

A Regular Meeting of the County Board of Arlington County, Virginia, held in Room 307 of 2100 Clarendon Boulevard thereof on Saturday, October 24, 2009 at 8:30 a.m.

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

ALSO PRESENT: RON CARLEE, County Manager  
STEPHEN A. MacISAAC, County Attorney  
HOPE L. HALLECK, Clerk  
and other staff

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**\* PUBLIC COMMENT**

Robert Atkins spoke about the Waste to Energy Plant.

June O'Connell spoke about County Manager Ron Carlee.

Mark and Virginia Downey spoke about a code enforcement issue.

John A. Antonelli spoke about County Manager Ron Carlee.

Ladd Connell, representing the Leeway Overlee Civic Association, spoke about the East Falls Church Redevelopment .

Jim Hurysz spoke about HOT Lanes and I-395 in Fairlington and fiscal responsibility.

Bruce Cameron, representing Aurora Highlands Civic Association, spoke about I-395 and impact on Crystal City.

Joan Quinn, spoke on impact of development on Crystal City and surrounding neighborhoods.

David Nolan spoke about uninhabitable property.

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**\* CONSENT ITEMS (ITEMS 1-34) CITIZENS INTERESTED IN REMOVING AN ITEM FROM THE CONSENT AGENDA MUST SUBMIT A SPEAKER SLIP TO THE CLERK AT THE SATURDAY, OCTOBER 24, 2009, MEETING BEFORE 9 A.M. PUBLIC TESTIMONY ON REMOVED ITEMS WILL OCCUR AT THE RECESSED MEETING ON TUESDAY, OCTOBER 27, 2009, AT 6:30 P.M. (NO TESTIMONY TAKEN ON SATURDAY).**

Ms. Favola announced her declaration of personal interest pursuant to Section 2.2-3115.G in the use permit amendment applied for by Marymount University for modification of Condition #68 of approval regarding improvements under Old Dominion Drive Bridge (Item #7). Ms. Favola is employed by the University; however, under the State and Local Government Conflicts of Interest Act, because she is a member of a group who are all affected by the approval of the use permit, she was able to participate in the discussions and votes concerning the use permit, and can do so fairly, objectively, and in the public interest.

Mr. Zimmerman announced his declaration of personal interest pursuant to Section 2.2-3115.G in the request to advertise for a public hearing on the proposed amendments to Chapters 21, 35 and 46 (Retirement System) of the Arlington County Code (Item #30). Mr. Zimmerman as a member of the County Board and the amendment would provide an opportunity for him to purchase retirement benefits; however, under the State and Local Government Conflicts of Interest Act, because he is a member of a group who are all affected by the approval of the amendment, he is able to participate in the discussions and votes concerning the amendment, and can do so fairly, objectively, and in the public interest.

Mr. Fisette announced his declaration of personal interest pursuant to Section 2.2-3115.G in the request to advertise for a public hearing on the proposed amendments to Chapters 21, 35 and 46 (Retirement System) of the Arlington County Code (Item #30). Mr. Zimmerman as a member of the County Board and the amendment would provide an opportunity for him to purchase retirement benefits; however, under the State and Local Government Conflicts of Interest Act, because he is a member of a group who are all affected by the approval of the amendment, he is able to participate in the discussions and votes concerning the amendment, and can do so fairly, objectively, and in the public interest.

On motion by CHRISTOPHER ZIMMERMAN, Member, seconded by J. WALTER TEJADA, Member and carried by a vote of 5 to 0, the voting recorded as follows: BARBARA A. FAVOLA, Chairman - Aye, JAY FISSETTE, Vice Chairman - Aye, MARY HUGHES HYNES, Member - Aye, J. WALTER TEJADA, Member - Aye, CHRISTOPHER ZIMMERMAN, Member - Aye, the County Board approved the County Manager’s recommendation for consent items #1 through #8, #10 through #18, #20 through 26, and #28 through #34. Requests for full hearing were submitted for items #9, 19 and #27 and scheduled for hearing at the October 27, 2009 County Board Recessed Meeting.

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**SITE PLANS/AMENDMENTS/REVIEWS**

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**1. SP #57 SITE PLAN AMENDMENT FOR ENHANCED EXTERIOR LIGHTING AT HOLIDAY INN; LOCATED AT 4610 FAIRFAX DRIVE (RPC #14-053-056).**

On the consent agenda vote, after a duly advertised public hearing at which there were no speakers, the Board deferred the site plan amendment to the November 14, 2009 County Board Meeting.

