

A Regular Meeting of the County Board of Arlington County, Virginia, held in Room 307 of #1 Courthouse Plaza thereof on Saturday, September 13, 2008 at 8:30 a.m.

PRESENT: J. WALTER TEJADA, Chairman  
BARBARA A. FAVOLA, Vice Chairman  
JAY FISETTE, Member  
MARY HUGHES HYNES, Member  
CHRISTOPHER ZIMMERMAN, Member

ALSO PRESENT: RON CARLEE, County Manager  
STEPHEN MacISAAC, County Attorney  
AUBRYN BENDAR, Acting Clerk

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**\* PUBLIC COMMENT**

Mike Staples, president of the Arlington Professional Firefighters and Paramedics Association, spoke about public safety pay, retirement, and health care benefits.

Anthony Jones spoke about the general employee Retirement Board elections.

Devon Gwyn spoke about overtime for trades employees.

John Swallow spoke about the quality of Arlington County.

Robert Atkins spoke about civic charisma.

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**\* CONSENT ITEMS (ITEMS 1-49) CITIZENS INTERESTED IN REMOVING AN ITEM FROM THE CONSENT AGENDA MUST SUBMIT A SPEAKER SLIP TO THE CLERK AT THE SATURDAY, 13, 2008, MEETING BEFORE 9 A.M. PUBLIC TESTIMONY ON REMOVED ITEMS WILL OCCUR AT THE RECESSED MEETING ON TUESDAY, SEPTEMBER 16, 2008, AT 6:30 P.M. (NO TESTIMONY TAKEN ON SATURDAY).**

On motion by CHRISTOPHER ZIMMERMAN, Member, seconded by BARBARA A. FAVOLA, Vice Chairman and carried by a vote of 5 to 0, the voting recorded as follows: J. WALTER TEJADA, Chairman - Aye, BARBARA A. FAVOLA, Vice Chairman - Aye, JAY FISETTE, Member - Aye, MARY HUGHES HYNES, Member - Aye, CHRISTOPHER ZIMMERMAN, Member - Aye, the County Board approved all consent items except for items #5, #6, #8, #13 and #35 which were pulled from the consent agenda and scheduled for hearing at the September 16, 2008 County Board Recessed Meeting.

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**SITE PLANS/AMENDMENTS/REVIEWS**

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- 1. SP #11 SITE PLAN AMENDMENT: CESC PLAZA LIMITED PARTNERSHIP, CONTINUE EDUCATIONAL USE; 2001 S. CLARK ST., 2001 JEFFERSON DAVIS HIGHWAY (RPC #34-020-023).**

On the consent agenda vote, after a duly advertised public hearing, the Board adopted the following ordinance:

BE IT ORDAINED that, pursuant to application SP #11 on file in the Office of the Zoning Administrator for an amendment to a special exception for a site plan to continue an educational use for the parcel of real property known as 2001 South Clark Street, 2001 Jefferson Davis Highway (RPC #34-020-023), approval is granted and the parcel so described shall be used according to the approval requested by the application, subject to all previously approved conditions, the following amended condition #1, with a County Board review in five (5) years (September 2013):

1. The applicant agrees that the 4,475 square feet of retail space shall be continued as educational use until September 2013 for the sole use of the Institute for the Psychological Sciences. The use shall be reviewed by the County Board at the first public hearing of the month following the expiration of this site plan amendment at which time, if appropriate, the applicant could request continuation of the conversion.

[Board Report #1](#)

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2. **SP #65 SITE PLAN REVIEW: FREE-STANDING SIGN; 320 S. 23RD ST. (CHILI'S, RPC #34-020-030).**

On the consent agenda vote, after a duly advertised public hearing, the Board adopted the following ordinance:

BE IT ORDAINED that, pursuant to application SP #65 on file in the Office of the Zoning Administrator for a review of an amendment to a special exception for a site plan for a free-standing sign for the parcel of real property known as 320 S. 23<sup>rd</sup> Street (Chili's) (RPC #34-020-030), approval is granted and the parcel so described shall be used according to the approval requested by the application, subject all previously approved conditions, with a County Board review in five (5) years (September 2013).

[Board Report #2](#)

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3. **SP #90 SITE PLAN AMENDMENT: BATTELLE MEMORIAL INSTITUTE, AMEND ROOF TOP SIGN; 1550 CRYSTAL DRIVE (RPC #34-020-248).**

On the consent agenda vote, after a duly advertised public hearing, the Board adopted the following ordinance:

BE IT ORDAINED that, pursuant to application SP #90 on file in the Office of the Zoning Administrator for an amendment to a special exception for a site plan for a comprehensive sign plan to modify text and reduce the size of previously approved rooftop tenant sign on eastern façade from 131.38 square feet to 84.6 square feet for the parcel of real property known as 1550 Crystal Drive (Crystal Square II) (RPC #34-020-248), approval is granted and the parcel so described shall be used according to the approval requested by the application, subject to all previously approved conditions, the following revised condition #1, and the following two (2) new conditions:

1. The applicant agrees that the sign illumination of all approved rooftop signs for 1550 Crystal Drive shall be turned off each day no later than midnight and shall remain off until dusk the next evening.
2. The developer agrees that the total sign area permitted for rooftop signs for the Crystal Square II building at 1550 Crystal Drive (SP #90) shall not exceed 409 square feet. This includes the 131.38 square feet permitted for one rooftop level sign that reads "Lockheed Martin" on the western façade, the size, design, location and color of which shall be as shown on the drawings prepared by Signs Unlimited and entitled "Lockheed Martin Exterior Signage Plan," dated May 19, 2003 and approved by the County Board on July 19, 2003, and the 84.6 square feet permitted for one rooftop sign that reads "Battelle" on the eastern façade of the building.
3. The developer agrees that the Battelle rooftop sign shall be of the same materials, dimensions, text and location as shown on the plans prepared by Metro Sign & Design dated August 15, 2008 (Revised), and presented to and approved by the County Board on September 13, 2008. The signs shall be illuminated only as shown on the drawings prepared by Metro Sign & Design and dated August 15, 2008 (Revised).

Minor changes to the approved Battelle rooftop sign may be approved administratively by the Zoning Administrator. For the purposes of the preceding sentence, minor changes shall include only the following: (i) a minor adjustment in the location of the sign to meet field conditions (less than 1 foot in any direction); or (ii) a minor change in the area of the sign (less than 5%). All other changes to the approved rooftop signs will require site plan approval or amendment.

The developer agrees to install a rheostat or other appropriate variable resistor that will allow the developer to adjust the Battelle rooftop sign's lighting intensity from a level of 0 LUX to 500 LUX. The developer further agrees that if the County Manager finds that the intensity of the rooftop sign's lighting has an adverse effect on the surrounding area, the developer will, within 24 hours notice from the County Manager, reduce the intensity of the lights to a level that, in the County Manager's reasonable judgment, will no longer have such an adverse effect.

