

A Recessed Meeting of the County Board of Arlington County, Virginia, held in Room 307 of 2100 Clarendon Boulevard thereof on Tuesday, January 24, 2012 at 3:01 p.m.

PRESENT: MARY HYNES, Chair  
J. WALTER TEJADA, Vice Chairman  
JAY FISETTE, Member  
CHRISTOPHER ZIMMERMAN, Member

ALSO PRESENT: BARBARA DONNELLAN, County Manager  
STEPHEN MacISAAC, County Attorney  
HOPE L. HALLECK, Clerk

0000000000

**COUNTY BOARD RECESSED MEETING**

0000000000

**COUNTY BOARD BUSINESS AND REPORTS**

0000000000

**I. COUNTY BOARD REPORTS**

The Chair introduced Deputy Treasurer Carla De le Pava, who introduced the finalists for the 8<sup>th</sup> annual vehicle decal design competition by Arlington high school students. The winning decal will appear on over 155,000 vehicles. The Treasurer's Office sponsors the competition and Ms. De le Pava thanked the Sun Gazette and Wells Fargo Bank on behalf of the County for their support. Almost 2,000 votes were cast. The finalists were:

Amanda Smith, 11<sup>th</sup> Grade, Wakefield High School  
Entry: "Guard of Honor"

Maya Giacobbe, 12<sup>th</sup> Grade, Wakefield High School  
Entry: "Fun at the Fair"

Sarah Peterson, 12<sup>th</sup> Grade, Wakefield High School  
Entry: "Reflection"

Jeppe Callander, 11<sup>th</sup> Grade, Wakefield High School  
Entry: "Silent Memories"

Ms. De le Pava introduced Allen H. Harrison, Jr., Secretary, Arlington Electoral Board and David Ryder, Wells Fargo Bank representative. Mr. Harrison announced that the design of Jeppe Callander, a foreign exchange student from Norway was chosen as the winner.

Chair Hynes provided an update to the Chair's PLACE (Participation, Leadership And Civic Engagement) initiative. The first Open Door Monday was held on January 23, 2012 and twelve residents attended. The location of the meetings will rotate throughout the month, and all sessions are from 7-9 p.m. For more information, please search "open door" at [www.Arlingtonva.us](http://www.Arlingtonva.us).

The Chair will host community open house events to begin creating a community map. Two sessions will be held at Artisphere: Thursday, March 15, 6-9pm and Saturday, March 17, 9am to 1pm

Chair Hynes provided background on the Arlington County Board approved a federal legislative package which articulates Board's positions and areas of interest on federal issues that impact local government and Arlington residents. For more information, please visit the County Manager's link on the County web page. The Chair encouraged residents to give feedback on the package by contacting the County Board Office or the County's Federal Liaison, Brian Stout.

The Chair announced that ART (Arlington Transit) ridership has increased. For the first half of Fiscal Year 2012, ART has carried more than 1.2 million passengers (1,256,766). This is a 14.58% increase in ridership compared to the same period the year before. Additional services will be added in April 2012 including an additional bus on ART 42, additional service during the week on ART 75 and Saturday service and late night service on ART 77.

Chair Hynes introduced Chris Hamilton, Bureau Chief, Arlington County Commuter Services, Department of Transportation, who provided a presentation on the PAL (Predictable, Alert and Lawful) program to increase commuter safety for drivers, walkers and bicyclists. Information on the PAL program is available at [www.arlingtonva.us](http://www.arlingtonva.us).

The Chair announced the February 7, 2012 annual Arlington Civic Federation meeting and the Columbia Pike Plan worksession on February 8, 2012.

Mr. Fisette provided an update on General Assembly legislative items on many topics including legal advertising of public meetings, urban development plans and voting. Mr. Fisette spoke about the coalition formed by VML and VaCo to examine the unintended consequences of proposed restrictions on the eminent domain process. Mr. Fisette also provided an update on legislation for a proposed cap on BPOL rates, reimbursements on car taxes, interest earned on local taxes and a proposal to remove the sunset on commercial tax rate, several gun laws and proposals affecting free clinics.

A motion was made by CHRISTOPHER ZIMMERMAN, Member, seconded by JAY FISETTE, Member to adopt a revised charge for the Urban Forestry Commission.

### **URBAN FORESTRY COMMISSION**

**WHEREAS**, Arlington derives important economic, environmental and social benefits from its urban forest; and

**WHEREAS**, the involvement of interested and knowledgeable citizen representatives can foster measures to improve the health and sustainability of Arlington's urban forest;

**THEREFORE, BE IT RESOLVED** that the Arlington County Board, which initially established the Urban Forestry Commission by adoption of a charge on June 10, 1990, hereby re-establishes the Arlington County Urban Forestry Commission.

The Commission shall be advisory to the County Board, and in that capacity may undertake studies, develop recommendations, conduct public meetings and educational programs, hold hearings, prepare reports, and appear before public bodies to further the objectives stated above.

The Commission shall provide the Board with advice and recommendations relating to programs for the planting and maintenance of trees on public property, and the preservation or restoration of trees and other native vegetation in wooded parks and other County-owned natural areas.

The Commission shall coordinate education and outreach activities to foster the planting and preservation of trees on private property, which provide economic, social, and environmental benefits for the County as a whole.

The Commission shall be composed of thirteen (13) members, with a chairperson to be appointed annually by the County Board. Members shall serve for three-year terms and shall be appointed as follows:

- One member from the Environment and Energy Conservation Commission;
- One member from the Park and Recreation Commission;
- One member from the Neighborhood Conservation Advisory Committee;

Ten members appointed at-large, including individuals with direct knowledge of urban forestry matters, either from their professional background or from training and volunteer activities in such programs as Tree Stewards or Master Naturalists.

In addition, the Commission may designate non-voting members to represent organizations with an interest in the urban forest. These include state organizations such as the Virginia Department of Forestry and Virginia Cooperative Extension; County organizations such as Arlington Public Schools; and non-profit organizations such as Arlingtonians for a Clean Environment.

The Commission shall meet on the call of the chairperson.