[Board Report #1](#)

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**2. METROPOLITAN PARK**

**A. SP #105 SITE PLAN AMENDMENT FOR METROPOLITAN PARK PHASE ONE, TO AMEND CONDITION #59 AND TO PERMIT A TEMPORARY LEASING OFFICE; PREMISES KNOWN AS 550 14TH ROAD SOUTH (RPC #35-003-003, -004, and -005).**

**B. THE APPLICATION FOR THIS ITEM WAS WITHDRAWN.**

On the consent agenda vote, after a duly advertised public hearing at which there were no speakers, the Board adopted the following ordinance for item #2A:

BE IT ORDAINED that, pursuant to applicant SP#105 on file in the Office of the Zoning Administrator for an amendment to a special exception for a site plan for Metropolitan Park Phase One, to amend condition #59 and to permit a temporary leasing office for the parcel of real property known as 550 14th Road South (RPC #35-003-003, -004, and -005) subject to all previously approved conditions and amended condition #59, and one new condition #73:

- 59. Retail Elements
  - a. As part of a broad retail attraction and marketing plan for the entire development per the Metropolitan Park Design Guidelines (January 23, 2004) and the Metropolitan Park Project Booklet (November 12, 2003), the developer agrees to develop and implement a retail attraction and marketing plan for the 11,300 square feet of retail space located on the first floor of the residential building. The plan shall identify the types of retail desired, the marketing strategy to attract the retail, and strategies to retain the retail. The retail attraction and marketing plan (RAMP) shall be reviewed and approved by the County Manager or his designee before being submitted to the Zoning Administrator. The above-grade building permit shall not be issued until documentation has been provided to the Zoning Administrator assuring that the plan has been approved by the County Manager or his designee. ~~Any~~ eChanges in the use of the retail space from retail to office or other non-retail use that are not

consistent with the uses permitted in condition #71 shall require a site plan amendment.

73. The applicant agrees that the temporary leasing office as approved by the County Board on October 24, 2009 shall expire six months from the date of issuance of the certificate of occupancy for such use.

[Board Report #2A](#)

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**3. SP #106 SITE PLAN AMENDMENT TO AMEND THE SHIRLINGTON COMPREHENSIVE SIGN PLAN FOR SHIRLINGTON HOTEL; LOCATED AT 4271 CAMPBELL AVENUE (RPC #29-014-021).**

On the consent agenda vote, after a duly advertised public hearing at which there were no speakers, the Board adopted the following ordinance:

BE IT ORDAINED that, pursuant to applicant SP#106 on file in the Office of the Zoning Administrator for an amendment to a special exception for the Shirlington Comprehensive Sign Plan for Shirlington Hotel for the parcel of real property known as 4271 Campbell Avenue (RPC #29-014-021) subject to all previously approved conditions and the following new conditions:

6. The applicant agrees to limit all signs to the size, design, location, color, materials, and text of the proposed signs shown on the drawings prepared by Chandler Signs, for Hilton Garden Inn and dated October 14, 2009. The applicant agrees that the total sign area allowed excluding rooftop signs will be no more than 30 square feet. The applicant agrees that the monument sign shall be illuminated only as shown on the drawing. [as set forth in the document entitled "Addendum 10-24-09-A – Hilton Garden Inn October 14, 2009" attached for the public record to these minutes.]
7. The applicant agrees that the Zoning Administrator may approve a minor change to the Comprehensive Sign Plan consistent with the *Sign Guidelines for Site Plan Buildings*. For the purposes of the preceding sentence, minor changes shall include only the following: (i) a minor adjustment in the location of the sign to meet field conditions (less than 1 foot in any direction); (ii) a minor change in the area of the sign (less than 5%), or (iii) a change in the text and/or color of the sign. All other changes to the approved Comprehensive Sign Plan will require site plan approval or amendment.
8. The applicant agrees to install a rheostat or other appropriate variable resistor that will allow the applicant to reduce the monument sign's lighting intensity. The applicant further agrees that if the County Manager finds that the intensity of the monument sign's lighting has an adverse effect on the surrounding area, the applicant will, within 24 hours notice from the County Manager, reduce the intensity of the lights to a level that, in the County Manager's reasonable judgment, will no longer have such an adverse effect.
9. The applicant agrees to submit to the Zoning Office not more than two (2) months after the date of County Board approval of the site plan amendment (December 24, 2009), a revised and complete Comprehensive Sign Plan and Sign Guidelines for the Village at Shirlington. This revised Comprehensive Sign Plan shall include both the signs approved in this site plan amendment, and the rooftop sign for the Shirlington Hotel on the Randolph Street facade, which was approved by the County Board on January 24, 2007.
10. The applicant agrees that the subject monument sign approved in this site plan amendment is intended as a replacement for one (1) rooftop sign otherwise allowed under the *Sign Guidelines {Or Site Plan Buildings}*. The applicant further agrees that no additional rooftop signs shall be allowed for the Shirlington Hotel building at 4271 Campbell Avenue-with the exception of the rooftop sign for the Randolph Street facade approved by the County Board on January 24, 2007-unless the monument sign is first removed.