[Board Report #3](#)

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**4. SP #193 SITE PLAN AMENDMENT: GARY OUELLETTE, LIVE ENTERTAINMENT AND DANCING; 4238 WILSON BLVD. (RPC #14-059-035 AND 14-059-036).**

On the consent agenda vote, after a duly advertised public hearing, the Board adopted the following ordinance:

BE IT ORDAINED that, pursuant to application SP #193 on file in the Office of the Zoning Administrator for an amendment to a special exception for a site plan for live entertainment and dancing for the parcel of real property known as 4238 Wilson Boulevard (RPC #14-059-035 and -036), approval is granted and the parcel so described shall be used according to the approval requested by the application, subject to the following conditions, and with a County Board review in one (1) year (September 2009):

1. The applicant agrees live entertainment shall be permitted only between the hours of 11 a.m. to 1:30 a.m., Monday through Sunday. The customer dancing shall be permitted only between the hours of 5 p.m. to 1:30 a.m., seven days a week.
2. The applicant agrees windows and doors to outside of the restaurant shall be closed during hours of live entertainment and the applicant shall comply with the Arlington County Noise Ordinance. No music shall be piped outside of the restaurant in the public right of way.
3. The applicant agrees that all requirements of County and State Ordinances, the Environmental Health Bureau, the Fire Marshal, the Police Department and the Alcohol Beverage Control Board shall be met.
4. The applicant agrees to obtain a Dance Hall Permit from the Zoning Office before dancing can be allowed.
5. The applicant agrees to identify an on-site liaison that shall be available during the hours of the business operation to receive and respond to community concerns regarding the live entertainment. The name and telephone number of the liaison shall be provided to the Ashton Heights Civic Association, the Ballston-Virginia Square Civic Association, the Bluemont Civic Association, and the Zoning Administrator before issuance of the Certificate of Occupancy.

[Board Report #4](#)

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**5. CLARENDON LIVE ENTERTAINMENT**

- A. SP #194 Site Plan Review (Carry-Over): live entertainment and dancing; 3100 Clarendon Blvd. (SoBe Seafood Co., RPC #19-002-007).
- B. SP #362 Site Plan Review (Carry-Over): live entertainment; outdoor menu box; 2900 Wilson Blvd. (La Tasca, RPC #18-011-001).
- C. U-2873-95-2 Use Permit Review (Carry-Over): live entertainment; 1101 N. Highland St. (Clarendon Grill, RPC #18-013-010).
- D. U-2886-96-3 and U-2861-95-1 Use Permit Review (Carry-Over): WOW Enterprises, Inc., review live entertainment, outdoor seating; 2854 Wilson Blvd. (Whitlow's on Wilson, RPC #18-010-008).

- E. U-2984-00-1 Use Permit Review (Carry-Over): live entertainment; 3185 Wilson Blvd. (Clarendon Ballroom, RPC #15-075-003).
- F. U-3046-02-1 Use Permit Review (Carry-Over): live entertainment and dancing; 2901 Wilson Blvd. (Boulevard Woodgrill, RPC #15-066-019).
- G. U-3050-02-1 Use Permit Review (Carry-Over): live entertainment; 2933 Wilson Blvd. (Mexicali Blues, RPC #15-006-001).
- H. U-3114-04-1 Use Permit Review (Carry-Over): live entertainment; 3207 Washington Blvd (Molly Malone's, RPC #15-078-001).
- I. U-3125-05-1 Use Permit Review (Carry-Over): live entertainment; 2915 Wilson Blvd (Rira Clarendon, RPC #15-006-002).
- J. U-3134-05-2 Use Permit Review (Carry-Over): RTM Investment Group LP, live entertainment; 1041 N. Highland St. (RPC#18-026-004).

This item was removed from the consent agenda and will be heard at the September 16, 2008 County Board Recessed meeting.

[Board Report #5](#)

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- 6. **SP #220 SITE PLAN AMENDMENT (CARRY-OVER): LPC COMMERCIAL SERVICES, INC., CONVERT APPROXIMATELY 12,087 SQUARE FEET OF STORAGE, OFFICE AND FITNESS CENTER SPACE BACK TO PARKING; 2500 WILSON BLVD. (RPC #18-007-011).**

This item was removed from the consent agenda and will be heard at the September 16, 2008 County Board Recessed meeting.

[Board Report #6](#)

[Board Report #6-Supplemental](#)

[Board Report #6-Supplemental #2](#)

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- 7. **SP #346 SITE PLAN AMENDMENT (CARRY-OVER): MARKET SQUARE AT POTOMAC YARD LLC, AMEND COMPREHENSIVE SIGN PLAN; 3600 S. GLEBE ROAD, (RPC #34-027-030, -054, -067, -074).**

On the consent agenda vote, after a duly advertised public hearing, the Board adopted the following ordinance:

BE IT ORDAINED that, pursuant to application SP #346 on file in the Office of the Zoning Administrator for an amendment to a special exception for a site plan to amend the comprehensive sign plan for the parcel of real property known as 3600 South Glebe Road (RPC #34-027-030, -054, -067, -074), approval is granted and the parcel so described shall be used according to the approval requested by the application, subject to the following condition:

- 1. The developer agrees that all signs shall be of the same materials, dimensions, text and location as presented to and approved by the County Board on September 13, 2008 and as shown on plans dated September 7, 2006 titled "Retail Signs". The signs shall be illuminated only as shown on the drawings with hours of illumination limited to dusk, to 11 p.m. daily. Minor changes to the approved signs may be approved administratively by the Zoning Administrator. For the purposes of the preceding sentence, minor changes shall include only the following: (i) a minor adjustment in the location of the

sign to meet field conditions (less than 1 foot in any direction); or (ii) either a minor change in the area of the sign (less than 5%) or the total sign area does not exceed 939.85 square feet. All other changes to the approved signs will require site plan approval or amendment.

[Board Report #7](#)

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8. **SP #397 SITE PLAN AMENDMENT: SAUL CENTERS, INC., MODIFY CONDITIONS #33, #42, #77, AND #78, REGARDING: TIMING OF PERMITS AND PERMANENT PRESERVATION EASEMENTS; 3000, 3028 WILSON BLVD., 1101 N. HIGHLAND ST., 3030 CLARENDON BLVD., 1200 N. GARFIELD ST., (RPC #18-012-003, -004, 18-013-007, -010, -011).**

This item was removed from the consent agenda and will be heard at the September 16, 2008 County Board Recessed meeting.

[Board Report #8](#)

[Board Report #8-Supplemental](#)

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**USE PERMITS REQUEST/REVIEWS/AMENDMENTS**

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9. **U-2556-87-5 USE PERMIT REVIEW: CHILDCARE CENTER; 2425 N. GLEBE ROAD (CHMS, RPC #02-062-006, -008).**

On the consent agenda vote, after a duly advertised public hearing, the Board adopted the following ordinance:

BE IT ORDAINED that, pursuant to application U-2556-87-5 on file in the Office of the Zoning Administrator for renewal of a special exception for a use permit for a childcare center for the parcel of real property known as 2425 North Glebe Road (RPC #02-062-006, -008), approval is granted and the parcel so described shall be used according to the use permit approval requested by the application, subject to all previously approved conditions, with a review by the County Board in one (1) year (September 2009).

[Board Report #9](#)

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10. **U-2823-94-4 USE PERMIT AMENDMENT: CRICKET COMMUNICATIONS, INC., COLLOCATE UP TO SIX ANTENNAS AND THREE EQUIPMENT CABINETS ON EXISTING WATER TANK; 2400 N. WAKEFIELD ST. (RPC #05-005-072).**

On the consent agenda vote, after a duly advertised public hearing, the Board deferred consideration of the use permit request to the October 18, 2008, County Board Meeting.