**AND BE IT FURTHER RESOLVED** that the functions of the Arlington County Urban Forestry Commission shall include:

1. Overseeing implementation of the Urban Forest Master Plan, which is an element of the Public Spaces Master Plan.
2. Overseeing implementation of the Tree Preservation Ordinance.
3. Overseeing implementation of the Tree Canopy Fund, in cooperation with the non-profit organization Arlingtonians for a Clean Environment (ACE).
4. Jointly with the Park and Recreation Commission and the Environment and Energy Conservation Commission, overseeing implementation of the Natural Resources Management Plan, including providing UFC representation on the Natural Resources Joint Advisory Group;
5. Advising on the acquisition of privately-owned woodlands and other natural areas;
6. Recommending tree canopy goals for the County as a whole, for individual neighborhoods, and for portions of the County covered by area or sector plans.
7. Participating in the site-plan review process, and making recommendations concerning tree preservation and planting in site-plan projects.
8. Participating in community master planning for the purpose of meeting tree canopy goals, ensuring that streetscape plans provide good sites for street trees, and preserving existing forest resources.
9. Making recommendations concerning elements of transportation plans that have implications for the urban forest, including street trees and park trees near trails.
10. Making recommendations concerning elements of the County budget that relate to the urban forest and natural resources.
11. Monitoring efforts to control invasive plants that threaten wooded parks and natural areas, and making recommendations regarding the scope and nature of those efforts.
12. Cooperating with Arlington Public Schools to foster planting and care of trees on school properties and to promote outdoor learning opportunities related to trees and natural resources.
13. Coordinating a variety of outreach and education activities, including Arbor Day ceremonies, Tree City USA awards, and the Notable Trees selection process.
14. Coordinating the Champion Trees program, working with staff and volunteers to identify champion trees and selecting some for designation as Specimen Trees under the Tree Preservation Ordinance.

15. Participating in the Northern Virginia Urban Forestry Roundtable, fostering exchanges of information with other jurisdictions and working to enhance urban forests across the region.
16. Working with Virginia Tech in planning LEAF conferences in Arlington on urban forestry themes.
17. Preparing an annual work plan for the Commission in consultation with the County Board.

**AND BE IT FURTHER RESOLVED** that the County Manager shall designate a County staff member to serve as coordinator to the Urban Forestry Commission, which duties shall be in addition to such other responsibilities as now exist.

The motion was adopted by a vote of 4 to 0, the voting recorded as follows: MARY HYNES, Chair - Aye, J. WALTER TEJADA, Vice Chairman - Aye, JAY FISETTE, Member - Aye, CHRISTOPHER ZIMMERMAN, Member – Aye.

ooooo0ooooo

## II. APPOINTMENTS

A motion was made by MARY HYNES, Chair to:

### **Commission on the Status of Women**

**Appoint** Shelby Everitt for a term ending January 31, 2015  
**Appoint** Alejandra Santaolalla for a term ending January 31, 2015

### **Community Services Board**

**Appoint** Shauna Alonge for a term ending January 31, 2015

### **Fire Trial Board**

**Appoint** Yama Shansab for a term ending January 31, 2013

### **Fiscal Affairs Advisory Commission**

**Reappoint** David Kinney for a term ending January 31, 2014

### **Information Technology Advisory Commission**

**Reappoint** Mary Crannell for a term ending January 31, 2015

### **Northern Virginia Regional Park Authority**

**Reappoint** Paul Ferguson for a term ending January 31, 2016

### **Partnership for Children Youth and Families**

**Appoint** Michael Brown for a term ending January 31, 2014  
**Appoint** Devanshi Patel for a term ending January 31, 2014  
**Reappoint** John Andelin for a term ending January 31, 2014  
**Reappoint** Judy Hadden for a term ending January 31, 2014  
**Reappoint** Deborah Taylor for a term ending January 31, 2014

### **Planning Commission**

**Appoint** Nancy Iacomini for a term ending January 31, 2016

### **Public Facilities Review Committee**

**Appoint** Charles Monfort as Chairman for a term ending December 31, 2012

### **Tenant-Landlord Commission**

**Appoint** Mary Rouleau as Public Interest representative for a term ending March 31, 2015

**Urban Forestry Commission**

**Appoint** Caroline Haynes for a term ending January 31, 2016

**Transportation Commission**

**Appoint** Christopher Forinash as the Planning Commission representative for a term ending January 31, 2015

The motion was adopted by a vote of 4 to 0, the voting recorded as follows: MARY HYNES, Chair - Aye, J. WALTER TEJADA, Vice Chairman - Aye, JAY FISETTE, Member - Aye, CHRISTOPHER ZIMMERMAN, Member – Aye.

oooo0oooo

**III. REGIONAL REPORTS**

Chair Hynes provided an update from the WMATA Board of Directors about metro bus route enhancements. The Chair also reported on the progress of upgrades and station closures, and upcoming work in Arlington stations on both blue and orange lines in February. WMATA Board will finalize proposals on fare increases will which be subject to public review. Details will be announced at a future meeting.

oooo0oooo

**IV. COUNTY MANAGER REPORT**

The Manager announced that Arlington property values are up 6.6% overall. Residential values are up 1.8%. 46% of residential owners will see no change in their assessment, 22% will see a decline, 32% will see increased values. Commercial property values have increased 13.5%. Real Estate taxes represent approximately 56% of the County's revenue.

Ms. Donnellan provided a construction update on the Arlington Mill Community Center. Chair Hynes suggested adding this information to the County's website.

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

A motion was made by MARY HYNES, Chairman, seconded by J. WALTER TEJADA, Vice Chairman, to convene a closed meeting as authorized by Virginia Code sections 2.2-3711.A.1, 3 and 7 for the purpose of discussing one personnel matter, two matters involving the disposition of publicly held real property where discussion in public could adversely affect the County's negotiating position; and consultation with the County Attorney and staff concerning the County's authority to require the preservation of market rate affordable housing as a condition of the rezoning of property.

The motion was adopted by a vote of 4 to 0, the voting recorded as follows: MARY HYNES, Chair - Aye, J. WALTER TEJADA, Vice Chairman - Aye, JAY FISETTE, Member - Aye, CHRISTOPHER ZIMMERMAN, Member – Aye.

The Board met in a closed meeting from 3:52 p.m. to 6:46 p.m.

-----

A motion was made by MARY HYNES, Chairman, seconded by WALTER TEJADA, Vice Chairman to certify 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. The motion was adopted by a vote of 4 to 0 by roll call as follows:

**Member & Vote**

Ms. Hynes - Aye  
Mr. Tejada - Aye  
Mr. Fisetle – Aye  
Mr. Zimmerman - Aye

ooooo0ooooo

**THE FOLLOWING ITEMS TO BE HEARD BEGINNING AT 6:30 P.M.**

Chair Hynes recognized the following former Chairmen of advisory boards and commissions for their service to the County:

Arthur D. Kallen	24 years of service as member of Civil Service Commission (1988-2010), Civil Service Commission Chairman (2000-2010) and Fiscal Affairs Advisory Commission (1987-1991)
Jerry Norris	Chairman of the Economic Development Commission (2007-2011)
Larry Finch	Chairman of the Urban Forestry Commission (2007-2011)
Nancy Iacomini	Chairman of the Historical Affairs and Landmark Review Board
William Ross	Chairman of the Tenant-Landlord Commission (1999-2004 and 2007-2011)

ooooo0ooooo

**CONSENT ITEMS**

ooooo0ooooo

**14. OPEN AIR MARKETS**

- A. U-3311-11-1 Use Permit for Rosslyn Business Improvement Corp. for an open-air market located at 1700 block N. Oak St. (RPC#16-035-001 and street rights-of-way);
- B. U-3312-11-1 Civitan Club of Arlington, VA, Inc. for a use permit for an open-air market located at the I-66 garage between North Quincy and North Stafford Streets (NO RPC);
- C. U-3313-11-1 Arlington County PRCR for an open-air market located at 1400 N. Courthouse Road (RPC# 18-002-001 );
- D. U-3314-11-1 Ballston Business Improvement District for a use permit for an open-air market (Farmers? Market) located at 901 N. Taylor St. (Wellburn Square) (RPC# 14-050-031, -009);
- E. U-3315-11-1 Ballston Business Improvement District for a use permit for an open-air market (Arts and Crafts Market) located at 901 N. Taylor St. (Wellburn Square) (RPC# 14-050-031, -009);
- F. U-3316-11-1 Clarendon Alliance for a use permit for an open-air market located at Clarendon

Central Park (RPC# 19-001-001);

- G. U-3317-11-1 Columbia Pike Revitalization Org. for a use permit for an open-air market located at 2820 Columbia Pike (RPC# 32-005-004 and street rights-of-way);
- H. U-3318-11-1 Crystal City Business Improvement District for a use permit for an open-air market located at 1851 S. Bell St. (RPC# 34-026-037).

Following a duly advertised public hearing at which there were speakers, a motion was made CHRISTOPHER ZIMMERMAN, Member, seconded by J. WALTER TEJADA, Vice Chairman to adopt the following ordinances:

- A. BE IT ORDAINED that, pursuant to application U-3311-11-1 on file in the Office of the Zoning Administrator for a use permit for Rosslyn Business Improvement Corp. for an open-air market for the parcel of real property known as 1700 block N. Oak St. (RPC#16-035-001 and streets rights-of-way), approval is granted and the parcel so described shall be used according to the approval requested by the application, subject to the proposed conditions of the staff report.
  - 1. The applicant agrees that the hours of operation for the open-air market will be limited to Thursdays from May to October, between the hours of 8 a.m. and 7 p.m.
  - 2. The applicant agrees to identify a person who will serve as liaison to the community throughout the operation of the use. The liaison's name shall be submitted to the Zoning Administrator and shared with the North Rosslyn Civic Association prior to the issuance of a certificate of occupancy.
  - 3. The applicant agrees to meet all applicable County requirements and work cooperatively with the Police Department, the Fire Department, the Community Code Enforcement Office, the Department of Environmental Services and the Department of Public Works in doing so, including obtaining where applicable right-of-way permits and licenses from the Department of Environmental Services Real Estate Division.
  - 4. The applicant agrees to provide all vendors associated with the Market with a document that lays out the preferred approach routes for vehicles and identifying major arterial roadways to avoid the use of neighborhood residential streets. This document shall be provided to the Zoning Administrator before issuance of the Certificate of Occupancy.
  - 5. The applicant agrees that the Market shall take all practical measures to encourage the use of the Metro and also to encourage customer parking in adjacent parking facilities as designated in the parking plan. The applicant agrees that such measures will include, but will not be limited to verbal and written documents (including maps) directing patrons to the Metro access points and to public parking garages in the area.
  - 6. The applicant agrees to comply with the requirements of the County's Noise Ordinance.
  - 7. The applicant agrees to lay out the vendor spaces generally in accordance with the attached Rosslyn Farmers' Market Vendor and Parking Plan. [Clerk's note: as set forth in the document entitled "Addendum-1-24-12-A- Rosslyn Market" attached for the public record to these minutes.]
  - 8. The applicant agrees maintain a six-foot clear sidewalk width in the public sidewalk along North Oak Street to provide pedestrian passage through the market.
- B. BE IT ORDAINED that, pursuant to application U-3312-11-1 on file in the Office of the Zoning Administrator for a use permit for an open-air market with a modification for a distance of less than 100 from an "R" zoning district boundary, for the parcel of real property known as the I-66 garage between North Quincy and North Stafford Streets (NO RPC), approval is granted and the parcel so described shall be used according to the approval requested by the application, subject to the proposed conditions of the staff report.
  - 1. The applicant agrees that the hours of operation for the open-air market will be limited to one Saturday per month April through November between the hours of 7 a.m. and 1 p.m. The times for vendor set-up and breakdown shall be in accordance with any existing and future license agreement with the County.

2. The applicant agrees to identify a person who will serve as liaison to the community throughout the operation of the use. The liaison's name shall be submitted to the Zoning Administrator and shared with the Cherrydale and Ballston-Virginia Square Civic Associations prior to the issuance of a certificate of occupancy.
  3. The applicant agrees to meet all applicable County requirements and work cooperatively with the Police Department, the Fire Department, the Community Code Enforcement Office, the Department of Environmental Services and the Department of Public Works in doing so, including obtaining, where applicable, right-of-way permits and licenses from the Department of Environmental Services Real Estate Division.
  4. The applicant agrees to provide all vendors associated with the Market with a document that lays out the preferred approach routes for vehicles and identifying major arterial roadways to avoid the use of neighborhood residential streets. This document shall be provided to the Zoning Administrator before issuance of the Certificate of Occupancy.
  5. The applicant agrees that the Market shall take all practical measures to encourage the use of the Metro and also to encourage customer parking in adjacent parking facilities as designated in the parking plan. The applicant agrees that such measures will include, but will not be limited to verbal and written documents (including maps) directing patrons to the Metro access points and to public parking garages in the area.
  6. The applicant agrees to comply with the requirements of the County's Noise Ordinance.
  7. The applicant agrees to lay out the vendor spaces generally in accordance with the attached Civitan Market Vendor and Parking Plan.
- C. BE IT ORDAINED that, pursuant to application U-3313-11-1 on file in the Office of the Zoning Administrator for a use permit for an open-air market with a modification for a distance of less than 1,000 feet from another open-air market, for the parcel of real property known as 1400 N. Courthouse Road (RPC# 18-002-001 ), approval is granted and the parcel so described shall be used according to the approval requested by the application, subject to the proposed conditions of the staff report.
1. The applicant agrees that the hours of operation for the open-air market will be limited to Saturdays between the hours of 8 a.m. and Noon. The times for vendor set-up and breakdown shall be in accordance with any existing and future license agreement with the County.
  2. The applicant agrees to identify a person who will serve as liaison to the community throughout the operation of the use. The liaison's name shall be submitted to the Zoning Administrator and shared with the Clarendon-Courthouse and Radnor-Fort Myer Heights Civic Associations prior to the issuance of a certificate of occupancy.
  3. The applicant agrees to meet all applicable County requirements and work cooperatively with the Police Department, the Fire Department, the Community Code Enforcement Office, the Department of Environmental Services and the Department of Public Works in doing so, including obtaining, where applicable, right-of-way permits and licenses from the Department of Environmental Services Real Estate Division.
  4. The applicant agrees to provide all vendors associated with the Market with a document that lays out the preferred approach routes for vehicles and identifying major arterial roadways to avoid the use of neighborhood residential streets. This document shall be provided to the Zoning Administrator before issuance of the Certificate of Occupancy.
  5. The applicant agrees that the Market shall take all practical measures to encourage the use of the Metro and also to encourage customer parking in adjacent parking facilities as designated in the parking plan. The applicant agrees that such measures will include, but will not be limited to verbal and written documents (including maps) directing patrons to the Metro access points and to public parking garages in the area.
  6. The applicant agrees to comply with the requirements of the County's Noise Ordinance.
  7. The applicant agrees to lay out the vendor spaces generally in accordance with the attached Courthouse Farmers' Market Vendor and Parking Plan.
- D. BE IT ORDAINED that, pursuant to application U-3314-11-1 on file in the Office of the Zoning Administrator for a use permit for an open-air market (Farmer's Market) with a modification for a distance of less than 1,000 feet from another open-air market, for the parcel of real property known as 901 N. Taylor St. (Wellburn Square) (RPC# 14-050-031, -009), approval is granted and the parcel so described shall be used according to the approval requested by the application, subject to the proposed conditions of the staff report.

