL-2010-0010724 (Fx. Co. Cir. Ct.) (Mount Vernon District)
10. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Guillermo Renato Garcia and Lenny Quiroz*, Case No. CL-2010-0007947 (Fx. Co. Cir. Ct.) (Lee District)
11. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. U.S. Bank National Association*, Case No. CL-2009-0015518 (Fx. Co. Cir. Ct.) (Providence District)
12. *Eileen M. McLane, Fairfax County Zoning Administrator v. Chau Quynh Nguyen and Sarah K. Nguyen*, Case No. CL-2009-0016344 (Fx. Co. Cir. Ct.) (Mason District)
13. *Eileen M. McLane, Fairfax County Zoning Administrator v. Rosa E. Martinez*, Case No. CL-2010-0011285 (Fx. Co. Cir. Ct.) (Mason District)
14. *Eileen M. McLane, Fairfax County Zoning Administrator v. M-G Apartments, LLC*, Case No. CL-2011-0001769 (Fx. Co. Cir. Ct.) (Dranesville District)
15. *Eileen M. McLane, Fairfax County Zoning Administrator v. James Lindley*, Case No. CL-2010-0015851 (Fx. Co. Cir. Ct.) (Mason District)
16. *Eileen M. McLane, Fairfax County Zoning Administrator v. Doan-Tran T. Luong*, Case No. CL-2011-0000049 (Providence District)
17. *Eileen M. McLane, Fairfax County Zoning Administrator v. Elmer Lopez and Sandra Lopez*, Case No. CL-2011-0002317 (Fx. Co. Cir. Ct.) (Providence District)

18. *Eileen M. McLane, Fairfax County Zoning Administrator v. Hanh Thi My Huynh and Sinh Nhan Ha*, Case No. CL-2010-0017150 (Fx. Co. Cir. Ct.) (Mason District)
19. *Eileen M. McLane, Fairfax County Zoning Administrator v. Samy Kassar*, Case No. CL-2010-0016996 (Fx. Co. Cir. Ct.) (Springfield District)
20. *Eileen M. McLane, Fairfax County Zoning Administrator v. Estella A. Hernandez and Lawrence Behery*, Case No. CL-2010-0009727 (Fx. Co. Cir. Ct.) (Lee District)
21. *Eileen M. McLane, Fairfax County Zoning Administrator v. Mai Land Corporation*, Case No. CL-2010-0014967 (Fx. Co. Cir. Ct.) (Mason District)
22. *Eileen M. McLane, Fairfax County Zoning Administrator v. William S. Grammer and Penelope F. Grammer*, Case No. CL-2011-0002180 (Fx. Co. Cir. Ct.) (Springfield District)
23. *Eileen M. McLane, Fairfax County Zoning Administrator v. Christopher F. Trigg and Mi S. Trigg*, Case No. CL-2011-0002185 (Fx. Co. Cir. Ct.) (Springfield District)
24. *Eileen M. McLane, Fairfax County Zoning Administrator v. Leonard Eugene Bumbaca and Priscilla Bumbaca*, Case No. CL-2010-0016332 (Fx. Co. Cir. Ct.) (Mason District)
25. *Eileen M. McLane, Fairfax County Zoning Administrator v. Evelin Y. Mendoza, Sulma Patricia Flores de Sanchez, and Beltran Sanchez Carbajal*, Case No. CL-2010-0017224 (Fx. Co. Cir. Ct.) (Mason District)

26. *Eileen M. McLane, Fairfax County Zoning Administrator v. Manuel Martinez*, Case No. CL-2011-0000216 (Fx. Co. Cir. Ct.) (Mason District)
27. *Eileen M. McLane, Fairfax County Zoning Administrator v. Lawrence G. Rich and Vanessa C. Rich*, Case No. CL-2011-0000231 (Fx. Co. Cir. Ct.) (Providence District)
28. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Christine M. Antal*, Case No. CL-2010-0016994 (Fx. Co. Cir. Ct.) (Sully District)
29. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. William R. Daniel and Monika M. Daniel*, Case No. CL-2011-0005793 (Fx. Co. Cir. Ct.) (Mount Vernon District)
30. *Eileen M. McLane, Fairfax County Zoning Administrator v. Mark Bedell Stamer, Trustee of the Mark Bedell Stamer Trust*, Case No. CL-2011-0005846 (Fx. Co. Cir. Ct.) (Providence District)
31. *Eileen M. McLane, Fairfax County Zoning Administrator v. Julia E. Freeman and Samuel H. King*, Case No. CL-2011-0005858 (Fx. Co. Cir. Ct.) (Mount Vernon District)
32. *Eileen M. McLane, Fairfax County Zoning Administrator v. Denzal L. Williams and Lucille M. Williams*, Case No. CL-2011-0005856 (Fx. Co. Cir. Ct.) (Lee District)
33. *Eileen M. McLane, Fairfax County Zoning Administrator v. Mohammad R. Abu-Ghannam*, Case No. CL-2011-0005918 (Fx. Co. Cir. Ct.) (Hunter Mill District)
34. *Eileen M. McLane, Fairfax County Zoning Administrator v. Patricia S. Cummings*, Case No. CL-2011-0005999 (Fx. Co. Cir. Ct.) (Lee District)