[Board Report #10](#)

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11. **U-2914-97-5 USE PERMIT REVIEW: ELEMENTARY SCHOOL; 5700 LEE HIGHWAY (RIVENDELL SCHOOL, RPC 310-002-001, -007).**

On the consent agenda vote, after a duly advertised public hearing, the Board deferred consideration of the use permit review to the November 15, 2008, County Board meeting.

[Board Report #11](#)

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**12. U-2961-99-1 USE PERMIT REVIEW (CARRY-OVER): FAMILY DAYCARE; 2345 N. DICKERSON ST. (MABEL ESPINOZA, RPC #08-001-110).**

On the consent agenda vote, after a duly advertised public hearing, the Board adopted the following ordinance:

BE IT ORDAINED that, pursuant to application U-2961-99-1 on file in the Office of the Zoning Administrator for renewal of a special exception for a use permit for a family day care for nine (9) children for the parcel of real property known as 2345 N. Dickerson Street (RPC #08-001-110), approval is granted and the parcel so described shall be used according to the use permit approval requested by the application, subject to all previously approved conditions, with an administrative review in one (1) year (September 2009) and a review by the County Board in five (5) years (September 2013).

[Board Report #12](#)

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**13. U-2968-99-1 USE PERMIT REVIEW: OUTDOOR CAFÉ; 3028 WILSON BLVD. (HARD TIMES CAFÉ, RPC #18-012-003).**

This item was removed from the consent agenda and will be heard at the September 16, 2008 County Board Recessed meeting.

[Board Report #13](#)

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**14. U-3064-03-1 USE PERMIT REVIEW: AUTO WINDOW TINTING AND SALE OF AUTO ACCESSORIES; 4615 COLUMBIA PIKE (SONIC TINT, RPC #23-037-004).**

On the consent agenda vote, after a duly advertised public hearing, the Board adopted the following ordinance:

BE IT ORDAINED that, pursuant to application U-3064-03-1 on file in the Office of the Zoning Administrator for renewal of a special exception for a use permit for auto window tinting and sale of auto accessories for the parcel of real property known as 4615 Columbia Pike (Sonic Tint) (RPC #23-037-004), approval is granted and the parcel so described shall be used according to the use permit approval requested by the application, subject to all previously approved conditions, the following one (1) amended condition #2, the one (1) deleted condition #4, and with a County Board review in five (5) years (September 2013):

2. The applicant agrees to limit the hours of operation to 10:00 a.m. to 7:00 p.m., Monday to Sunday, seven days a week.

[Board Report #14](#)

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**15. U-3073-04-1 USE PERMIT REVIEW: FOOD DELIVERY SERVICE; 2041 N. 15TH ST. (JERRY'S SUBS & PIZZAS, RPC #18-001-001).**

On the consent agenda vote, after a duly advertised public hearing, the Board adopted the following ordinance:

BE IT ORDAINED that, pursuant to application U-3073-04-1 on file in the Office of the Zoning Administrator for renewal of a special exception for a use permit for food delivery service for the parcel of real property known as 2041 N. 15<sup>th</sup> Street (Jerry's Subs & Pizza) (RPC #18-001-001), approval is granted and the parcel so described shall be used according to the use permit approval requested by the application, subject to all previously approved conditions, and with a County Board review in five (5) years (September 2013).

[Board Report #15](#)

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**16. U-3079-04-1 USE PERMIT AMENDMENT: DSF COLUMBIA CENTER, LLC, MODIFICATION FOR BUILDING SIGN; 1028 S. WALTER REED DRIVE (RPC #32-006-028).**

On the consent agenda vote, after a duly advertised public hearing, the Board adopted the following ordinance:

BE IT ORDAINED that, pursuant to application U-3079-04-1 on file in the Office of the Zoning Administrator for a special exception for a use permit for modification of a building sign for the parcel of real property known as 1028 S. Walter Reed Drive (RPC #32-006-028), approval is granted and the parcel so described shall be used according to the use permit approval requested by the application, subject to all previously approved conditions, the following new condition #22:

- 22. The developer agrees to develop and submit a comprehensive sign plan to the Zoning Administrator and that all exterior signs (including identification and directional signage) shall be consistent with the regulations contained within the Columbia Pike Form Based Code (Section 20. – Appendix A of the Zoning Ordinance), and meet, where not covered in the Form Based Code, the guidelines contained in "Sign Guidelines for Site Plan Buildings" and Section 34 of the Zoning Ordinance. The Zoning Administrator shall determine whether the signs meet the Form Based Code regulations and, where applicable, the standards of the guidelines and the Ordinance. No sign permits will be issued until a comprehensive sign plan is approved. The developer agrees to obtain approval from the Zoning Administrator of the comprehensive sign plan before the issuance of the Last Partial Certificate of Occupancy. A building sign to be located on the building mast, that is generally consistent with the overall size, dimensions, and placement as shown on plans dated October 29, 2007, may be administratively reviewed and approved by the Zoning Administrator.

The developer further agrees that the only types of retail signs that shall be permitted shall be consistent with types of signs permitted by the Columbia Pike Form Based Code and shall include some or all of the following: building wall signs; blade signs; window signs; carved, painted or sculptural signs; canopy or awning signs; and logo signs. Individual tenants must apply for and obtain sign permits, including the design, colors, and materials of the signs, which shall be reviewed by the Zoning Administrator to ensure consistency with the comprehensive sign plan.

[Board Report #16](#)

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**17. U-3095-04-3 USE PERMIT REVIEW: AUTOMOTIVE REPAIR SHOP; 67 N. GLEBE ROAD (BEZUNEHE S. BESHE, RPC #20-033-003).**

On the consent agenda vote, after a duly advertised public hearing, the Board adopted the following ordinance:

BE IT ORDAINED that, pursuant to application U-3095-04-3 on file in the Office of the Zoning Administrator for renewal of a special exception for a use permit for an automotive repair shop for the parcel of real property known as 67 North Glebe Road (RPC #20-033-003), approval is granted and the parcel so described shall be used according to the use permit approval requested by the application, subject to all previously approved conditions, with an administrative review in six (6) months (April 2009) and a review by the County Board in one (1) year (September 2009).

[Board Report #17](#)

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**18. U-3139-05-1 USE PERMIT REVIEW (CARRY-OVER): CHILD CARE CENTER; 825 S. 23RD ST. (MARIA TERESA DESABA, RPC #36-031-005).**

On the consent agenda vote, after a duly advertised public hearing, the Board deferred consideration of the

use permit review to the December 13, 2008, County Board meeting.

[Board Report #18](#)

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**19. U-3158-06-1 USE PERMIT REVIEW: DUNIA CARPIO, CHILDCARE FOR NINE (9) CHILDREN; 5718 ARLINGTON BLVD. (RPC #21-011-005).**

On the consent agenda vote, after a duly advertised public hearing, the Board discontinued the subject use permit for a family daycare home for nine (9) children at 5718 Arlington Boulevard.