1. The applicant agrees that the hours of operation for the open-air market will be limited to Thursdays May-October between the hours of 3 p.m. to 7 p.m. The times for vendor set-up and breakdown shall be in accordance with any existing and future license agreement with the County.
  2. The applicant agrees to identify a person who will serve as liaison to the community throughout the operation of the use. The liaison's name shall be submitted to the Zoning Administrator and shared with the Ballston-Virginia Square Civic Association prior to the issuance of a certificate of occupancy.
  3. The applicant agrees to meet all applicable County requirements and work cooperatively with the Police Department, the Fire Department, the Community Code Enforcement Office, the Department of Environmental Services and the Department of Public Works in doing so, including obtaining, where applicable, right-of-way permits and licenses from the Department of Environmental Services Real Estate Division.
  4. The applicant agrees to provide all vendors associated with the Market with a document that lays out the preferred approach routes for vehicles and identifying major arterial roadways to avoid the use of neighborhood residential streets. This document shall be provided to the Zoning Administrator before issuance of the Certificate of Occupancy.
  5. The applicant agrees that the Market shall take all practical measures to encourage the use of the Metro and also to encourage customer parking in adjacent parking facilities as designated in the parking plan. The applicant agrees that such measures will include, but will not be limited to verbal and written documents (including maps) directing patrons to the Metro access points and to public parking garages in the area.
  6. The applicant agrees to comply with the requirements of the County's Noise Ordinance.
  7. The applicant agrees to lay out the vendor spaces generally in accordance with the attached Ballston Farmers' Market Vendor and Parking Plan.
- E. BE IT ORDAINED that, pursuant to application U-3315-11-1 on file in the Office of the Zoning Administrator for a use permit for an open-air market (Arts and Crafts Market) with a modification for a distance of less than 1,000 feet from another open-air market, for the parcel of real property known as 901 N. Taylor St. (Wellburn Square) (RPC# 14-050-031, -009), approval is granted and the parcel so described shall be used according to the approval requested by the application, subject to the proposed conditions of the staff report.
1. The applicant agrees that the hours of operation for the open-air market will be limited to one (1) Saturday per month, from April through October between the hours of 10 a.m. to 4 p.m. The times for vendor set-up and breakdown shall be in accordance with any existing and future license agreement with the County.
  2. The applicant agrees to identify a person who will serve as liaison to the community throughout the operation of the use. The liaison's name shall be submitted to the Zoning Administrator and shared with the Ballston-Virginia Square Civic Association prior to the issuance of a certificate of occupancy.
  3. The applicant agrees to meet all applicable County requirements and work cooperatively with the Police Department, the Fire Department, the Community Code Enforcement Office, the Department of Environmental Services and the Department of Public Works in doing so, including obtaining, where applicable, right-of-way permits and licenses from the Department of Environmental Services Real Estate Division.
  4. The applicant agrees to provide all vendors associated with the Market with a document that lays out the preferred approach routes for vehicles and identifying major arterial roadways to avoid the use of neighborhood residential streets. This document shall be provided to the Zoning Administrator before issuance of the Certificate of Occupancy.
  5. The applicant agrees that the Market shall take all practical measures to encourage the use of the Metro and also to encourage customer parking in adjacent parking facilities as designated in the parking plan. The applicant agrees that such measures will include, but will not be limited to verbal and written documents (including maps) directing patrons to the Metro access points and to public parking garages in the area.
  6. The applicant agrees to comply with the requirements of the County's Noise Ordinance.
  7. The applicant agrees to lay out the vendor spaces generally in accordance with the attached Ballston Arts & Crafts Market Vendor and Parking Plan.

- F. BE IT ORDAINED that, pursuant to application U-3316-11-1 on file in the Office of the Zoning Administrator for a use permit for an open-air market for the parcel of real property known as Clarendon Central Park (RPC# 19-001-001), approval is granted and the parcel so described shall be used according to the approval requested by the application, subject to the proposed conditions of the staff report.
1. The applicant agrees that the hours of operation for the open-air market will be limited to Wednesdays May through October from 3 p.m. to 7 p.m. The times for vendor set-up and breakdown shall be in accordance with any existing and future license agreement with the County.
  2. The applicant agrees to identify a person who will serve as liaison to the community throughout the operation of the use. The liaison's name shall be submitted to the Zoning Administrator and shared with the Clarendon-Courthouse Civic Association prior to the issuance of a certificate of occupancy.
  3. The applicant agrees to meet all applicable County requirements and work cooperatively with the Police Department, the Fire Department, the Community Code Enforcement Office, the Department of Environmental Services and the Department of Public Works in doing so, including obtaining, where applicable, right-of-way permits and licenses from the Department of Environmental Services Real Estate Division.
  4. The applicant agrees to provide all vendors associated with the Market with a document that lays out the preferred approach routes for vehicles and identifying major arterial roadways to avoid the use of neighborhood residential streets. This document shall be provided to the Zoning Administrator before issuance of the Certificate of Occupancy.
  5. The applicant agrees that the Market shall take all practical measures to encourage the use of the Metro and also to encourage customer parking in adjacent parking facilities as designated in the parking plan. The applicant agrees that such measures will include, but will not be limited to verbal and written documents (including maps) directing patrons to the Metro access points and to public parking garages in the area.
  6. The applicant agrees to comply with the requirements of the County's Noise Ordinance.
  7. The applicant agrees to lay out the vendor spaces generally in accordance with the attached Clarendon Farmers' Market Vendor and Parking Plan.
  8. The applicant agrees to maintain a minimum six (6) foot of clear sidewalk space along public streets and around the Metro entrance for pedestrian passage.
- G. BE IT ORDAINED that, pursuant to application U-3317-11-1 on file in the Office of the Zoning Administrator for a use permit for an open-air market for the parcel of real property known as 2820 Columbia Pike (RPC# 32-005-004), approval is granted and the parcel so described shall be used according to the approval requested by the application, subject to the proposed conditions of the staff report.
1. The applicant agrees that the hours of operation for the open-air market will be limited to Sundays from 9 a.m. to 1 p.m. The times for vendor set-up and breakdown shall be in accordance with any existing and future license agreement with the County.
  2. The applicant agrees to identify a person who will serve as liaison to the community throughout the operation of the use. The liaison's name shall be submitted to the Zoning Administrator and shared with the Columbia Heights and Douglas Park Civic Associations prior to the issuance of a certificate of occupancy.
  3. The applicant agrees to meet all applicable County requirements and work cooperatively with the Police Department, the Fire Department, the Community Code Enforcement Office, the Department of Environmental Services and the Department of Public Works in doing so, including obtaining, where applicable, right-of-way permits and licenses from the Department of Environmental Services Real Estate Division.
  4. The applicant agrees to provide all vendors associated with the Market with a document that lays out the preferred approach routes for vehicles and identifying major arterial roadways to avoid the use of neighborhood residential streets. This document shall be provided to the Zoning Administrator before issuance of the Certificate of Occupancy.
  5. The applicant agrees that the Market shall take all practical measures to encourage the use of public transportation and also to encourage customer parking in adjacent parking facilities as designated in the parking plan. The applicant agrees that such measures will include, but will not