35. *Eileen M. McLane, Fairfax County Zoning Administrator v. Victoriano Zurita, Charles Fredy Zurita Martinez, Sandro Zurita Martinez, Guido Zurita Martinez, Orlex Alexander Zurita Martinez, and Wilmer Genry Zurita Martinez,* Case No. CL-2011-0005998 (Fx. Co. Cir. Ct.) (Mason District)
36. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. George G. Van Massenhove, Suzy E. Van Massenhove, and The Suzy E. Van Massenhove Trust,* Case No. CL-2011-0006000 (Fx. Co. Cir. Ct.) (Mason District)
37. *Eileen M. McLane, Fairfax County Zoning Administrator v. E. Virginia Aguilar,* Case No. CL-2011-0005997 (Fx. Co. Cir. Ct.) (Mason District)
38. *Eileen M. McLane, Fairfax County Zoning Administrator v. Jose I. Pardo and Hilda C. Pardo,* Case No. CL-2011-0006092 (Fx. Co. Cir. Ct.) (Lee District)

And in addition:

- Title Certification Requirements for Easements and Dedications
- *Fairfax County Redevelopment and Housing Authority v. Shadowood Condominium Association, et al.*
- Claim by Ulliman Schutte Construction, LLC, Regarding Contract Number CN09408003, Enhanced Nutrient Removal MBBR and Related Modifications, Noman M. Cole, Jr. Pollution Control Plant
- *Fairfax County Department of Family Services v. Rohi Afzaal, et al.*

Supervisor Herrity seconded the motion and it carried by unanimous vote.

EBE:ebe

At 3:33 p.m., the Board reconvened in the Board Auditorium with all Members being present, with the exception of Supervisor Hyland, and with Chairman Bulova presiding.

(NOTE: Later in the meeting, Chairman Bulova explained the absence of Supervisor Hyland. See Clerk's Summary Item #48.)

ACTIONS FROM CLOSED SESSION

40. **CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN CLOSED SESSION** (3:33 p.m.)

Supervisor Gross moved that the Board certify that, to the best of its knowledge, only public business matters lawfully exempted from open meeting requirements and only such public business matters as were identified in the motion by which closed session was convened were heard, discussed, or considered by the Board during the closed session. Supervisor Foust seconded the motion and it carried by a vote of nine, Supervisor Cook, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting "AYE," Supervisor Hyland being out of the room.

41. **DENIAL OF CLAIM OF ULLIMAN SCHUTTE CONSTRUCTION, LLC, REGARDING CONTRACT NUMBER CN09408003** (3:34 p.m.)

Supervisor Gross moved that the claim of Ulliman Schutte Construction LLC, regarding Contract Number CN09408003 be denied for the reasons outlined by the County Attorney in closed session. Supervisor Foust seconded the motion and it carried by a vote of nine, Supervisor Hyland being out of the room.

42. **AUTHORIZATION FOR THE DEPARTMENT OF CABLE AND CONSUMER SERVICES AND THE COUNTY ATTORNEY'S OFFICE TO FILE A NOTICE OF PARTICIPATION AS A RESPONDENT CONCERNING THE APPLICATION OF VIRGINIA ELECTRIC AND POWER COMPANY** (3:34 p.m.)

Supervisor Foust moved that the Board authorize the Department of Cable and Consumer Services and the County Attorney's Office to file a Notice of Participation as a Respondent Concerning the Application of Virginia Electric and Power Company for a 2011 biennial review of the rates, terms, and conditions for the provision of generation, distribution, and transmission services pursuant to Section 56-585.1A of the Code of Virginia in State Corporation Commission (SCC) Case Number PUE-2011-00027. Supervisor Gross and Supervisor Smyth jointly seconded the motion.

Supervisor Herrity asked unanimous consent that the Board direct staff to provide information regarding whether other localities are filing SCC appeals and to investigate cost sharing with other localities through Northern Virginia Regional Commission (NVRC), or Virginia Association of Counties (VACo). Following discussion, Supervisor Herrity withdrew his request.

The question was called on the motion, and it carried by a vote of nine, Supervisor Hyland being out of the room.

Supervisor Herrity moved that the Board direct staff to investigate the possibility of the County receiving reimbursement from NVRC, VACo, or other localities for some of the cost in preparing for this testimony. Supervisor Cook seconded the motion.

A brief discussion ensued regarding the timeline in providing the testimony.