[Board Report #19](#)

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**20. U-3201-08-1 USE PERMIT: PARVEEN SINGH, HOME DAY CARE FOR NINE (9) CHILDREN; 5738 N. CARLIN SPRINGS ROAD (RPC #12-039-005).**

On the consent agenda vote, after a duly advertised public hearing, the Board adopted the following ordinance:

BE IT ORDAINED that, pursuant to application U-3201-08-1 on file in the Office of the Zoning Administrator for a special exception for a use permit for family day care for nine (9) children for the parcel of real property known as 5738 N. Carlin Springs Road (RPC #12-039-005), approval is granted and the parcel so described shall be used according to the use permit approval requested by the application, subject to the following conditions, and with a review by the County Board in one (1) year (September 2009):

1. The applicant agrees to meet the requirements of the Child Care Ordinance, Community Code Enforcement Office, Environmental Health Bureau and the Fire Marshall's Office, including securing the appropriate assembly permit prior to the issuance of a Certificate of Occupancy.
2. The applicant agrees that parents of children receiving care shall escort their children both to and from the home at all times.
3. The applicant agrees to make at least one unobstructed off-street parking space available to parents for pick-up and drop-off, as depicted on the proposed parking plan. All off-street parking shall at no time impede access to any neighboring property or driveway.
4. The applicant agrees that the hours of operation are Monday through Friday between 6 a.m. and 6 p.m.

[Board Report #20](#)

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**21. U-3202-08-2 USE PERMIT: NEW CINGULAR WIRELESS PCS, LLC, INSTALLATION OF WIRELESS TELECOMMUNICATIONS FACILITY, ANTENNAS, AND GROUND EQUIPMENT; 2305 S. WALTER REED DRIVE (RPC #29-002-027).**

On the consent agenda vote, after a duly advertised public hearing, the Board deferred consideration of the use permit to the October 18, 2008, County Board meeting.

[Board Report #21](#)

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**22. U-3203-08-1 USE PERMIT: ART DISPLAY COMPANY, COMPREHENSIVE SIGN PLAN; 5100A S. 8TH ROAD (RPC #22-014-131, -400).**

On the consent agenda vote, after a duly advertised public hearing, the Board adopted the following ordinance:

BE IT ORDAINED that, pursuant to application U-3203-08-1 on file in the Office of the Zoning Administrator for a special exception for a use permit for a comprehensive sign plan for the parcel of real property known as 5100A 8<sup>th</sup> Road South (RPC #22-014-131, -400), approval is granted and the parcel so described shall be used according to the use permit approval requested by the application, subject to the following conditions:

1. The applicant agrees to limit the total freestanding signs to a maximum of one (1) freestanding building identification sign, four (4) freestanding permit parking signs, and one (1) freestanding leasing office sign. The building identification sign shall be as shown on the drawing submitted to Arlington County from Art Display Company and dated 5/12/08 and approved by the County Board on September 13, 2008. The total area of the building identification sign shall be no more than 17.6 square feet and 4.08 feet tall from the base. The placement of the building identification sign shall be as on the plat from Art Display Company dated 3/10/08 and approved by the County Board on September 13, 2008. The four (4) freestanding permit parking signs and one (1) freestanding leasing office sign shall be as shown and at the locations as shown on the drawings submitted to Arlington County from Art Display Company and dated 3/10/08 and approved by the County Board on September 13, 2008. The total area of the four (4) freestanding signs shall not exceed eight (8) square feet each and five (5) feet in height. The leasing office sign shall not exceed 8.69 square feet and five (5) feet in height. None of the signs shall be illuminated.
2. The applicant agrees that the area at the base of the freestanding building identification sign shall be landscaped with perennial ground cover or seasonal flowers planted in an area not less than two (2) feet in width at the base.
3. The applicant agrees to obtain from the Zoning Office retroactive sign permits for the (4) freestanding permit parking signs, and one (1) freestanding leasing office sign, and a sign permit for the proposed monument identification sign.

[Board Report #22](#)

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**23. U-3204-08-1 USE PERMIT: KIANI BROTHER IV, INC., CARRYOUT AND FOOD DELIVERY; 768 S. 23RD ST. (RPC #36-039-003).**

On the consent agenda vote, after a duly advertised public hearing, the Board deferred consideration of the use permit review to the October 18, 2008, County Board Meeting.

[Board Report #23](#)

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**VACATIONS, EASEMENTS, RIGHTS OF WAY, ENCROACHMENTS & LEASES**

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**24. APPROVAL OF A FIRST AMENDED CRANE SWING LICENSE AGREEMENT, AND AUTHORIZATION TO CONVEY FIRST AMENDED DEED OF TEMPORARY PARKING EASEMENT AND FIRST AMENDED DEED OF TEMPORARY EASEMENT AND CONSTRUCTION AGREEMENT, ALL BETWEEN COUNTY BOARD OF ARLINGTON COUNTY, VIRGINIA AND NORTH TRACT APARTMENTS LLC, AFFECTING PORTIONS OF PROPERTY OWNED BY THE COUNTY BOARD, KNOWN AS PARCEL 15, POTOMAC YARD ARLINGTON, ARLINGTON COUNTY, VIRGINIA, RPC # 34-024-347.**

On the consent agenda vote, after a duly advertised public hearing, the Board took the following actions:

1. Approved the First Amended Crane Swing License Agreement (“Crane Swing Agreement”), attached to the County Manager’s August 22, 2008 report as Attachment 1, between the County and NTA,

concerning the entry over, under, and upon portions of the County Parcel, known as Parcel 15, Potomac Yard Arlington, Arlington County, Virginia, RPC #34024347;

2. Authorized the conveyance of the Deed of Temporary Parking Easement (“Parking Easement”), attached to the County Manager’s August 22, 2008 report as Attachment 2, and the Deed of Temporary Easement and Construction Agreement (“Construction Easement”), attached to the County Manager’s August 22, 2008 report as Attachment 3, from the County to NTA, within portions of the County Parcel, known as Parcel 15, Potomac Yard Arlington, Arlington County, Virginia, RPC #34024347;
3. Authorized the Real Estate Bureau Chief, Department of Environmental Services, to execute, on behalf of the County, the Crane Swing Agreement, the Parking Easement, and the Construction Easement (jointly, the “Agreements”), and all related documents, subject to approval as to form by the County Attorney; and
4. Authorized the Real Estate Bureau Chief, Department of Environmental Services, to extend the term of the Agreements, on a month-to-month basis, and to terminate the Agreements.

[Board Report #24](#)

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**25. APPROVAL OF A RIGHT OF WAY AGREEMENT, BETWEEN THE COUNTY BOARD OF ARLINGTON COUNTY, VIRGINIA AND VIRGINIA ELECTRIC AND POWER COMPANY, FOR ELECTRIC TRANSFORMER SERVING THE NEW FIRE STATION NUMBER 3, LOCATED ADJACENT TO THE SOUTHWESTERN SIDE OF CURRENT 21ST ROAD NORTH BETWEEN LEE HIGHWAY AND NORTH STAFFORD STREET (RPC #06-012-018).**

On the consent agenda vote, after a duly advertised public hearing, the Board took the following actions:

1. Approved the Right of Way Agreement (“Agreement”) in the County Manager’s September 1, 2008 report between the County Board of Arlington County, Virginia (“County” or “County Board”) and Virginia Electric and Power Company (“DVP”) for an electric transformer serving the new Fire Station Number 3, located adjacent to the southwestern side of the current 21<sup>st</sup> Road North between Lee Highway and N. Stafford Street (RPC No. 06012018); and
2. Authorized the Real Estate Bureau Chief, Engineering and Capital Projects Division, Department of Environmental Services, to execute, on behalf of the County Board, the Agreement, after the County obtains fee simple title to the real property which is the subject of the Agreement, and subject to approval as to form by the County Attorney.