- be limited to verbal and written documents (including maps) directing patrons to the Metro access points and to public parking garages in the area.
6. The applicant agrees to comply with the requirements of the County's Noise Ordinance.
  7. The applicant agrees to lay out the vendor spaces generally in accordance with the attached Columbia Pike Vendor and Parking Plan.
- H. BE IT ORDAINED that, pursuant to application U-3318-11-1 on file in the Office of the Zoning Administrator for a use permit for an open-air market for the parcel of real property known as 1851 S. Bell St. (RPC# 34-026-037), approval is granted and the parcel so described shall be used according to the approval requested by the application, subject to the proposed conditions of the staff report.
1. The applicant agrees that the hours of operation for the open-air market will be limited to Tuesdays from 3 p.m. to 7 p.m., April through November. The times for vendor set-up and breakdown shall be in accordance with any existing and future license agreement with the County.
  2. The applicant agrees to identify a person who will serve as liaison to the community throughout the operation of the use. The liaison's name shall be submitted to the Zoning Administrator and shared with the Crystal City Citizen Review Council prior to the issuance of a certificate of occupancy.
  3. The applicant agrees to meet all applicable County requirements and work cooperatively with the Police Department, the Fire Department, the Community Code Enforcement Office, the Department of Environmental Services and the Department of Public Works in doing so, including obtaining, where applicable, right-of-way permits and licenses from the Department of Environmental Services Real Estate Division.
  4. The applicant agrees to provide all vendors associated with the Market with a document that lays out the preferred approach routes for vehicles and identifying major arterial roadways to avoid the use of neighborhood residential streets. This document shall be provided to the Zoning Administrator before issuance of the Certificate of Occupancy.
  5. The applicant agrees that the Market shall take all practical measures to encourage the use of the Metro and also to encourage customer parking in adjacent parking facilities as designated in the parking plan. The applicant agrees that such measures will include, but will not be limited to verbal and written documents (including maps) directing patrons to the Metro access points and to public parking garages in the area.
  6. The applicant agrees to comply with the requirements of the County's Noise Ordinance.
  7. The applicant agrees to lay out the vendor spaces generally in accordance with the attached Crystal City Farmers' Market Vendor and Parking Plan.
  8. The applicant agrees to maintain a minimum six (6) foot of clear sidewalk space along Crystal Drive.

The motion was adopted by a vote of 4 to 0, the voting recorded as follows: MARY HYNES, Chair - Aye, J. WALTER TEJADA, Vice Chairman - Aye, JAY FISETTE, Member - Aye, CHRISTOPHER ZIMMERMAN, Member - Aye.

[Board Report #14](#)

[Addendum-1-24-12-A- Rosslyn Market](#)

ooooo0ooooo

**16. U-3321-11-1 USE PERMIT FOR RESTAURANT PROVIDING LIVE ENTERTAINMENT; AT ARLINGTON ROOFTOP BAR & GRILL, LOCATED AT 2424 WILSON BLVD. (RPC# 18-006-011; -017).**

Following a duly advertised public hearing at which there were speakers, a motion was made by JAY FISETTE, Member, seconded by J. WALTER TEJADA, Vice Chairman to adopt the following ordinance:

BE IT ORDAINED that, pursuant to application U-3321-11-1 on file in the Office of the Zoning Administrator for a use permit for a restaurant providing live entertainment at Arlington Rooftop Bar & Grill for the parcel of real property known as 2424 Wilson Blvd. (RPC# 18-006-011; -017), approval is granted and the parcel so described shall be used according to the approval requested by the application, subject to the proposed conditions of the staff report with an administrative review in six (6) months (July 2012), and a County Board review in one (1) year (January 2013).

1. The applicant agrees that live entertainment shall be permitted only between 4:00 p.m. and 11:00 p.m. Mondays through Thursdays, between 4:00 pm and 1:00 am Fridays and Saturdays, and between 10 a.m. and 11 p.m. Sundays.
2. The applicant agrees to comply, by way of illustration and not limitation, with all applicable requirements of County and State Ordinances, the Environmental Health Bureau, and the Fire Marshal, the Police Department and the Alcohol Beverage Control Board (ABC).
3. The applicant agrees that on-site dedicated security shall be provided from 9:00 p.m. until closing on nights in which live entertainment is provided. The on-site security may consist of "in house" staff, so long as that staff is dedicated to security only.
4. The applicant agrees to comply with the Arlington County noise ordinance and further agrees that the restaurant's windows and doors shall remain closed during the times of live entertainment, except for the purposes of entry, egress, and other intermittent uses, such as serving an outdoor seating area. Under no circumstances shall live entertainment be permitted outside of the building or broadcast over loudspeakers outside of the building. The applicant specifically agrees that doors shall not be propped open during live entertainment.
5. The applicant agrees that all staff serving alcohol to customers shall have TIPS (Training for Intervention Procedures) certification.
6. The applicant agrees that dancing is not permitted until the applicant obtains a Dance Hall Permit from the Zoning Office.
7. The applicant agrees to post signs in windows telling patrons to respect the peace of residential neighborhoods and to avoid parking in the residential neighborhood where possible.
8. The applicant agrees to ensure that any patrons queuing outside should keep noise to a minimum.
9. The applicant agrees to make customers aware of the restaurant's proximity to Metro, available parking and any special parking arrangements through postings in the restaurant and on their website.
10. The applicant agrees to clean the sidewalk in front of its establishment each morning, including sweeping cigarette butts and litter that may have accumulated from any outdoor seating area, if applicable.
11. The applicant agrees to designate and make available a neighborhood liaison to communicate with nearby residents and neighbors to address concerns which may be related to the live entertainment and an onsite 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 shall be submitted to the Zoning Administrator and a copy sent to the Clarendon-Courthouse Civic Association, the Lyon Village Citizens Association, and the Charleston Condominium Association.
12. The applicant agrees that the approval for live entertainment at 2424 Wilson Boulevard is valid only for Arlington Rooftop Bar & Grill. The County Board shall review the use permit upon any change in tenancy or ownership of the subject space.