Following a brief discussion of the motion, Supervisor Herrity clarified that the motion also directs staff to provide information as to whether there are other jurisdictions and organizations providing similar testimony and whether there opportunities for the County to partner with organizations to share the cost of that service.

The question was called on the motion and it carried by a vote of nine, Supervisor Hyland being out of the room.

43. **AUTHORIZATION OF AN APPEAL TO THE COURT OF APPEALS OF VIRGINIA FROM THE FAIRFAX COUNTY CIRCUIT COURT'S DENIAL OF THE DEPARTMENT OF FAMILY SERVICES' PETITIONS FOR TERMINATION OF PARENTAL RIGHTS** (3:39 p.m.)

Supervisor Herrity moved that the Board authorize an appeal to the Court of Appeals of Virginia from the County Circuit Court's denial of the Department of Family Services' petitions for termination of parental rights and approval of the foster care plans with the goal of adoption in the case of *County Department of Family Services v. Rohi Afzaal and Shahid Afzaal*, Case Numbers 2010-0000313 through 2010-0000321 for the reasons outlined by the County Attorney in closed session. Supervisor Cook and Supervisor McKay jointly seconded the motion, and it carried by a vote of nine, Supervisor Hyland being out of the room.

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ADDITIONAL BOARD MATTER

44. **INTRODUCTION OF INTERN IN THE OFFICE OF THE CLERK TO THE BOARD** (3:40 p.m.)

Chairman Bulova introduced Alex Gross, an intern in the Office of the Clerk to the Board. He is a sophomore at Fairfax High School and a resident of the Braddock District. On behalf of the Board, she warmly welcomed him to the Board Auditorium.

AGENDA ITEMS

45. **3:30 P.M. – PH TO SUBLEASE COUNTY-LEASED PROPERTY AT 4027-B OLLEY LANE, FAIRFAX, VA 22032 TO INOVA HEALTH CARE SERVICES, INCORPORATED (BRADDOCK DISTRICT)** (3:40 p.m.)

A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issue of May 13, 2011.

Robert Eiffert, Long Term Care Program Manager, Health Department, presented the staff report.

Discussion ensued, with input from Mr. Eiffert, regarding the lease, the level of care, and the financial impact.

Following the public hearing, which included testimony by two speakers, Supervisor Cook moved that the Board authorize staff to execute a Sublease Agreement with Inova Health Care Services, Incorporated, for the County-leased property at 4027-B Olley Lane, Fairfax, VA, 22032, for the operation of an Adult Day Care Health Center and Program of All-inclusive Care for the Elderly (PACE) at Braddock Glen in substantially the form made available to the Board. Supervisor Gross seconded the motion.

Although not required, Supervisor Gross disclosed that she represents the County on the Inova Board of Trustees.

Supervisor Gross raised a question regarding how this impacts other adult day health centers that are operated by the County. Discussion ensued, with input from Shauna Severo, Assistant Director of Patient Care Services, Health Department.

Additional discussion ensued, with input from Mr. Eiffert, regarding the PACE.

The question was called on the motion and it carried by a vote of nine, Supervisor Hyland being out of the room.

46. **3:30 P.M. – BOARD DECISION ON SPECIAL EXCEPTION APPLICATION SE 2009-MA-026 (GOSSOM FAMILY LIMITED PARTNERSHIP I, RLLLP) (MASON DISTRICT)** (3:58 p.m.)

(NOTE: On February 8, 2011, the Board deferred this public hearing until March 8, 2011. On March 8, 2011, the Board deferred this public hearing until April 26, 2011. On April 26, 2011, the Board held a public hearing regarding this item and deferred decision until May 24, 2011.)

Supervisor Gross moved to defer decision on Special Exception Application SE 2009-MA-026 until **June 21, 2011, at 3:30 p.m.** Supervisor Foust seconded the motion and it carried by a vote of nine, Supervisor Hyland being out of the room.

47. **3:30 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX F, LOCAL AGRICULTURAL AND FORESTAL DISTRICTS, AGRICULTURAL RENEWAL APPLICATION AR 01-H-001-02 (HIU NEWCOMB FAMILY, LLC, MARIETTE H., SARAH, HANA, LANI, CHARLES NEWCOMB, AND ANNA NEWCOMB BRADFORD) (DRANESVILLE DISTRICT)** (4 p.m.)

(O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of May 6 and May 13, 2011.

The application property is located at 9627 Leesburg Pike, Tax Map 19-1 ((14)) Z, 20Z – 23Z and 19-3 ((1)) 42A.

Suzianne Zottl, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff report.

Following the public hearing, which included testimony by one speaker, Ms. Zottl presented the staff and Planning Commission recommendations.