[Board Report #25](#)

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**26. AUTHORIZATION TO ACCEPT DEED OF EASEMENT FOR THE DEPARTMENT OF ENVIRONMENTAL SERVICES PROJECT ON PROPERTY LOCATED AT 4834 24TH ST. NORTH, ARLINGTON, VIRGINIA (RPC NO. 05011007).**

On the consent agenda vote, the Board took the following actions:

1. Approved the Deed of Easement in the County Manager’s August 19, 2008 report for Public Sidewalk, Utilities and Storm Drainage Purposes on property at 4834 24th St. North, Arlington, Virginia (RPC No. 05011007); and
2. Authorized the Real Estate Bureau Chief, Engineering and Capital Projects Division, Department of Environmental Services, to execute, on behalf of the County Board, the Deed of Easement (“Deed”), subject to approval as to Form by the County Attorney.

[Board Report #26](#)

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**27. APPROVAL OF AN OFFER TO PURCHASE AND ADJACENT LANDOWNER’S AFFIDAVIT FOR THE ACQUISITION BY THE COUNTY BOARD OF CERTAIN PROPERTY ADJACENT TO THE COUNTY’S PROPERTY KNOWN AS 3346 SOUTH GLEBE ROAD, ARLINGTON COUNTY, VIRGINIA (RPC # 37036002).**

On the consent agenda vote, the Board took the following actions:

1. Approved the Offer to Purchase and Adjacent Landowner’s Affidavit (the “Agreement”) in the County Manager’s August 6, 2008 report by The County Board of Arlington County, Virginia (“Buyer”) for the acquisition from the Commonwealth of Virginia, Department of Transportation (“Seller”) of approximately 5,466 square feet of land (0.126 acre), and more particularly described in Exhibit B of the County Manager’s August 6, 2008 report (the “Property”);
2. Authorized the Real Estate Bureau Chief, Department of Environmental Services, or his designee, to execute the Agreement on behalf of The County Board of Arlington County, Virginia, subject to approval as to form by the County Attorney; and
3. Authorized the Real Estate Bureau Chief, Department of Environmental Services, or his designee, to accept, on behalf of the County Board, the deed and all related documents necessary for the acquisition, subject to approval as to form of all documents by the County Attorney.

[Board Report #27](#)

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**28. ADOPTION OF TECHNICAL ADJUSTMENTS TO THE CODE OF ARLINGTON COUNTY, VIRGINIA, CONCERNING THE COLLECTION OF FINES FOR PARKING VIOLATIONS AND CONTESTS OF CITATIONS.**

On the consent agenda vote, after a duly advertised public hearing, the Board approved the proposed amendments to the Code of Arlington County, Virginia, to amend Section §14.2-95, Collection of Fines for Parking Violations and Contests of Citations as set forth in the document entitled “Addendum 9-13-08-A – Section 14.2-95” attached for the public record to these minutes.

[Addendum 9-13-08-A – Section 14.2-95](#)

[Board Report #28](#)

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**ORDINANCES, PLANS AND POLICIES**

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**CAPITAL PROJECTS**

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**29. APPROVE THE AWARD OF AMENDMENT NUMBER 2 TO AGREEMENT NUMBER 178-07 BETWEEN OCLUS AND THE COUNTY BOARD FOR MASTER PLANNING SERVICES ON THE MOSAIC PARK PROJECT.**

On the consent agenda vote, the Board approved Amendment Number 2 to Agreement Number 178-07

between OCULUS and the County Board to provide master planning services for the Mosaic Park Project in the amount of \$30,440, and authorized additional funds in the amount of \$4,560 as a contingency for any additional services within the scope of Amendment Number 2; and authorized the Purchasing Agent to execute the contract documents, subject to review by the County Attorney.

[Board Report #29](#)

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**30. APPROVAL OF THE AWARD OF THE CONTRACT FOR THE NEW HOUSEHOLD HAZARDOUS MATERIAL DROP-OFF FACILITY; 538 SOUTH 31ST STREET, ARLINGTON COUNTY WATER POLLUTION PLANT. INVITATION TO BID. NO. 369-08.**

On the consent agenda vote, the Board:

1. Approved the award of Contract No. 369-08 to the lowest responsible bidder, Alpha Construction Company, Incorporated for the civil, structural and architectural work at 538 South 31<sup>st</sup> Street, HHM Project in the total amount \$905,000.00. The Total amount includes a base contract price of \$787,000.00 and a contingency of \$118,000.00; and
2. Authorized the Purchasing Agent to execute the Contract Documents for the HHM facility project, subject to legal review by the County Attorney.

[Board Report #30](#)

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**APPROPRIATIONS, GRANT APPLICATIONS & OTHER CONTRACTS**

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**31. VIRGINIA COMMISSION ON THE ARTS GRANT FOR CULTURAL AFFAIRS**

On the consent agenda vote, the Board authorized the County Manager to accept \$15,000 in state grant funds awarded by the Virginia Commission on the Arts; and appropriated \$15,000 in state grant funds from the Virginia Commission on the Arts to the Department of Parks, Recreation and Cultural Resources to support the redesign and rebuild of the [www.arlingtonarts.org](http://www.arlingtonarts.org) website, upgrade the electronic newsletter, promote the new website, and build the capacity of Arlington arts organizations to utilize the internet for marketing.

[Board Report #31](#)

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**32. AUTHORIZE THE COUNTY MANAGER TO ACCEPT \$68,100 FROM THE VIRGINIA DEPARTMENT OF MOTOR VEHICLES (DMV) FOR THE FY 2009 DMV HIGHWAY SAFETY GRANT**

On the consent agenda vote, the Board authorized the County Manager to accept \$68,100 in awarded funds related to the FY 2009 Highway Safety Program

[Board Report #32](#)

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**33. VIRGINIA DEPARTMENT OF HEALTH BUDGET CARRYOVER FUNDS FOR BASE FUNDS, PANDEMIC INFLUENZA FUNDS, AND CITIES READINESS INITIATIVE FUNDS.**

On the consent agenda vote, the Board Appropriate \$64,271 from the Virginia Department of Health to the Department of Human Services to purchase pandemic influenza outreach materials and emergency supplies.

[Board Report #33](#)

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**34. ARLINGTON COUNTY'S EXPRESSION OF INTEREST TO BECOME A "COMPREHENSIVE ONE-STOP" WORKFORCE DEVELOPMENT CENTER AND REQUIRED DOCUMENTS REGARDING THE ADMINISTRATION OF THE WORKFORCE INVESTMENT ACT AND THE WORKFORCE INVESTMENT BOARD.**

On the consent agenda vote, the Board approved and authorized the endorsement of Arlington County's expression of interest to participate in the Commonwealth of Virginia's "comprehensive one-stop" workforce center initiative (Attachment A of the County Manager's September 4, 2008 report); and authorized the endorsement of renewal documents from the Commonwealth of Virginia to continue the administration of the Workforce Investment Act program: Workforce Investment Act Grant Agreement Between the Virginia Community College System and Local Workforce Investment Area XII (Attachment B of the County Manager's September 4, 2008 report); Workforce Investment Board Nomination Form(s) (Attachment C of the County Manager's September 4, 2008 report); and Workforce Investment Board Certification Form (Attachment D of the County Manager's September 4, 2008 report).

