

A Recessed Meeting of the County Board of Arlington County, Virginia, held in Room 307 of 2100 Clarendon Boulevard thereof on Tuesday, November 27, 2012 at 3:02 p.m.

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

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

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COUNTY BOARD RECESSED MEETING

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COUNTY BOARD BUSINESS AND REPORTS

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I. COUNTY BOARD REPORTS

The Chair spoke of the recent loss of three prominent Arlingtonians, Hank Lampe, Kit Whitely, and Cathy Schnittker. The Chair noted that all three will be missed.

The Chair, with Cara O'Donnell of Arlington Economic Development, announced the winners of the 2012 People's Choice ABBIES, Arlington's Best Business Awards. For a complete list, please visit www.shoparlington.org.

Chair Hynes introduced Jim Pebley, of the USS Arlington Commissioning Committee who provided an update on the USS Arlington and the community's efforts to support its commissioning. Mr. Pebley was joined by Frank O'Leary and Kevin Reardon. For more information, please visit www.ussarlington.lpd24.

The Chair announced a proclamation recognizing World AIDS Day, December 1. Free testing is available at Department of Human Services at 2100 Washington Boulevard.

Chair Hynes announced that nominations for the Bill Thomas Outstanding Park Service Volunteer Award are now being accepted through February 15, 2013 for Arlingtonians who have demonstrated a dedication and support for recreation programs, natural resources and public open spaces. Nomination forms online at www.arlingtonva.us/dpr

The Chair provided an update on the PLACE initiative, Participation, Leadership, and Civic Engagement. The Chair showed a short PSA from Arlington TV about PLACE Space, arlingtonplacespace.us.

Chair Hynes shared an excerpt from an informational video from Arlington TV about bringing streetcars to Arlington. The Chair announced that the Board convened a panel of representatives from transit agencies across the US and Canada for a November 15, 2012 Work Session on alternative project delivery methods.

The Chair announced that the County continues to work to obtain Federal Transit Administration (FTA) approval to enter Project Development phase of FTA Small Starts Program for Columbia Pike Streetcar.

Chair Hynes announced that the County initiated the Environmental Assessment study in conjunction with FTA for Crystal City Streetcar, which is proposed to extend between the Potomac Avenue and South Glebe Road south of

Crystal City to Pentagon City Metrorail station. A project website has been launched at www.CrystalCityStreetcar.com.

The Chair announced the Yarn Bombing program at Artisphere, which is being held every Wednesday from 6 to 9 pm through February 27, 2012.

Chair Hynes provided an update on the annual Harambee celebration, which honors and recognizes elders from Arlington neighborhoods for their contributions to their local African-American community. The program will be held on December 8 at 11 a.m. at Central Library.

The Chair provided information on several holiday lights programs including “Shirlie Lights Up the Village” at Shirlington on November 27 and Light Up Rosslyn, December 6.

Chair Hynes announced Food Drive by the Arlington County Fire Department to Benefit AFAC from December 1 through 21. Individuals may bring non-perishable food for the Arlington Food Assistance Center (AFAC) to any fire station in Arlington or Falls Church City or the lobby of 2100 Clarendon Boulevard.

The Chair also announced the Secret Santa program. Individuals may donate gift cards from area stores that Department of Human Services distributes to more than 1,000 needy individuals in the community during the holiday season. To donate or learn more, go to www.arlingtonva.us, search “Santa.”

Board Member Zimmerman provided an update on the opening of Penrose Square and the Ribbon Cutting held on November 8, 2012. The project has a community space with tables, chairs, and water feature.

Board Member Zimmerman announced two recently published books about Arlington history. The First Century and Not Ready for the Rocking Chair Yet, by Arlingtonian Martha Ann Miller and Shotgun Justice: One Prosecutors Crusade Against Crime and Corruption in Alexandria and Arlington, by local journalist Michael Lee Pope.

Vice-Chairman Tejada provided an update on the Lecke Forum, where he was a speaker on housing displacement. He gave an overview about how the changing demographics, median household income and the regional economy impact housing in the County.

Board Member Fisette announced the kick-off event for the community process to update to the Rosslyn Sector Plan, Realize Rosslyn. The event will be held December 3, 2012 at 7-9 pm at the Artisphere. For more information, please contact County staff Anthony Fusarelli at (703) 228-3548.

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II. APPOINTMENTS

A motion was made by MARY HYNES, Chair to:

Commission for the Arts

Appoint Lola Lombard for a term ending November 30, 2015

Commission on the Status on Woman

Appoint Nora Hoffman-White for a term ending November 30, 2015

Solid Waste Authority

Appoint Jeff Harn as an alternate for Libby Garvey

The motion was adopted and carried by a vote of 5 to 0. The voting recorded as follows: MARY HYNES, Chair

- Aye, J. WALTER TEJADA, Vice Chairman - Aye, JAY FISETTE, Member - Aye, LIBBY GARVEY, Member - Aye and CHRISTOPHER ZIMMERMAN, Member – Aye.