The motion was adopted by a vote of 4 to 0, the voting recorded as follows: MARY HYNES, Chair - Aye, J. WALTER TEJADA, Vice Chairman - Aye, JAY FISETTE, Member - Aye, CHRISTOPHER ZIMMERMAN, Member - Aye.

[Board Report #16](#)

oooo0oooo

**23. [RESOLUTION ADOPTING THE NORTHERN VIRGINIA HAZARD MITIGATION PLAN 2010 UPDATE.](#)**

Following a duly advertised public hearing at which there were no speakers, a motion was made by MARY HYNES, Chair, seconded by CHRISTOPHER ZIMMERMAN, Member to approve the resolution adopting the Northern Virginia Hazard Mitigation Plan 2010 Update.

**ARLINGTON COUNTY, VIRGINIA  
*Adoption of the Multi-Jurisdictional Hazard Mitigation Plan Update for the Northern Virginia Region***

WHEREAS, the Disaster Mitigation Act of 2000, as amended, requires that local governments, develop, adopt and update natural hazard mitigation plans in order to receive certain federal assistance; and,

WHEREAS, the Northern Virginia Regional Hazard Mitigation Plan has been prepared in accordance with FEMA requirements at 44C.F.R. 201.6; and,

WHEREAS, a Mitigation Advisory Committee (\*MAC), comprised of representatives from the Counties of Arlington, Fairfax, Loudoun, and Prince William; the Cities of Alexandria, Fairfax, Falls Church, Manassas, and Manassas Park; and Towns of Clifton, Dumfries, Haymarket, Herndon, Leesburg, Middleburg, Purcellville, Occoquan, Quantico, Round Hill, and Vienna, was convened in order to assess the risks of hazards facing the Northern Virginia region, and to make recommendations on actions to be taken to mitigate these hazards; and,

WHEREAS, a request for proposals was issued to hire an experienced consulting firm to work with the MAC to update a comprehensive hazard mitigation plan for the Northern Virginia region; and,

WHEREAS, the plan incorporates the comments, ideas and concerns of the community and of the public in general, which this plan is designed to protect, ascertained through a series of public meetings, publication of the draft plan, press releases, and other outreach activities; and

WHEREAS, Arlington County recognizes that recent events of the Virginia Earthquake, Hurricane Irene, and Tropical Storm Lee are not captured in the proposed update of the local Hazard Mitigation Plan, and, as part of its commitment to mitigation planning and activities, will fully endeavor to identify, evaluate, and include these events and their impacts as part of the next update cycle.

NOW, THEREFORE, BE IT RESOLVED by the County Board of Arlington County that the Northern Virginia Hazard Mitigation Plan Update dated December 7, 2011, attached hereto, is hereby approved and adopted.

ADOPTED by the Arlington County Board on this twenty-first day of January 2012.

The motion was adopted by a vote of 4 to 0, the voting recorded as follows: MARY HYNES, Chair - Aye, J. WALTER TEJADA, Vice Chairman - Aye, JAY FISSETTE, Member - Aye, CHRISTOPHER ZIMMERMAN, Member – Aye.

[Board Report #23](#)

oooo0oooo

**34. [REQUEST TO ADVERTISE "ON THE COUNTY BOARD'S OWN MOTION" A PUBLIC HEARING ON A PROPOSED USE PERMIT FOR AN ADDITION TO A COMMUNITY BUILDING FOR THE LYON PARK COMMUNITY CENTER LOCATED AT 414 AND 420 N. FILLMORE ST. \(RPC# 18-](#)**

**050-001).**

Following a duly advertised public hearing at which there were speakers, a motion was made by JAY FISETTE, Member, seconded by CHRISTOPHER ZIMMERMAN, Member to authorize advertisement "On The County Board's Own Motion" of a public hearing by the County Board on March 10, 2012 for a proposed special exception use permit in the public interest for an addition to a community building located at 414 and 420 North Fillmore Street (Lyon Park Community Center). The motion was adopted by a vote of 4 to 0, the voting recorded as follows: MARY HYNES, Chair - Aye, J. WALTER TEJADA, Vice Chairman - Aye, JAY FISETTE, Member - Aye, CHRISTOPHER ZIMMERMAN, Member – Aye.

The motion was adopted by a vote of 4 to 0, the voting recorded as follows: MARY HYNES, Chair - Aye, J. WALTER TEJADA, Vice Chairman - Aye, JAY FISETTE, Member - Aye, CHRISTOPHER ZIMMERMAN, Member – Aye.

Board Report #34

ooooo0ooooo

**36. APPROVE THE COUNTY'S MEMBERSHIP IN THE VIRGINIA NUTRIENT CREDIT EXCHANGE ASSOCIATION, INC. FOR PARTICIPATION IN THE NUTRIENT CREDIT EXCHANGE PROGRAM AND APPROVE MODIFICATIONS TO THE EXISTING WATER QUALITY IMPROVEMENT FUND (WOIF) GRANT AGREEMENT.**

Following a duly advertised public hearing at which there were speakers, a motion was made by J. WALTER TEJADA, Vice Chairman, seconded by JAY FISETTE, Member to:

1. Approve the County's membership in the Virginia Nutrient Credit Exchange Association, Inc. ("The Exchange").
2. Authorize the County Manager to execute the Nutrient Credit Services Agreement, subject to County Attorney review.
3. Approve the modifications to the existing WQIF Grant Agreement.
4. Authorize the County Manager to execute the Grant Agreement modification, subject to County Attorney review.
5. Approve the authority of the Department of Environmental Services (DES) Water Pollution Control Bureau (WPCB) to determine the five-year future credits to be sold on an annual basis

[Clerk's note: as set forth in the document entitled "Addendum-1-24-12-B- Exchange Agreement" attached for the public record to these minutes.]

The motion was adopted by a vote of 4 to 0, the voting recorded as follows: MARY HYNES, Chair - Aye, J. WALTER TEJADA, Vice Chairman - Aye, JAY FISETTE, Member - Aye, CHRISTOPHER ZIMMERMAN, Member – Aye.