Supervisor Foust moved approval of Agricultural Renewal Application AR 01-H-001-02, and adoption of the proposed amendments to the Code of the County of Fairfax, Appendix F, renewing the Potomac Vegetable Farm II Local Agricultural and Forestal District, subject to the Ordinance provisions dated April 27, 2011. Supervisor McKay seconded the motion and it carried by a vote of nine, Supervisor Cook, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting “AYE,” Supervisor Hyland being out of the room.

48. **3:30 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX F, LOCAL AGRICULTURAL AND FORESTAL DISTRICTS, AGRICULTURAL RENEWAL APPLICATION AR 85-V-002-03 MARTIN B. JARVIS AND VIVIAN I. JARVIS (MOUNT VERNON DISTRICT)** (4:08 p.m.)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of May 6 and May 13, 2011.

The application property is located at 10808 Harley Road, Tax Map 118-2 ((1)) 11Z and 118-2 ((2)) 1Z.

Suzianne Zottl, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff report.

Following the public hearing, which included testimony by one speaker, Ms. Zottl presented the staff and Planning Commission recommendations.

Chairman Bulova announced that Supervisor Hyland had to attend to a family situation and had asked Supervisor McKay to handle this application.

Supervisor McKay, on behalf of Supervisor Hyland, moved approval of Agricultural Renewal Application AR 85-V-002-03, and adoption of the proposed amendments to the Code of the County of Fairfax, Appendix F, renewing the Jarvis Local Agricultural and Forestal District, subject to the Ordinance provisions dated April 27, 2011. Supervisor Foust seconded the motion and it carried by a vote of nine, Supervisor Cook, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting “AYE,” Supervisor Hyland being out of the room.

49. **3:30 P.M. – PH ON REZONING APPLICATION RZ 2010-HM-006 (SEKAS HOMES, LIMITED) (HUNTER MILL DISTRICT)** (4:12 p.m.)

- (O) The application property is located on the north side of Old Courthouse Road, approximately 355 feet west of its intersection with Larkmeade Drive, Tax Map 28-4 ((1)) 29.

Ms. Kelly M. Atkinson reaffirmed the validity of the affidavit for the record.

St. Clair Williams, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, gave a brief description of the application and site location.

Ms. Atkinson had filed the necessary notices showing that at least 25 adjacent and/or interested parties had been notified of the date and hour of this public hearing and she proceeded to present her case.

Following the public hearing, Supervisor Hudgins submitted items for the record.

Mr. Williams presented the staff and Planning Commission recommendations.

Supervisor Hudgins moved:

- Amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2010-HM-006, from the R-1 District to the R-3 District, subject to the proffers dated March 14, 2011.
- Waiver of the Public Facilities Manual requirement for a sidewalk 5-feet in width along the Old Courthouse Road frontage of the property in order to provide a trail 10-feet in width.
- Modification of the Comprehensive Plan Countywide trail requirement along the Old Courthouse Road frontage of the property in order to provide the 10-foot wide trail.
- Deviation of the tree preservation target in favor of that shown on the Generalized Development Plan.

Supervisor Frey seconded the motion and it carried by a vote of nine, Supervisor Cook, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting “AYE,” Supervisor Hyland being out of the room.

50. **3:30 P.M. – PH ON REZONING APPLICATION RZ 2010-LE-013 (WPPI SPRINGFIELD HS, LLC) (LEE DISTRICT)** (4:21 p.m.)

Supervisor McKay moved to defer the public hearing on Rezoning Application RZ 2010-LE-013 until **June 7, 2011, at 3 p.m.** Supervisor Smyth seconded the motion and it carried by a vote of nine, Supervisor Hyland being out of the room.

51. **3:30 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2008-MA-011 (WASHINGTON BAPTIST UNIVERSITY, INCORPORATED) (MASON DISTRICT)** (4:22 p.m.)

Supervisor Gross moved to defer the public hearing on Special Exception Application SE 2008-MA-011 until **June 7, 2011, at 3 p.m.** Supervisor McKay seconded the motion and it carried by a vote of nine, Supervisor Hyland being out of the room.

52. **4 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX M, TO EXPAND THE AMBERWOOD COMMUNITY PARKING DISTRICT (CPD) (HUNTER MILL DISTRICT)** (4:23 p.m.)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of May 6 and May 13, 2011.

Janet Nguyen, Transportation Planner, Department of Transportation, presented the staff report.

Following the public hearing, which included testimony by two speakers, Supervisor Hudgins moved adoption of the proposed amendments to the Code of the County of Fairfax, Appendix M, expanding the Amberwood CPD, in accordance with current CPD restrictions. The proposed CPD expansion encompasses Raglan Road from Gosnell Road to cul-de-sac inclusive. Supervisor Smyth seconded the motion and it carried by a vote of nine, Supervisor Cook, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting “AYE,” Supervisor Hyland being out of the room.

53. **BOARD ADJOURNMENT** (4:28 p.m.)

The Board adjourned.

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