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III. REGIONAL REPORTS

The Chair announced that Metro has completed work on the first level of their strategic plan. Chair Hynes shared the vision, mission and strategic goals of the plan. Metro has launched an on-line system for people to respond to questions posted by staff every 7-10 days to assist with the planning.

Chair Hynes shared information from the Census that show transit has increased in the region. The good news is that transit's share of commuters rose from 14.6% of commuters in 2000 to 19.4% in 2011. In Arlington that share grew from 23.3% to 28.4%. For details, please visit: <http://planitmetro.com/2012/11/07/census-figures-show-transit-use-up-in-washington-region/>

The Chair also announced that she has been participating in a group of Managers and Chairs from the region which met recently to discuss statewide transportation problems in Virginia. They have developed six principals which will be used to evaluate any proposals that are made.

Board Member Jay Fisetete provided an update on the Northern Virginia Transportation Commission, which he Chairs. The Commission recently sent a letter to the Department of Rail and Public Transportation regarding the Department's study and recommendations in SJR297. Nearly all stakeholders are opposed to the major tenants of the recommendations. Mr. Fisetete will continue to update the Board on this issue.

Member Fisetete announced that the Northern Virginia Efficiency and Consolidation Task Force, comprised of the four transportation focused regional bodies was asked by the legislature to complete an analysis on increasing efficiency in transportation planning in the Northern Virginia region. The Task Force completed an executive summary and full report with five major findings, which was sent along with a letter to the Northern Virginia delegation earlier in November.

Vice-Chair Tejada Metropolitan Washington Council of Governments reported that Mr. Chuck Bean has been named the Director of the Washington Metropolitan Council of Governments. Mr. Bean has significant experience in economic preparedness and Region Forward efforts.

Vice-Chair Tejada announced the Metropolitan Washington Council of Governments Street Smart Campaign Kickoff was held on November 14. The regional effort, now in its 11th year, urges drivers, pedestrians and cyclists to pay more attention to one another on the roads, especially in the winter months. The goal is to increase pedestrian and cyclist safety during November and December, when fatalities generally increase.

Vice-Chair Tejada announced that at the Virginia Association of Counties annual conference, Arlington received the Green County Award. The award will be formally presented at next month's Board meeting.

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IV. COUNTY MANAGER REPORT

The County Manager provided a summary on the preparation for and recovery efforts from Hurricane Sandy. The Manager thanked everyone involved, both staff and residents.

The Manager introduced Deputy County Manager Marsha Allgeier, who presented the Draft Community Energy Plan. The Manager and Deputy County Manager thanked all staff, residents and business representatives involved in the development of the Plan. All Community Energy Plan related documents are available on the County website, along with a question and answer forum. [Clerk's note: as set forth in the document entitled "Addendum-11-27-12-A-Community Energy Plan" attached for the public record to these minutes.]

A motion was made by MARY HYNES, Chair, seconded by J. WALTER TEJADA, Vice Chairman to:

1. Approve the Interjurisdictional Joint Action Agreement Regarding the Arlington / Alexandria Waste-to-Energy Facility ("Agreement") [Clerk's note: as set forth in the document entitled "Addendum-11-27-12-A1-WTE Agreement" attached for the public record to these minutes.]
2. Authorize the County Manager to execute the Agreement subject to review and approval of it as to form by the County Attorney.
3. Terminate the Trust Fund created by the Amended and Restated Waste Disposal Trust Fund Cooperative Agreement dated as of October 1, 1985, as amended in 1990 and 1998.

The motion was adopted and carried by a vote of 5 to 0. The voting recorded as follows: MARY HYNES, Chair - Aye, J. WALTER TEJADA, Vice Chairman - Aye, JAY FISETTE, Member - Aye, LIBBY GARVEY, Member - Aye and CHRISTOPHER ZIMMERMAN, Member – Aye.

[Addendum-11-27-12-A-Community Energy Plan](#)

[Addendum-11-27-12-A1-WTE Agreement](#)

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V. SOLID WASTE AUTHORITY MEETING

Without objection, the Board recessed at 4:55 p.m. for the Annual Meeting of the Arlington Solid Waste Authority. The Solid Waste Authority met from 4:55 p.m. to 5:02 p.m. The Board reconvened the meeting at 5:02 p.m.

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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 and 7 for the following purposes:

discussion concerning one personnel matter concerning County Board appointments, and

consultation with the County Attorney and relevant staff concerning:

the statutes and other laws applicable to the County's issuance of certificates for, and the regulation of, taxicabs and the companies and drivers that operate them;

the workers compensation claim of Bernard Mangroo;

the statutes and other laws applicable to the County's investment of general funds and its authority to establish an investment trust with other localities for such purposes; and

the terms and conditions of agreements with the City of Falls Church for courthouse operations and the jailing of prisoners.