[Board Report #34](#)

[Board Report #34-Attachment A](#)

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**35. REVISED DEPARTMENTAL APPROPRIATIONS RESULTING FROM STATE BUDGET CUTS.**

This item was removed from the consent agenda and will be heard at the September 16, 2008 County Board Recessed meeting.

[Board Report #35](#)

[Board Report #35-Attachment](#)

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**36. ARLINGTON COMMUNITY SERVICES BOARD FY 2009 PERFORMANCE CONTRACT WITH VIRGINIA DEPARTMENT OF MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE SERVICES**

On the consent agenda vote, the Board approved the FY 2009 Performance Contract in the County Manager's September 3, 2008 report between the Arlington Community Services Board and the Virginia Department of Mental Health, Mental Retardation and Substance Abuse Services.

[Board Report #36](#)

[Board Report #36-Attachment](#)

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**37. AUTHORIZATION AND APPROPRIATION OF GOVERNMENT SERVICES ADMINISTRATION GRANT FOR ARLINGTON ECONOMIC DEVELOPMENT TO STUDY THE FUTURE OF THE FEDERAL WORKFORCE IN ARLINGTON AND ALEXANDRIA GRANT.**

On the consent agenda vote, the Board accepted \$90,000 in grant funds from the United States General Services Administration and authorized the County Manager to sign grant documents as needed; appropriated in FY 2009, \$90,000 in grant fund revenue and expenditures to Arlington Economic Development to fund a study titled "Envisioning the Future of the Federal Workplace in Arlington and Alexandria, Virginia"; and

authorized 1.8 temporary grant funded FTEs.

[Board Report #37](#)

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**REQUESTS TO ADVERTISE**

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**38. REQUEST TO ADVERTISE AMENDMENTS TO CHAPTER 9.2, FOOD AND FOOD HANDLING CODE OF THE ARLINGTON COUNTY CODE-APPLICATION PROCESSING FEE**

On the consent agenda vote, the Board authorized an advertisement for a public hearing on October 18, 2008, for the proposed amendments to Chapter 9.2 of the Arlington County Code to increase the application processing fee for food establishments from \$65 to \$100.

[Board Report #38](#)

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**39. REQUEST TO ADVERTISE AMENDMENT TO CHAPTER 6 (CIVIL SERVICE) OF THE ARLINGTON COUNTY CODE.**

On the consent agenda vote, the Board authorized an advertisement for a public hearing on October 18, 2008, for the proposed amendment to Chapter 6 (Civil Service) of the Arlington County Code.

[Board Report #39](#)

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**OTHER**

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**40. APPROVAL OF AN AGREEMENT BETWEEN THE COUNTY BOARD AND THE COMMONWEALTH OF VIRGINIA, DEPARTMENT OF TRANSPORTATION (VDOT) FOR THE DEVELOPMENT AND ADMINISTRATION OF TRANSPORTATION SYSTEM MANAGEMENT & COMMUNICATIONS PLANT UPGRADE.**

On the consent agenda vote, the Board approved the agreement in the County Manager's September 2, 2008 report between the County Board of Arlington, Virginia and the Commonwealth of Virginia, Department of Transportation (VDOT) for the development and administration of Transportation System Management & Communications Plant Upgrade and authorized the County Manager or his designee on behalf of the County Board to execute the agreement, after approval as to form by the County Attorney; and approved and appropriated \$960,000.00 in Regional Surface Transportation Program funds (with State matching funds) previously awarded to the County for the Preliminary Engineering phase of the Transportation System Management & Communications Plant Upgrade project and allocated to the (313-43514-T99S-0319-0000) expense account. These expenses will be fully reimbursed by VDOT.

[Board Report #40](#)

[Board Report #40-Attachment](#)

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**41. APPROVAL OF AN AGREEMENT BETWEEN ARLINGTON COUNTY AND TRAFFICLAND, INC. PERMITTING THE REFORMULATION OF COUNTY'S STREAMING VIDEO OF TRAFFIC CONDITIONS**

**INTO STILL ("JPEG") IMAGES.**

On the consent agenda vote, the Board approved the agreement in the County Manager's September 2, 2008 report between the County Board of Arlington County, Virginia and TrafficLand, Inc. ("TrafficLand") permitting TrafficLand to obtain and reformulate streaming video of traffic conditions into still images from the County's real-time traffic surveillance systems ("Data") and to publish such data on the TrafficLand public website to provide traffic information to the public; and authorized the County Manager or his designee on behalf of the County Board to execute the agreement, subject to approval as to form by the County Attorney.

[Board Report #41](#)

[Board Report #41-Attachment](#)

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**42. AUTHORIZATION FOR THE COUNTY MANAGER TO ENTER RECIPROCAL AGREEMENTS WITH FEDERAL, STATE AND LOCAL JURISDICTIONS FOR LAW ENFORCEMENT PURPOSES.**

On the consent agenda vote, the Board authorized the County Manager or his designee to enter into reciprocal law enforcement agreements to the extent provided for in Virginia Code Sections 15.2-1724 and 15.2-1726 through 15.2-1729 and to ratify any such existing agreements.

[Board Report #42](#)

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**43. MODIFICATION OF LOAN TERMS OF TWO AFFORDABLE HOUSING INVESTMENT FUND/HOME/CDBG LOANS TO ARLINGTON PARTNERSHIP FOR AFFORDABLE HOUSING (APAH) OR ITS COUNTY-APPROVED AFFILIATE FOR COLUMBIA GROVE APARTMENTS.**

On the consent agenda vote, the Board approved the subordination of the new Affordable Housing Investment Fund (AHIF) loan to APAH, or its designated County-approved ownership affiliate, to the existing HOME and Community Development Block Grant (CDBG) loan with a current balance of approximately \$5.5 million and subordinate both County loans to a new primary loan up to \$16 million; and authorized the County Manager to execute, subject to approval by the County Attorney, a Standstill Agreement for the 2003 HOME and CDBG loan.

[Board Report #43-Revised](#)

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**44. PRIORITIES FOR FISCAL YEAR 2010 CONGESTION MITIGATION AND AIR QUALITY AND REGIONAL SURFACE TRANSPORTATION PROGRAM FUNDING PRIORITIES**

On the consent agenda vote, the Board endorsed the priorities for Fiscal Year 2010 Congestion Mitigation and Air Quality and Regional Surface Transportation Program funding as shown in Table 1 of the County Manager's August 21, 2008 report.