[Board Report #3](#)

[Addendum 10-24-09-A – Hilton Garden Inn October 14, 2009](#)

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**4. SP #109 SITE PLAN AMENDMENT TO ALLOW EDUCATIONAL USES ON THE SECOND THROUGH SEVENTH FLOORS, AND EDUCATIONAL AND RETAIL USES ON THE FIRST FLOOR, LOCATED AT 3330 WASHINGTON BOULEVARD (RPC # 15-087-003).**

On the consent agenda vote, after a duly advertised public hearing at which there were no speakers, the Board adopted the following ordinance:

BE IT ORDAINED that, pursuant to applicant SP#109 on file in the Office of the Zoning Administrator for an amendment to a special exception to allow educational uses on the second through seventh floors, and educational and retail uses on the first floor, for the parcel of real property known as 3330 Washington Boulevard (RPC #15-087-003), subject to all previously approved conditions and the following new conditions:

7. The applicant agrees to contribute in the amount specified in Site Plan conditions to the County utility fund before the issuance of the first Certificate of Occupancy for the requested uses. The total utility fund contribution for this site is \$39,258.49 (\$50,000 x .78 acres). These funds may, but need not, be used by the County for the purpose of providing the undergrounding of utilities along the properties which are not redeveloping in this undergrounding district. If the area of the site plan is subdivided, the contribution to be made by each owner shall be based proportionally on the amount of site area allocated to each subdivided parcel. The contribution, if not obligated by the County to pay for utility undergrounding projects within 10 years from the date of payment, will be refunded without any accrued interest to the development owners of record at the time of any refund.
8. HUB Properties Trust (hereinafter known as HUB), successors, and ~~assigns~~ assignees, agrees to develop and implement a Transportation Management Plan (TMP) in order to achieve the desired results of the Arlington County Transportation Demand Management (TDM) program. HUB agrees to obtain the approval of the County Manager or his designee for such plan before the issuance of the first Certificate of Occupancy for the requested uses. The Transportation Management Plan include a schedule and details of implementation and continued operation of the elements in the plan. The Transportation Management Plan shall include, but not be limited to, the following strategies:

Participation and Funding

- a. Maintain an active, on going relationship with Arlington Transportation Partners (ATP), or successor entity, on behalf of the property owner.
- b. Designate a member(s) of building management, or a representative of the tenant, as Property Transportation Coordinator (PTC) to be a primary point of contact with the county and undertake the responsibility for coordinating and completing all Transportation Management Plan (TMP) obligations. HUB and / or building management or tenant's representative will provide, and keep current, the name and contact information of the PTC to Arlington County Commuter Services (ACCS) or successor. The Property Transportation Coordinator shall be appropriately trained, to the satisfaction of ACCS, to provide rideshare, transit, and other information provided by Arlington County intended to assist with transportation to and from the site.

Facilities and Improvements

- a. Provide in the lobby, an information display, the number/ content / design/location of which shall be approved by ACCS / ATP, to provide transportation-related information to residents and visitors. Management shall keep display(s) stocked with approved materials at all times.
- b. Provide bicycle parking: 12 spaces within 50 feet of the front entrance to the 3330 Washington Boulevard building on Washington Blvd.

Parking Management Plan

- a. No on-street loading will be permitted between the hours of 7 to 9 AM and 4 to 6 PM.
- b. The applicant, during tenants' primary hours of operation, shall limit parking on site to building management, tenants' employees and students taking classes at the GMU Arlington campus and shall require a fee to park on site for single occupant vehicles (SOV) consistent with comparable office buildings located in the Arlington County development corridors. The applicant at its discretion. May make the parking

on site available to third parties on weekends, legal holidays (defined as New Year's Day, Martin Luther King Day, Presidents Day, Memorial Day, Independence Day, Labor Day, Columbus Day, Veteran's Day, Thanksgiving, and Christmas), and after 10pm Monday through Friday.

- c. Provide reserved spaces for carpools and vanpools that are conveniently located with respect to the elevators serving the building.

Promotions, Services, Policies

- a. Provide website hotlinks to CommuterPage.com/TM under a "transportation information" heading from the applicant's tenant and/or property manager's websites regarding this development.
- b. Transit Subsidies: HUB, or their tenant shall provide a transit subsidy to employees up to the Federal maximum per month. Currently that maximum is \$230.
- c. Reference the Virginia Square Metro Station and bus routes in promotional materials and advertisements.
- d. Cooperate with Arlington County to assist the County in implementing a transit-advertising program that will distribute information four times per year to all tenants, employees, and visitors.
- e. Participate in Ozone Action Days and other regionally sponsored clean air, transit, and traffic mitigation promotions by posting notice of such promotions in locations within the building.