The motion was adopted and carried by a vote of 5 to 0. The voting recorded as follows: MARY HYNES, Chair - Aye, J. WALTER TEJADA, Vice Chairman - Aye, JAY FISETTE, Member - Aye, LIBBY GARVEY, Member - Aye and CHRISTOPHER ZIMMERMAN, Member – Aye.

The Board met in a closed meeting from 5:03 p.m. to 7:00 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 5 to 0 by roll call as follows:

Member & Vote

- Ms. Hynes - Aye
- Mr. Tejada - Aye
- Mr. Fisette – Aye
- Ms. Garvey – Aye
- Mr. Zimmerman – Aye

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

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CONSENT ITEMS (ITEMS REMOVED FROM THE CONSENT AGENDA SATURDAY, NOVEMBER 17, 2012)

Board Member Jay Fisette thanked John Seal for his long-time service to Arlington County as a member of the Commission for the Arts from 2006 to 2012, as the Chairman from 2007 to 2011, the Artisphere Advisory Board from 2010 to 2012 and on the Rosslyn Business Improvement Corporation Board from 2003 to 2005.

Board Member Christopher Zimmerman thanked Larry Finch for his contributions to Arlington County as a member of the Urban Forestry Commission from 2003 to 2012 and Chairman from 2007 to 2011, and for his work on numerous other projects throughout the County.

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USE PERMITS REQUEST/REVIEWS/AMENDMENTS

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5. U-2873-95-2 USE PERMIT REVIEW FOR LIVE ENTERTAINMENT; LOCATED AT CLARENDON GRILL, 1101 N. HIGHLAND STREET (RPC# 18-013-010)

Following a duly advertised public hearing at which there were speakers, a motion was made by JAY FISETTE, Member, seconded by LIBBY GARVEY, Member, to adopt the following ordinance:

BE IT ORDAINED that, pursuant to application U-2873-95-2 on file in the Office of the Zoning Administrator for a use permit for live entertainment and dancing for the parcel of real property located at Clarendon Grill, 1101 N. Highland Street (RPC# 18-013-010), approval is granted and the parcel so described shall be used according to the approval requested by the application, subject to all previous conditions with an administrative review in one (1) year (November 2013) and a County Board review in two (2) years (November 2014), and with an amendment to previously approved condition #4. [Clerk's note: text to be added is shown in underline]:

- 4. The applicant shall designate a neighborhood liaison to communicate with nearby residents and neighbors to address concerns which may be related to the live entertainment. The name and telephone number of the liaison shall be submitted by the applicant to the presidents of

the Lyon Village Civic Association, the Courtlands Civic Association, the Executive Director of the Clarendon Alliance, Lyon Place Apartments, and the Zoning Administrator prior to starting live entertainment.

The motion was adopted and carried by a vote of 5 to 0. The voting recorded as follows: MARY HYNES, Chair - Aye, J. WALTER TEJADA, Vice Chairman - Aye, JAY FISETTE, Member - Aye, LIBBY GARVEY, Member - Aye and CHRISTOPHER ZIMMERMAN, Member – Aye.

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6. U-2823-94-4 USE PERMIT AMENDMENT FOR A TELECOMMUNICATIONS FACILITY AND TO AMEND CONDITION #1 OF THE EXISTING USE PERMIT TO INCREASE THE MAXIMUM SIZE OF PERMITTED ANTENNAS FOR SPRINT PCS (AT THE LEE PUMPING STATION SITE); LOCATED AT 2400 N WAKEFIELD ST (RPC #05-005-072).

Following a duly advertised public hearing at which there were speakers, a motion was made by JAY FISETTE, Member, seconded by LIBBY GARVEY, Member, to adopt the following ordinance:

BE IT ORDAINED that, pursuant to application U-2823-94-4 on file in the Office of the Zoning Administrator for a use permit for a telecommunications facility and to amend Condition #1 of the existing use permit to increase the maximum size of permitted antennas for Sprint (at the Lee Pumping Station site) for the parcel of real property located at 2400 N. Wakefield St. (RPC #05-005-072), 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, with revised Conditions #1, #2, and #8 as set forth below, and with an administrative review in one (1) year (November 2013), and with a review by the County Board in three (3) years (November 2015). [Clerk's note: as set forth in the document entitled "Addendum-11-27-12-B-Sprint PCS Lee Pumping Station" attached for the public record to these minutes.]

The motion was adopted and carried by a vote of 5 to 0. The voting recorded as follows: MARY HYNES, Chair - Aye, J. WALTER TEJADA, Vice Chairman - Aye, JAY FISETTE, Member - Aye, LIBBY GARVEY, Member - Aye and CHRISTOPHER ZIMMERMAN, Member – Aye.