[Board Report #44](#)

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**45. RESOLUTION ENDORSING STATE TRANSPORTATION REVENUE SHARING APPLICATION**

On the consent agenda vote, the Board adopted the following resolution supporting an application to the Virginia Department of Transportation for allocation of state funds through the Fiscal Year 2008-09 Revenue Sharing Program, and pledge a County-funded match of \$1,050,000:

**RESOLUTION ENDORSING REVENUE SHARING APPLICATION**

**WHEREAS**, the Arlington County Board desires to submit an application for an allocation of funds of up to \$2,050,000 (\$1,050,000 in local funds and \$1,000,000 in state funds) through the Virginia Department of Transportation Fiscal Year 2008-2009 Revenue Sharing Program; and,

**WHEREAS**, these funds are requested to fund the following projects:

- Countywide Light Emitting Diode (LED) Change-Out (\$250,000)
- Columbia Pike – Wakefield to Four Mile Run (\$1,150,000)
- Old Dominion Drive Phase II (\$450,000)
- Kirkwood Road Pedestrian Improvements (\$200,000)

**NOW, THEREFORE, BE IT RESOLVED THAT:** The Arlington County Board hereby supports this application for an allocation of \$2,050,000 through the Virginia Department of Transportation Revenue Sharing Program.

Adopted by the County Board of Arlington County, Virginia on this 13th day of September, 2008.

County Board of Arlington County, Virginia

[Board Report #45](#)

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**46. PRIORITIES FOR FISCAL YEAR 2010 STATE AND FEDERAL FUNDING FOR CONSIDERATION BY THE COMMONWEALTH TRANSPORTATION BOARD.**

On the consent agenda vote, the Board endorsed the priorities, listed in Table 1 of the County Manager's August 18, 2008 report, for Fiscal Year 2010 State and Federal Funding, for consideration by the Commonwealth Transportation Board.

[Board Report #46](#)

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**47. WITHDRAWAL OF A REQUEST FOR A PUBLIC HEARING TO CONSIDER THE APPLICATION OF CAVALIER IP TV, LLC ("CAVALIER") FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY FOR CABLE TELEVISION.**

On the consent agenda vote, the Board accepted the withdrawal of an application of Cavalier IP TV, LLC for a certificate of public convenience and necessity for cable television and withdrawal of Cavalier's request for public hearing, September 13, 2008.

[Board Report #47](#)

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**48. PRESENTATION OF DELINQUENT TAX ACCOUNTS.**

On the consent agenda vote, the Board adopted the following resolution concerning the annual presentation of lists of delinquent taxes by the Treasurer:

**RESOLUTION CONCERNING ANNUAL LISTS OF DELINQUENT TAXES  
SUBMITTED BY THE TREASURER**

Be it resolved by the County Board of Arlington, Virginia that:

1. Pursuant to Code of Virginia §58.1-3924, the Treasurer is directed to certify to the Director of Real Estate Assessments the 2008 list of real estate on the Arlington Land Book improperly placed

thereon or not ascertainable;

2. Pursuant to Code of Virginia §58.1-3924, the Treasurer is directed to publish those real estate and personal property accounts he deems advisable, that is those accounts which equal or exceed \$1,000.00 from the lists mentioned in subdivisions 2 and 3 of Virginia Code §58.1-3921 in 2008; and
3. Pursuant to Code of Virginia §58.1-3924, the Treasurer is given credit for the tax amounts included in the lists mentioned in subdivisions 4 and 5 of Code of Virginia §58.1-3921 in 2008; and
4. Pursuant to Code of Virginia Code §58.1-3933, the Treasurer is directed to continue to collect delinquent taxes on subjects other than real estate until the expiration of the appropriate statute of limitations (§58.1-3940).

Board Report #48

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**49. MINUTES.**

On the consent agenda vote, the Board approved the minutes from the June 17, 2008 Regular Meeting; June 24, 2008 Recessed Meeting; July 19, 2008 Regular Meeting; and July 21, 2008 Recessed Meeting.

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REGULAR HEARING ITEMS

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**50. ADOPTION OF THE NEW NEIGHBORHOOD TRAFFIC CALMING MANUAL AND REVISION TO THE CHARTER FOR THE NEIGHBORHOOD TRAFFIC CALMING COMMITTEE (NTCC).**

On motion by BARBARA A. FAVOLA, Vice Chairman, seconded by JAY FISETTE, Member and carried by a vote of 5 to 0, the voting recorded as follows: J. WALTER TEJADA, Chairman - Aye, BARBARA A. FAVOLA, Vice Chairman - Aye, JAY FISETTE, Member - Aye, MARY HUGHES HYNES, Member - Aye, CHRISTOPHER ZIMMERMAN, Member - Aye, after a public hearing, at which the public spoke, the Board took the following actions:

1. Adopted the revised Neighborhood Traffic Calming manual titled "Neighborhood Traffic Calming-Process, Criteria and Measures" dated September 2007 and included in the County Manager's August 22, 2008 report as Attachment 8, with the following modifications and revisions per the Board's direction to staff to be included in the final manual by year end:
  - a. The Board increased the percentage of approval for all "vertical" traffic calming devices (speed table, speed cushion, raised crosswalk and raised intersection) from 60% to 70% of the households in the affected area.
  - b. The Board directed that the manual be clarified to indicate the data used to justify a traffic calming project cannot be more than two years old. If the new data indicate the threshold speed is no longer met, data will be collected another time to determine the result. The new data do not affect the project's location on the ranking chart, but once selected for traffic calming assistance, any data more than two years old will be recollected.
  - c. The Board modified the petitioning process. Although the petition remains the primary means of documenting support for the project, residents in the affected area will have the option of signing the petition or mailing in a post card with their vote on the project. When residents are notified of the "open house", they will receive more information on the project, copy of the plan and staff contact information if they have questions. A post card will also be included if they prefer to use that to register their vote. The letter will include language specifying that if they do not mail the post card, a petition carrier will visit their home.

- d. The Board directed that a definition of “affected area” be included in the definitions section on page 10 of the manual.
- e. The Board removed the “Excessive Volume” option proposed in the manual emphasizing that the NTC program should continue to focus on the issue of speeding on neighborhood streets.
- f. The Board directed that discussion be added in the manual about how speed relates to the severity of pedestrian injuries and deaths, to reinforce the rationale for reducing speeds from generally in the 30’s (mph) to the mid-20’s (mph).
- g. The Board directed the manual be revised to specify speeds between whole numbers are always rounded down to the nearest whole number.
- h. The Board did not object in principle to, on a very infrequent basis, waivers of threshold speeds for speed tables where no other toolbox measure was feasible or appropriate.
- i. The Board directed the manual clarify that for traffic calming projects funded through other programs such as Neighborhood Conservation, the project must follow NTC criteria and procedures.
- j. The Board directed that volume control measures currently in the toolbox (diverters/diagonal street closures, half street closures, one-way streets and turn/access restrictions) be removed from the toolbox and placed in an appendix that describes traffic management techniques. The appendix is to include an explanation these measures are not traffic calming measures and not a part of the NTC program.
- k. The Board directed that the manual contain a discussion of traffic management in general, as context for traffic calming.

In addition to making these immediate changes that are to be reflected in a new adopted manual, the Board directed consideration of future changes, as follows:

- I. The Board encouraged the NTCC and staff to consider other measures not currently in the toolbox for future inclusion in the NTC program.
2. Adopted the revised Neighborhood Traffic Calming Committee Charter, in the County Manager’s August 22, 2008 report as Attachment 7-B, to reflect changes in membership composition and changing responsibilities.