Board Report #36

Addendum-1-24-12-B- Exchange Agreement

ooooo0ooooo

**THE FOLLOWING ITEMS TO BE HEARD NO EARLIER THAN 6:45 P.M.**

ooooo0ooooo

**REGULAR HEARING ITEMS**

0000000000

**41. 3001 WASHINGTON BOULEVARD (TRANSFER OF DEVELOPMENT RIGHTS AND SITE PLAN FOR OFFICE BUILDINGS-PENZANCE)**

- A. [An ordinance to vacate: 1\) a portion of an easement for public street and utility purposes running north from the corner of the intersection of Washington Boulevard and N. Garfield Street along the Eastern Boundary of Lot 12, Lot 11, Lot 10, Part Lot 8 and Part Lot 7, Moore's Addition to Clarendon \(RPC# 18-026-001\); and 2\) a portion of an easement for public street & utility purposes, located at the northeastern corner of the intersection of N. Highland Street and Washington Boulevard, on Lot 5-A, Moore's Addition to Clarendon \(RPC# 18-026-009, with Conditions.](#)

Following a duly advertised public hearing at which there were speakers, a motion was made by JAY FISETTE, Member, seconded by J. WALTER TEJADA, Vice Chairman to:

1. Enact the attached Ordinance to Vacate: 1) a portion of an Easement for Public Street and Utility Purposes, running North from the corner of the intersection of Washington Boulevard and N. Garfield Street along the eastern boundary of Lot 12, Lot 11, Lot 10, Part Lot 8 and Part Lot 7, Moore's Addition to Clarendon (RPC# 18-026-001); and 2) a portion of an Easement for Public Street & Utility Purposes, located at the northeastern corner of the intersection of N. Highland Street and Washington Boulevard, on Lot 5-A, Moore's Addition to Clarendon (RPC# 18-026-009), with conditions (Attachment 1)("Ordinance"). [Clerk's note: as set forth in the document entitled "Addendum-1-24-12-C- N. Highland and Washington Vacation" attached for the public record to these minutes.]
2. Authorize the Real Estate Bureau Chief, Department of Environmental Services, or his designee, to execute, on behalf of the County Board, the Deed(s) of Vacation, subject to approval as to form by the County Attorney.

The motion was adopted by a vote of 4 to 0, the voting recorded as follows: MARY HYNES, Chair - Aye, J. WALTER TEJADA, Vice Chairman - Aye, JAY FISETTE, Member - Aye, CHRISTOPHER ZIMMERMAN, Member – Aye.

[Board Report #41 A. \(Posted 01-19-2012\)](#)

[Addendum-1-24-12-C- N. Highland and Washington Vacation](#)

- B. [Certification of Transferrable Development Rights to be considered for transfer from 2825 Wilson Boulevard \("Sending Site"\) to SP 418 - Penzance Clarendon Assemblage, LLC \("Receiving Site"\).](#)
- C. Certification of Transferrable Development Rights to be considered for transfer from 2901 Wilson Boulevard ("Sending Site") to SP 418 - Penzance Clarendon Assemblage, LLC ("Receiving Site").
- D. Transfer of Development Rights from 2825 Wilson Boulevard ("Sending Site"), consisting of

69,464 square feet of commercial GFA, to SP 418 - Penzance Clarendon Assemblage, LLC ("Receiving Site") by site plan under Section 36.H.5.b of the Zoning Ordinance.

- E. Transfer of Development Rights from 2901 Wilson Boulevard ("Sending Site"), consisting of 74,747 square feet of commercial GFA, to SP 418 - Penzance Clarendon Assemblage, LLC ("Receiving Site") by site plan under Section 36.H.5.b of the Zoning Ordinance.

Following a duly advertised public hearing at which there were speakers, a motion was made by JAY FISETTE, Member, seconded CHRISTOPHER ZIMMERMAN, Member to:

- B. Approve the attached resolution certifying 69,464 square feet of commercial GFA, as transferable development rights from 2825 Wilson Boulevard ("Sending Site") for the purpose of historic preservation.
- C. Approve the attached resolution certifying 74,747 square feet of commercial GFA, as transferable development rights from 2901 Wilson Boulevard ("Sending Site") for the purpose of historic preservation.
- D. Approve the attached resolution transferring 69,464 square feet of commercial GFA from 2825 Wilson Boulevard ("Sending Site") to SP #418 ("Receiving Site").
- E. Approve the attached resolution transferring 74,747 square feet of commercial GFA from 2901 Wilson Boulevard ("Sending Site") to SP #418 ("Receiving Site").

[Clerk's note: as set forth in the document entitled "Addendum-1-24-12-D- Penzance Resolutions" attached for the public record to these minutes.]

The motion was adopted by a vote of 4 to 0, the voting recorded as follows: MARY HYNES, Chair - Aye, J. WALTER TEJADA, Vice Chairman - Aye, JAY FISETTE, Member - Aye, CHRISTOPHER ZIMMERMAN, Member - Aye.

- F. [SP 418 Site Plan: Penzance Clarendon Assemblage, LLC for a special exception site plan for the construction of a 306,492 square foot commercial building with 284,012 square feet of office space and 22,479 square feet of ground floor retail in the C-3 zoning district under Sections 27.D.2 and 36.H. Property is approximately 49,295 square feet and is identified as RPC: 18-026-001, 18-026-002, 18-026-003, 18-026-004, 18-026-008, 18-026-009, 18-026-010. The proposed density is 6.22 FAR. Modifications of zoning ordinance requirements include: parking ratio, penthouse height, bonus density for LEED silver certification and other modifications as necessary to achieve the proposed development plan.](#)

Following a duly advertised public hearing at which there were speakers, a motion was made by JAY FISETTE, Member, seconded CHRISTOPHER ZIMMERMAN, Member to adopt the attached ordinance to approve a site plan for the construction of a 306,492 square foot commercial building with 284,012 square feet of office space and 22,479 square feet of ground floor retail with modifications of zoning ordinance regulations for parking ratio, bonus density for LEED and other modifications as necessary to achieve the proposed development plan, subject to the conditions of the ordinance, with guidance to direct the Manager and staff to work with the applicant to address and incorporate, however feasible, the design for the two-story façade adjacent to the historic façade as presented to the Board and recommended by the HALRB.

The motion was adopted by a vote of 4 to 0, the voting recorded as follows: MARY HYNES, Chair - Aye, J. WALTER TEJADA, Vice Chairman - Aye, JAY FISETTE, Member - Aye, CHRISTOPHER ZIMMERMAN, Member - Aye.

[Board Report #41 B-F \(Posted 01-19-2012\)](#)

[Board Report #41 B-F -Supplemental Report \(Revised Site Plan Conditions-Posted 01-23-2012\)](#)

- G. An ordinance to permit encroachment of an electric vault in the public right of way of N. Garfield Street at the Southwest Corner of the Intersection of N. Garfield Street and 11th Street North, along the Eastern Boundary of Part Lot 17, Part Lot 16 and Part Lot 15, Moore's Addition to Clarendon, RPC Nos. 18-026-003 and 18-026-008.