Revised Conditions #1, #2, and #8:

1. The applicant agrees to limit the number of antennae to six (6) panel antennae (not to exceed 54 inches in length by 9 inches in width) install all new antennas and related equipment as shown on the application package dated August 6, 2012 (for Sprint) and to maintain any other existing telecommunications antennas and related equipment on-site intact. New antennas shall be mounted at a radial center (RAD) height no greater than 148' above ground level and shall not be larger than 80 inches in length and 16 inches in width. All antennae shall be mounted on the catwalk railing of the water tower and shall be painted to match the color of the tank. No antennae are to be installed on the top of the tank or on the tank's legs or support structure. The applicant agrees that any future installation of antennas on this property that are in keeping with the intent of the use permit conditions and all Federal, State, and Local regulations shall be subject to review, and approval, by the Zoning Administrator. The Zoning Administrator shall approve the installation of such antennas and related equipment if he or she finds that such antennas and related equipment will (1) achieve satisfactory radio frequency ranges as specified by the Federal Communications Commission (FCC) standards for general population/uncontrolled exposure which are not injurious or detrimental to the public welfare, via a radio frequency/electromagnetic emissions report upon

submission of the administrative change request (2) the proposed antennas are mounted at a RAD height no greater than 148' above ground level on the same or similar mounts located on the catwalk railing, and (3) that the first emissions test for any new antennas shall be submitted one (1) month after their installation to the Zoning Administrator, the Presidents of the Donaldson Run and Old Dominion Civic Associations, President of the Analoatan Home Owners' Association, and the Director of the Emergency Communications Center for their records. If at any time the applicant's operations cause it to exceed the standards specified by the FCC, then the applicant agrees to immediately cease operations until the violation can be corrected.

2. The electromagnetic emissions from the applicant's antennae shall at all times comply with the ANSI C95.1-1992 Standard for Safety Levels with Respect to Human Exposure to Radio Frequency Electromagnetic Fields, 3 KHz to 300 GHz, as adopted by the Federal Communications Commission in its Second Order and Report on Personal Communications Systems (Adopted: September 23, 1993 in Docket 90-314). The applicant agrees to have an independent engineering firm conduct, at its sole costs and expense, field measurements of its electromagnetic emissions. The first test shall be conducted within 30 days after the applicant's equipment is installed and becomes operational. Thereafter, the test shall be conducted annually from the approval date of the special exception use permit (January 7, 1995). True and correct copies of the field measurement, certified by an engineer licensed to practice in the Commonwealth of Virginia, shall be submitted to the Zoning Administrator, the Presidents of the Donaldson Run and Old Dominion Civic Associations, the President of the Analoatan Home Owners' Association, and the Director of the Emergency Communications Center within 30 days of the test completion no later than June 1st of each year. If at any time the applicant's operations cause it to exceed the standards set forth in the above ANSI standard, then the applicant agrees to immediately cease operations until the violation can be corrected. The applicant agrees not to continue operations until such time as the system is operating within the applicable standard.

8. The applicant shall establish and identify a liaison who shall be available to address any concerns regarding its operations at the Lee Pumping Station. The name and telephone number of the liaison shall be sent to the Donaldson Run Civic Association, ~~and~~ the Old Dominion Civic Association, the Analoatan Home Owners' Association, and to the Zoning Administrator.

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

[Addendum-11-27-12-B-Sprint PCS Lee Pumping Station](#)

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9. **WESTOVER FARMERS MARKET**

- A. U-3327-12-1 Use Permit Amendment to amend the permitted months of operation and to revise the layout of the market to include Reed School property for Westover Farmers' Market, located at 1671 McKinley Rd (RPC# 10-022-030), and parts of the McKinley Road right-of-way.

- B. Approval by the County Board of the joinder and consent to an open-air market license agreement between Arlington Public Schools, as Licensor, and Field to Table, Inc., as Licensee, on property known as the Westover Library/Reed School, in which the County has a leasehold interest in a portion of the property (RPC No. 10-022-030), 1644 N. McKinley Road, Arlington

County, Virginia.

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

A. Adopt the following ordinance :

BE IT ORDAINED that, pursuant to application U-3327-12-1 on file in the Office of the Zoning Administrator for a use permit amendment for the parcel of real property located at 1671 McKinley Rd (RPC# 10-022-030), and parts of the McKinley Road right-of-way, approval is granted and the parcel so described shall be used according to the approval requested by the application, subject to all previous conditions and amended Conditions #1, 6, and 7, with a County Board review in one (1) year (November 2013). [Clerk's note: as set forth in the document entitled "Addendum-11-27-12-C-Westover Farmer's Market Use Permit" attached for the public record to these minutes.]