[Board Report #50](#)

[Board Report #50-Attachment 8 \(Manual\)](#)

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**51. U-3185-07-1 USE PERMIT (CARRY-OVER): MACEDONIA BAPTIST CHURCH, UNIFIED MIXED USE DEVELOPMENT TO CONSTRUCT APPROXIMATELY 36 DWELLING UNITS, APPROXIMATELY 2,300 SQUARE FEET OFFICE; 2219, 2229, 2237 SHIRLINGTON ROAD (RPC #31-025-047, -048, -049).**

On motion by CHRISTOPHER ZIMMERMAN, Member, seconded by J. WALTER TEJADA, Chairman and carried by a vote of 5 to 0, the voting recorded as follows: J. WALTER TEJADA, Chairman - Aye, BARBARA A. FAVOLA, Vice Chairman - Aye, JAY FISETTE, Member - Aye, MARY HUGHES HYNES, Member - Aye, CHRISTOPHER ZIMMERMAN, Member - Aye, after a duly advertised public hearing, at which the public spoke, the Board adopted the following ordinance:

BE IT ORDAINED that, pursuant to application U-3185-07-1 on file in the Office of the Zoning Administrator for a special exception for a use permit to for a Unified Mixed Use Development to construct 36 dwelling units and office space for the parcel of real property known as 2219, 2229, 2237 Shirlington Road (RPC #31-025-047, -048, -049), approval is granted and the parcel so described shall be used according to the use permit approval requested by the application, subject to the conditions as set for in the document “Addendum 9-13-08-B – U-

3185-07-1" attached for the public record to these minutes.

[Addendum 9-13-08-B – U-3185-07-1](#)

[Board Report #51](#)

[Board Report #51-Supplemental](#)

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**CLOSED MEETING; CERTIFICATION OF CLOSED MEETING DISCUSSIONS.**

On motion by J. WALTER TEJADA, Chairman, seconded by BARBARA A. FAVOLA, Vice Chairman and carried by a vote of 5 to 0, the voting recorded as follows: J. WALTER TEJADA, Chairman - Aye, BARBARA A. FAVOLA, Vice Chairman - Aye, JAY FISETTE, Member - Aye, MARY HUGHES HYNES, Member - Aye, CHRISTOPHER ZIMMERMAN, Member - Aye, the Board met in a closed meeting from 1:00 p.m. to 2:10 p.m., as authorized by §§2.2-3711.A.3 and 7 of the Virginia Code, for the purposes of discussing three matters involving the acquisition of real property for public purposes, and disposition of publicly held real property, where discussion in public would adversely affect the County's negotiating and bargaining position; and one matter requiring consultation with the County Attorney concerning the procedures and standards applicable to the County Board's approval of new certificates of public necessity and convenience for taxi cab companies.

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On motion by Mr. Tejada, seconded by Ms. Favola and carried by a vote of 5 to 0 by roll call, the voting recorded as follows:

**Member & Vote**

- Mr. Tejada - Aye
- Ms. Favola - Aye
- Mr. Fisetete - Aye
- Ms. Hynes - Aye
- Mr. Zimmerman - Aye

the Board certified that to the best of each member's knowledge that only public business matters lawfully exempted from open meeting requirements under Chapter 37, Title 2.2 of the Code of Virginia and only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed, or considered by the Board.

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**52. APPLICATIONS OF GOGREEN CAB AND I-TOP CAB FOR CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY TO ENGAGE IN THE TAXICAB BUSINESS IN ARLINGTON COUNTY.**

On motion by JAY FISETTE, Member, seconded by BARBARA A. FAVOLA, Vice Chairman and carried by a vote of 5 to 0, the voting recorded as follows: J. WALTER TEJADA, Chairman - Aye, BARBARA A. FAVOLA, Vice Chairman - Aye, JAY FISETTE, Member - Aye, MARY HUGHES HYNES, Member - Aye, CHRISTOPHER ZIMMERMAN, Member - Aye, after a public hearing, at which the public spoke, the Board did not issue certificates of convenience and public necessity to operate taxicab businesses in Arlington County to the two applicants, Mr. Mujahid Ahmad, President of GoGreen Cab, Inc., and Mr. Habteab Daka, intending to trade as I-Top Cab, pursuant to applications dated May 7, 2008, and May 8, 2008, respectively.

[Board Report #52](#)

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**53. AUTHORIZE THE COUNTY MANAGER TO APPROVE BONDS TO FINANCE THE UPGRADES AND EXPANSION OF THE WATER POLLUTION CONTROL PLANT ("WPCP") IDENTIFIED IN THE DEPARTMENT OF ENVIRONMENTAL SERVICES MASTER PLAN 2001 UPDATE ("DES WPCP MP01").**

On motion by BARBARA A. FAVOLA, Vice Chairman, seconded by CHRISTOPHER ZIMMERMAN, Member and carried by a vote of 5 to 0, the voting recorded as follows: J. WALTER TEJADA, Chairman - Aye, BARBARA A. FAVOLA, Vice Chairman - Aye, JAY FISETTE, Member - Aye, MARY HUGHES HYNES, Member - Aye, CHRISTOPHER ZIMMERMAN, Member - Aye, after a duly advertised public hearing, at which the public spoke, the roll call voting recorded as follows:

**Member & Vote:**

Mr. Tejada – Aye  
Ms. Favola – Aye  
Mr. Fisetete – Aye  
Ms. Hynes – Aye  
Mr. Zimmerman

the Board took the following actions:

1. Approve the Resolution as set forth in the document entitled “Addendum 9-13-08-C – Wastewater and Water System Revenue Bond Resolution” attached for the public record to these minutes authorizing the County Manager to approve long-term fixed rate bonds of up to \$50.0 million to finance the improvements identified in MP01;
2. Appropriated up to \$50.0 million to be received from bonds to provide funding for MP01; and
3. Authorized the County Manager and the Director of Management and Finance to negotiate any changes to the bond agreements that are to the benefit of the County with the approval of the County Attorney.

[Addendum 9-13-08-C – Wastewater and Water System Revenue Bond Resolution](#)

[Board Report #53](#)

[Board Report #53-Attachment](#)

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**54. [ADOPT AMENDMENTS TO CHAPTER 6 \(CIVIL SERVICE\) AND CHAPTER 46 \(RETIREMENT SYSTEMS\) OF THE ARLINGTON COUNTY CODE](#)**

On motion by J. WALTER TEJADA, Chairman, seconded by BARBARA A. FAVOLA, Vice Chairman and carried by a vote of 5 to 0, the voting recorded as follows: J. WALTER TEJADA, Chairman - Aye, BARBARA A. FAVOLA, Vice Chairman - Aye, JAY FISETTE, Member - Aye, MARY HUGHES HYNES, Member - Aye, CHRISTOPHER ZIMMERMAN, Member - Aye, after a duly advertised public hearing, at which the public spoke, the Board adopted the proposed amendments to Chapter 6 (Civil Service) and Chapter 46 (Retirement Systems) of the Arlington County Code as set forth in the document entitled “Addendum 9-13-08-D – Chapter 6 and Chapter 46” attached for the public record to these minutes.

[Addendum 9-13-08-D – Chapter 6 and Chapter 46](#)

[Board Report #54](#)

[Board Report #54-Attachment 1](#)

[Board Report #54-Attachment 2](#)

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**ADJOURNMENT**

Without objection, at 3:57 p.m. the Board recessed until the September 16, 2008 Recessed Meeting.

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J. WALTER TEJADA, Chairman

ATTEST:

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AUBRYN BEDNAR, Acting Clerk  
Approved: October 18, 2008