Following a duly advertised public hearing at which there were speakers, a motion was made by JAY FISETTE, Member, seconded by J. WALTER TEJADA, Vice Chairman to enact the ordinance to permit encroachment of an electric vault in the public right of way of N. Garfield Street at the Southwest Corner of the Intersection of N. Garfield Street and 11th Street North, along the Eastern Boundary of Part Lot 17, Part Lot 16 and Part Lot 15, Moore's Addition to Clarendon, RPC# 18-026-003 and 18-026-008 (Attachment 1-1). The motion was adopted by a vote of 4 to 0, the voting recorded as follows: MARY HYNES, Chair - Aye, J. WALTER TEJADA, Vice Chairman - Aye, JAY FISETTE, Member - Aye, CHRISTOPHER ZIMMERMAN, Member – Aye.

**ORDINANCE TO PERMIT ENCROACHMENT OF AN ELECTRIC VAULT IN THE PUBLIC RIGHT OF WAY OF N. GARFIELD STREET AT THE SOUTHWEST CORNER OF THE INTERSECTION OF N. GARFIELD STREET AND 11TH STREET NORTH, ALONG THE EASTERN BOUNDARY OF PART LOT 17, PART LOT 16 AND PART LOT 15, MOORE'S ADDITION TO CLARENDON, RPC NOS. 18-026-003 AND 18-026-008.**

BE IT ORDAINED by the County Board of Arlington County, Virginia, that Penzance Clarendon Assemblage, LLC, Applicant, developer of the project known as Site Plan #418 ("Site Plan") and Jonathan C. Kinney, Trustee, Preston C. Caruthers, Trustee, and Federal Hill L.L.C., Owners (Applicant and Owners collectively, "Applicant/Owner") of property located the intersection of N. Garfield Street and 11<sup>th</sup> Street N., also known as Part Lot 15, 16, and 17 Moore's Addition to Clarendon, RPC Nos. 18-026-003 and 18-026-008 ("Property"), are permitted to construct, operate and maintain an underground electric vault ("Encroachment") within a portion of the public right of way of N. Garfield Street ("Right of Way"), such portion located along the eastern boundary of the Property. The dimensions of the Encroachment area and the spatial location (including length, width, height and elevation(s)) of the permitted Encroachment are depicted on Exhibit A attached to the County Manager's Supplemental Report dated January 23, 2012, entitled "Plat Showing Encroachment of Electric Vault in the Right-of-way of N. Garfield Street (Deed Book 115, Page 504) adjacent to Part Lot 15, 16, and 17 Moore's Addition to Clarendon (Deed Book 115, Page 504) Arlington County, Virginia," prepared by Bowman Consulting Group, Ltd. and dated March 6, 2011, and revised January 20, 2012, attached hereto as Exhibit A-1 ("Plat"). [Clerk's note: as set forth in the document entitled "Addendum-1-24-12-E- Moore's Addition Encroachment" attached for the public record to these minutes.]

BE IT FURTHER ORDAINED that these permissions shall be a license only, and shall continue until such time as: a) the Site Plan is no longer in effect or is amended so as to eliminate the Encroachment; or b) the County requests in writing to the Applicant/Owner, that the Encroachments be removed. Nothing herein shall be construed to either allow the installation of any above ground structure or any structure other than the Encroachments within the area as shown on the Plat; or to allow any greater encroachments beyond the area shown on the Plat.

BE IT FURTHER ORDAINED that the Applicant/Owner shall continuously and promptly maintain, including snow and ice removal, the surface and subsurface area of the Encroachments, including all maintenance, restoration, repair and replacement of all facilities, within and adjacent to the areas of the Encroachments.

BE IT FURTHER ORDAINED that this permission shall not release the Applicant/Owner of negligence on their part on account of such Encroachment. The Applicant/Owner, by availing themselves of the permission authorized by this Ordinance and by continuing to have the electric vault encroach within the Right of Way, thereby agree for themselves, and their successors and assigns, to the provisions of this Ordinance and agree to indemnify and hold harmless the County Board of Arlington County, Virginia and all County officials, officers, employees, and agents from all claims,

negligence, damages, costs and expenses arising out of the permission for the electric vault to encroach within the Right of Way.

BE IT FURTHER ORDAINED that on or before January 24, 2015, the Applicant, at its sole expense, shall cause a certified copy of this Ordinance and the Plat, approved by the Director of the Department of Environmental Services or his designee, to be recorded in the land records of the Arlington County Circuit Court and evidence thereof shall be promptly delivered by the Applicant to the Real Estate Bureau Chief, Engineering and Capital Projects Division, Department of Environmental Services.

[Board Report #41 G](#)

[Board Report # 41 G -Supplemental Report](#)

[Addendum-1-24-12-E- Moore's Addition Encroachment](#)

0000000000

**42. COUNTY BOARD APPROVAL OF NEW WASTE DISPOSAL AND SERVICE AGREEMENT BETWEEN ARLINGTON AND ALEXANDRIA AND COVANTA ALEXANDRIA/ARLINGTON, INC**

Following a duly advertised public hearing at which there were speakers, a motion was made by CHRISTOPHER ZIMMERMAN, Member, seconded by J. WALTER TEJADA, Vice Chairman to authorize the County Manager to execute the attached Agreement and Site Lease Amendment subject to the review and approval of such documents by the County Attorney. The motion was adopted by a vote of 4 to 0, the voting recorded as follows: MARY HYNES, Chair - Aye, J. WALTER TEJADA, Vice Chairman - Aye, JAY FISETTE, Member - Aye, CHRISTOPHER ZIMMERMAN, Member – Aye. [Clerk's note: as set forth in the document entitled "Addendum-1-24-12-F- Covanta Agreements" attached for the public record to these minutes.]

[Board Report #42](#)

[Addendum-1-24-12-F- Covanta Agreements](#)

0000000000

**SOLID WASTE AUTHORITY MEETING**

Without objection, the Board recessed at 10:49 p.m. for a meeting of the Arlington Solid Waste Authority. The Solid Waste Authority met from 10:49 p.m. to 10:53 p.m. The Board reconvened the meeting at 10:53 p.m.

0000000000

**ADDITIONAL ITEMS.**

A motion was made by CHRISTOPHER ZIMMERMAN, Member, seconded by J. WALTER TEJADA, Vice Chairman to approve the first amendment to the County Manager's Employment Agreement, the eleventh amendment to the County Attorney's Employment Agreement and the third amendment to the Clerk to the Board's Employment Agreement, and authorize the Chairman to sign each of the aforesaid amendments.

**ADJOURNMENT**

Without objection, at 10:56 p.m., the Board adjourned the meeting.

---

MARY HUGHES HYNES, Chairman

ATTEST:

---

HOPE L. HALLECK, CLERK  
Approved: February 11, 2012