Proposed Amended Conditions:

1. The applicant agrees that the hours of operation for the Summer open-air market will be limited to Sundays from 8 a.m. to 12 p.m., ~~April~~ For purposes of this approval, the summer market will be the operations during the months of May through November. For the summer market, the applicant agrees that vendors will be permitted to begin set-up on Sunday no earlier than 7 a.m., and vendors must complete clean-up and depart from the site no later than 12:30 p.m. Vendor spaces for the summer market shall be laid out generally in accordance with the applicant's exhibit attached to this report entitled "Westover Farmers Market—Summer" and dated February 2012. The applicant further agrees that the hours of operation for the winter market will be limited to Sundays from 9 a.m. to 1 p.m. The winter market shall be all open-air market operations during the months of December through April. The applicant agrees that vendors will not be permitted to begin set-up on Sunday earlier than 8 a.m., and vendors must clean up and depart from the site no later than 1:30 p.m. Vendor spaces for the winter market shall be laid out generally in accordance with the applicant's exhibit attached to this report entitled "Westover Farmers Market—Winter" and dated February 2012.
6. The applicant agrees to comply with the requirements of all applicable laws, ordinances and regulations, including by way of illustration and not limitation, the County's Noise Ordinance ~~and~~ the Zoning Ordinance regulations for signs. The applicant specifically agrees, by way of illustration and not limitation, that it will not place A-frame signs in the public rights of way, or on or adjacent to sidewalks.
7. ~~The applicant agrees to lay out the vendor spaces generally in accordance with the attached Westover Market Vendor and Parking Plan. The applicant agrees that At least two~~ (2) driveways to the Westover Shopping Center parking lot and one (1) exit from the bank ATM drive-through shall be maintained at all times from McKinley Road.

B. Take the following actions:

1. Approve the Joinder and Consent of the County Board to the attached Open-Air Market License Agreement between Arlington Public Schools ("APS"), as Licensor, and Field to Table, Inc. ("FTT") as Licensee, on property known as the Westover Library/ Reed School, in which the County has a leasehold interest in apportion of the property (RPC No. 10-022-030), 1644 N. McKinley Road, Arlington County, Virginia. [Clerk's note: as set forth in the document entitled "Addendum-11-27-12-D-Westover Farmer's Market Agreement" attached for the public record to these minutes.]
2. Authorize the Real Estate Bureau Chief, or his designee, to execute on behalf of the County Board, the Joinder and Consent to the attached Open-Air Market License Agreement between APS and FTT, subject to approval of such Agreement as to form by the County Attorney.

The motion was adopted and carried by a vote of 5 to 0. The voting recorded as follows: MARY HYNES,

Chair - Aye, J. WALTER TEJADA, Vice Chairman - Aye, JAY FISETTE, Member - Aye, LIBBY GARVEY, Member - Aye and CHRISTOPHER ZIMMERMAN, Member – Aye.

[Board Report # 9 A](#)

[Addendum-11-27-12-C-Westover Farmer's Market Use Permit](#)

[Board Report #9 B](#)

[Addendum-11-27-12-D-Westover Farmer's Market Agreement](#)

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CAPITAL PROJECTS

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18. ROCKY RUN PARK

- A. Enactment of an ordinance to vacate a portion of Fairfax Drive, running in a southeasterly direction, from a point on Fairfax Drive near its intersection with North Barton Street to the Southeasterly Corner of Rocky Run Park (RPC# 18-084-007).
- B. Award of contract for the construction of Rocky Run Park located at 1109 N. Barton St., Invitation to Bid Number 508-13.

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

- A.
 - 1. Enact the attached Ordinance to Vacate a Portion of Fairfax Drive, Running in a Southeasterly Direction, from a Point on Fairfax Drive Near its Intersection with North Barton Street to the Southeasterly Corner of Rocky Run Park (RPC# 18-084-007);
 - 2. Authorize the Real Estate Bureau Chief, Department of Environmental Services, or his designee, to execute and accept, on behalf of the County Board, the Deed of Vacation and Dedication, and to execute all other documents necessary to effectuate the Ordinance of Vacation, subject to approval as to form by the County Attorney.

ORDINANCE TO VACATE A PORTION OF FAIRFAX DRIVE RUNNING IN A SOUTHEASTERLY DIRECTION, FROM A POINT ON FAIRFAX DRIVE NEAR ITS INTERSECTION WITH NORTH BARTON STREET TO THE SOUTHEASTERLY CORNER OF ROCKY RUN PARK, RPC NO. 18-084-007.

BE IT ORDAINED that, upon a motion by the County Board, a portion of Fairfax Drive running in a Southeasterly direction, from a point on Fairfax Drive near its intersection with North Barton Street and abutting Rocky Run Park, Arlington County, Virginia, RPC No. 18-084-007 ("Property"), and created by a Deed recorded in Deed Book S-4 at Page 395 among the land records of Arlington County, Virginia ("Fairfax Drive"), and which portion of Fairfax Drive is shown on a plat entitled, "Plat Showing Vacation of a Portion of Fairfax Drive, Liber S-4, Page 395, and Area Dedicated to Public Street Purposes, Arlington County, Virginia" dated June 1, 2012, prepared by

the Arlington, Virginia Department of Environmental Services Engineering Bureau – Survey Section (“Plat”), attached to the County Manager’s Report dated September 25, 2012, as Exhibit A, is hereby vacated subject to the following conditions:

1. The County shall dedicate to public street purposes, that portion of Rocky Run Park that is shown on the Plat as “Area Hereby Dedicated to Public Street Purposes, Area = 2,409 Sq. Ft.”
 2. The County shall prepare the Deed of Vacation and Dedication, all required plats, subject to approval thereof by the County Manager, or her designee, and approval of the Deed of Vacation and Dedication as to form by the County Attorney.
 3. The County shall record all plats, and the Deed of Vacation and Dedication, required by this Ordinance of Vacation.
 4. The County shall pay all fees for the recording of the required documents, associated with this Ordinance of Vacation.
- B.
1. Approve the Award of Contract Number 508-13 in the amount of \$2,561,000 to Meridian Construction Co., Inc. and approve an allocation of \$384,150 as a contingency for change orders, for a total contract authorization of \$2,945,150.
 2. Authorize the Purchasing Agent to execute the contract documents and all other documents to implement the above actions, after the review and approval of such documents by the County Attorney.

The motion was adopted and carried by a vote of 5 to 0. The voting recorded as follows: MARY HYNES, Chair - Aye, J. WALTER TEJADA, Vice Chairman - Aye, JAY FISETTE, Member - Aye, LIBBY GARVEY, Member - Aye and CHRISTOPHER ZIMMERMAN, Member – Aye.

[Board Report #18 A](#)

[Board Report #18 B](#)

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REQUESTS TO ADVERTISE

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21. REQUEST TO ADVERTISE PUBLIC HEARINGS TO CONSIDER THE LOCAL HISTORIC DISTRICT DESIGNATION AND DESIGN GUIDELINES FOR THE GREEN VALLEY PHARMACY, LOCATED AT 2415 SHIRLINGTON ROAD (RPC # 31-025-008)

Following a duly advertised public hearing at which there were speakers, a motion was made by MARY HYNES, Chair, seconded by J. WALTER TEJADA, Vice Chairman, to adopt the resolution to authorize the advertisement (Attachment A of the staff report) of public hearings by the Planning Commission on January 14, 2013, and the County Board on January 26, 2013, to consider adoption of an ordinance designating the Green Valley Pharmacy, located at 2415 Shirlington Rd. (RPC # 31-025-008) as a local historic district and to consider the adoption of historic district design guidelines. The motion was adopted and carried by a vote of 5 to 0. The voting recorded as follows: MARY HYNES, Chair - Aye, J. WALTER TEJADA, Vice Chairman - Aye, JAY FISETTE, Member - Aye, LIBBY GARVEY, Member - Aye and CHRISTOPHER ZIMMERMAN, Member – Aye.

RESOLUTION TO AUTHORIZE ADVERTISEMENT OF PUBLIC HEARINGS TO CONSIDER AN ORDINANCE TO DESIGNATE THE GREEN VALLEY PHARMACY, LOCATED AT 2415 SHIRLINGTON RD. (RPC # 31-025-008), AS AN ARLINGTON HISTORIC DISTRICT , AND TO CONSIDER THE ADOPTION OF HISTORIC DISTRICT DESIGN GUIDELINES, AT THE January 14, 2013, PLANNING COMMISSION AND THE January 26, 2013, COUNTY BOARD MEETINGS. THIS PROPOSED ORDINANCE WILL PRESERVE BUILDINGS WITHIN ARLINGTON COUNTY HAVING IMPORTANT HISTORIC, ARCHITECTURAL, ARCHAEOLOGICAL OR CULTURAL INTEREST AND WILL FACILITATE THE CREATION OF A CONVENIENT, ATTRACTIVE AND HARMONIOUS COMMUNITY AND PROTECT AGAINST THE DESTRUCTION OF OR ENCROACHMENT UPON HISTORIC AREAS.

The County Board of Arlington County hereby resolves to authorize the advertisement of public hearings to consider an ordinance to designate the Green Valley Pharmacy, located at 2415 Shirlington Rd. (RPC # 31-025-008), as an Arlington Historic District, and to consider the adoption of historic district design guidelines, at the January 14, 2013, Planning Commission and the January 26, 2013, County Board meetings. This proposed ordinance will preserve buildings within Arlington County having important historic, architectural, archaeological or cultural interest and will facilitate the creation of a convenient, attractive and harmonious community and protect against the destruction of or encroachment upon historic areas.

* * *

Z – 2561 – 12-1 HISTORIC DISTRICT
Proposed Historic District designation of the Green Valley Pharmacy
located at 2415 Shirlington Rd.

AN ORDINANCE PURSUANT TO CHAPTER 31A OF THE ARLINGTON COUNTY ZONING ORDINANCE AND THE HISTORICAL AFFAIRS AND LANDMARK REVIEW BOARD SUBMITTAL Z-2561-12-1, TO DESIGNATE THE GREEN VALLEY PHARMACY, LOCATED AT 2415 SHIRLINGTON RD. (RPC # 31-025-008) , AS AN ARLINGTON HISTORIC DISTRICT IN ORDER TO PRESERVE BUILDINGS WITHIN ARLINGTON COUNTY HAVING IMPORTANT HISTORIC, ARCHITECTURAL, ARCHAEOLOGICAL OR CULTURAL INTEREST AND TO FACILITATE THE CREATION OF A CONVENIENT, ATTRACTIVE AND HARMONIOUS COMMUNITY AND PROTECT AGAINST THE DESTRUCTION OF OR ENCROACHMENT UPON HISTORIC AREAS.

BE IT ORDAINED that,

WHEREAS, the Historical Affairs and Landmark Review Board (HALRB), based upon research, analysis, and study contained in the County's Historic District Designation Form and other information considered by it, recommends that the Green Valley Pharmacy be designated as an Historic District; and

WHEREAS, based on that form and other information presented to the County Board, the Board finds that the property meets at least three of the eleven designation criteria listed in Section 31A, Part C.1.d of the Arlington Zoning Ordinance; and

WHEREAS, the HALRB has collaborated with the property owner on proposed historic district design guidelines and has approved said design guidelines (see Attachment D of the Board Report dated October 31, 2012); and

WHEREAS, the County Board finds that the historic and cultural significance of the property qualifies it for designation as an Historic District and that such designation will protect against destruction of or encroachment upon historic areas.

THEREFORE, the property in Arlington County known as the Green Valley Pharmacy, located at 2415 Shirlington Rd. (Real Property Code 31-025-008) and which is shown on the map that is included as Attachment F of the Board Report dated October 31, 2012 and includes the entire parcel shown on that attachment, is hereby designated as an Arlington Historic District pursuant to Section 31A of the Arlington County Zoning Ordinance, and Historical Affairs and Landmark Review

Board submittal Z-2561-12-1 on file in the Office of the Zoning Administrator, and the zoning map is hereby amended to record this designation as an Historic District . All buildings and land comprising 2415 Shirlington Rd. are included within the boundary of the Green Valley Pharmacy Historic District.

[Board Report #21](#)

[Board Report #21-Supplmental Report](#)

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

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REGULAR HEARING ITEMS

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- 32. **SP# 91 SITE PLAN AMENDMENT TO ALLOW DECKS AND A SUNROOM TO ENCROACH ON REAR YARD SETBACKS; LOCATED AT 1923, 1941, AND 1947 N. WOODLEY ST. MODIFICATIONS OF ZONING ORDINANCE REQUIREMENTS INCLUDE: REAR-YARD SETBACK REQUIREMENTS AND ENCROACHMENTS OF GREATER THAN 4 FEET INTO REAR-YARD SETBACKS FOR DECKS AND ENCROACHMENT INTO REAR YARD SETBACK FOR A SUNROOM, AND OTHER MODIFICATIONS AS NECESSARY TO ACHIEVE THE PROPOSED DEVELOPMENT PLAN (RPC# 07-008-037, -046, -044)**

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 ordinance to approve an amendment to Site Plan #91, for a second-story deck at 1923 N. Woodley St. as shown on attachment #2 ("1923 plan") entitled "1923 N. Woodley Street," prepared by Susan Hurd, and dated October 31, 2012, and extending no more than 10 feet into the rear yard and no more than 12 feet in width, and a 10 feet deep by 14 feet wide sunroom addition at 1947 N. Woodley St. as shown in attachment #5 ("1947 plans") attached to this report prepared for the November 17, 2012, County Board meeting and including modifications of use regulations to permit decks to encroach more than four (4) feet into rear yard setbacks, and to permit the addition to encroach into rear yard setbacks, and other modifications as necessary to permit the improvements as described in the ordinance and shown on the referenced plans; and accept withdrawal of the proposal for a deck at 1941 N. Woodley Street. [Clerk's note: as set forth in the document entitled "Addendum-11-27-12-E-SP #91" attached for the public record to these minutes.]

The motion was adopted and carried by a vote of 5 to 0. The voting recorded as follows: MARY HYNES, Chair - Aye, J. WALTER TEJADA, Vice Chairman - Aye, JAY FISETTE, Member - Aye, LIBBY GARVEY, Member - Aye and CHRISTOPHER ZIMMERMAN, Member – Aye.

Site Plan Amendment Ordinance

WHEREAS, an application for a Site Plan Amendment dated June 28, 2012, for Site Plan # 91, was filed with the Office of the Zoning Administrator; and

WHEREAS, as indicated in Staff Report[s] prepared for the November 17, 2012, County Board meeting and through comments made at the public hearing before the County Board, the County Manager recommends that the County Board approve the Site Plan Amendment with some modifications to allow only

(1) a deck at 1923 North Woodley Street and (2) a sunroom at 1947 North Woodley Street as shown on the plans referenced in Condition 11 below and subject to numerous conditions as set forth in the Staff Report[s]; and

WHEREAS, the County Board held a duly-advertised public hearing on that Site Plan Amendment on November 17, 2012, and finds, based on thorough consideration of the public testimony and all materials presented to it and/or on file in the Office of the Zoning Administrator, that the improvements and/or development proposed by the Site Plan as amended:

- Substantially complies with the character of master plans, officially approved neighborhood or area development plans, and with the uses permitted and use regulations of the district as set forth in the Zoning Ordinance and modified as follows:

Rear yard setbacks; and

- Functionally relates to other structures permitted in the district and will not be injurious or detrimental to the property or improvements in the neighborhood; and
- Is so designed and located that the public health, safety and welfare will be promoted and protected.

NOW THEREFORE, BE IT ORDAINED that, as originally requested by an application dated June 28, 2012 for Site Plan # 91, and as such application has been modified, revised, or amended to include the drawings, documents, conditions and other elements designated in Condition 11 (which drawings, etc... are hereafter collectively referred to as "Revised Site Plan Application"), for a Site Plan Amendment for one (1) second-story, rear yard deck and a rear yard sunroom addition, with modifications of use regulations for decks to encroach more than four (4) feet into rear-yard setbacks, and for the sunroom to encroach into rear yard setbacks, for the parcels of real property known as RPC# 07-008-037 and -046 approval is granted and the parcels so described shall be used according to the Site plan as originally approved on December 13, 1972 and amended from time to time as shown in the records of the Office of Zoning administration, and as amended by the Revised Site Plan Application, subject to all previous conditions and the following new condition 11:

11. The applicants agree that the decks and sunroom as approved by the Arlington County Board on November 17, 2012, for the properties referenced below shall be of the following dimensions:

- 1923 N. Woodley Street: 10' deep by 12' wide, as shown on the plan entitled "1923 N. Woodley St" prepared by Susan Hurd, and dated October 31, 2012.
- 1947 N. Woodley Street: 10' deep by 14' wide as shown on the renderings attached to this report prepared for the November 17, 2012 County Board meeting.

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[Addendum-11-27-12-E-SP #91](#)

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33. AWARD OF NEW CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY TO EXISTING AND/OR PROPOSED NEW TAXICAB COMPANIES TO PERMIT OPERATION IN ARLINGTON.

Following a duly advertised public hearing at which there were speakers, a motion was made by MARY HYNES, Chair, seconded by J. WALTER TEJADA, Vice Chairman to close the public hearing and carry-over consideration of authorizing the award of new Certificates of Public Convenience and Necessity to existing and/or proposed new taxicab companies to permit operation within Arlington to the December Board meeting. The motion was adopted and carried by a vote of 5 to 0. The voting recorded as follows: MARY HYNES, Chair - Aye, J. WALTER TEJADA, Vice Chairman - Aye, JAY FISSETTE, Member - Aye, LIBBY GARVEY, Member - Aye and CHRISTOPHER ZIMMERMAN, Member – Aye.

[Board Report #33](#)

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34. ADOPTION OF GUIDELINES FOR THE USE OF THE PUBLIC-PRIVATE TRANSPORTATION ACT OF 1995 (PPTA), TO CREATE PUBLIC-PRIVATE PARTNERSHIPS FOR THE

DEVELOPMENT OF TRANSPORTATION FACILITIES.

Following a duly advertised public hearing at which there were speakers, a motion was made by MARY HYNES, Chair, seconded by LIBBY GARVEY, Member to close the public hearing and carry-over consideration of adopting the proposed attached Public-Private Transportation Act of 1995, as Amended Arlington County Guidelines, and the corresponding proposed attached amendments to the Arlington County Purchasing Resolution, to be effective April 1, 2013. to the December Board meeting. The motion was adopted and carried by a vote of 5 to 0. The voting recorded as follows: MARY HYNES, Chair - Aye, J. WALTER TEJADA, Vice Chairman - Aye, JAY FISETTE, Member - Aye, LIBBY GARVEY, Member - Aye and CHRISTOPHER ZIMMERMAN, Member – Aye. [Clerk's note: as set forth in the document entitled "Addendum-11-27-12-F-PPTA" attached for the public record to these minutes.]

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[Addendum-11-27-12-E-SP #91](#)

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ADDITIONAL ITEMS

CLAIM OF BERNARD MANGROO

A motion was made by MARY HYNES, Chairman, seconded by J. WALTER TEJADA, Vice Chairman, to approve the settlement agreement resolving the Workers' Compensation Claim of Bernard Mangroo, and authorize the filing of the necessary pleadings with the Virginia Workers' Compensation Commission and execution of any related paperwork on behalf of the County Board. The motion was adopted and carried by a vote of 5 to 0. The voting recorded as follows: MARY HYNES, Chair - Aye, J. WALTER TEJADA, Vice Chairman - Aye, JAY FISETTE, Member - Aye, LIBBY GARVEY, Member - Aye and CHRISTOPHER ZIMMERMAN, Member – Aye.

ADJOURNMENT

Without objection, at 1:45 a.m. on November 28, 2012, the Board adjourned the meeting.

MARY HYNES, Chair

ATTEST:

HOPE L. HALLECK, Clerk
Approved: December 11, 2012