Performance and Monitoring

- a. Upon approval of the TMP by the County, the applicant agrees to implement all elements of the plan with assistance when appropriate by agencies of the County.
- b. During the first year of start up of the TMP and on an annual basis thereafter, HUB, or their tenant or property manager, will submit an annual report, which may be of an on-line, email variety, to the County Manager, describing completely and correctly, the TDM related activities of the site.

[Board Report #4](#)

[Board Report #4-Supplemental](#)

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**5. SP #239 SITE PLAN AMENDMENT TO RENEW LIVE ENTERTAINMENT FOR THE FRONT PAGE, LOCATED AT 4201 WILSON BOULEVARD (RPC #14-048-012).**

On the consent agenda vote, after a duly advertised public hearing at which there were no speakers, the Board adopted the following ordinance:

BE IT ORDAINED that, pursuant to applicant SP#239 on file in the Office of the Zoning Administrator for an amendment to a special exception to renew live entertainment for the Front Page, for the parcel of real property known as 4201 Wilson Boulevard (RPC #14-048-012), subject to all subject to all existing conditions, and with a County Board review in three (3) years (October 2012).

[Board Report #5](#)

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**6. SP #387 SITE PLAN AMENDMENT TO AMEND CONDITION #11 REGARDING TIMING OF CONSTRUCTION ACTIVITY, AMEND CONDITION #17 REGARDING TIMING OF IMPROVEMENTS, AND AMEND ANY ASSOCIATED CONDITIONS NECESSARY FOR IMPLEMENTATION OF IMPROVEMENTS ALTERNATIVE TO THOSE OUTLINED IN CONDITION #17 AT THE ALEXAN AT SOUTH GLEBE LOCATED AT 2400 S. 24TH ROAD (RPC #32-024-003).**

On consent agenda vote, after a duly advertised public hearing at which there were no speakers, the Board deferred

consideration of the site plan amendment to the November 14, 2009 County Board Meeting.

[Board Report #6](#)

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**USE PERMITS REQUEST/REVIEWS/AMENDMENTS**

- 7. U-1671-65-3 USE PERMIT AMENDMENT FOR MODIFICATION OF CONDITION #68 OF APPROVAL REGARDING IMPROVEMENTS UNDER OLD DOMINION DRIVE BRIDGE; LOCATED AT 4763 OLD DOMINION DRIVE, 2807 N. GLEBE ROAD., AND 4655 26TH ST. N. (RPC # 03-065-001).**

On consent agenda vote, after a duly advertised public hearing at which there were no speakers, the Board deferred consideration of the use permit amendment for modification of Condition #68 of approval regarding improvements under Old Dominion Drive bridge at 4763 Old Dominion Drive, 2807 N. Glebe Road., and 4655 26th St. N. to the December 12, 2009 County Board Meeting.

[Board Report #7-Revised](#)

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- 8. U-2697-91-1 USE PERMIT RENEWAL FOR A DAY CARE CENTER FOR UP TO 50 CHILDREN AT THE EARLY STEPS BILINGUAL PRESCHOOL (FORMERLY EMBASSY SCHOOL); LOCATED AT 1701 N. BRYAN ST. (RPC #15-027-003).**

On the consent agenda vote, after a duly advertised public hearing at which there were no speakers, the Board adopted the following ordinance:

BE IT ORDAINED that, pursuant to application U-2697-91-1 on file in the Office of the Zoning Administrator for a special exception for the renewal of a use permit for a day care center for up to 50 children at the Early Steps Bilingual Preschool (formerly Embassy School) for the parcel of real property known as located at 1701 N. Bryan St. (RPC #15-027-003), approval is granted and the parcel so described shall be used according to the use permit approval requested by the application, subject to all previous conditions with a County Board review in five (5) years (October 2014).

[Board Report #8](#)

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- 9. U-3091-04-1 USE PERMIT AMENDMENT TO CHANGE THE HOURS OF OPERATION FOR THE PRESCHOOL PROGRAM AT EARLY YEARS PRESCHOOL; LOCATED AT 3701 LORCOM LANE (RPC: 04-022-019).**

This item was removed from the consent agenda and will be heard at the October 27, 2009 County Board Recessed Meeting.

[Board Report #9](#)

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- 10. U-3182-07-1 USE PERMIT FOR A FAMILY DAYCARE FOR UP TO 8 CHILDREN; LOCATED AT 2053 N. ABINGDON STREET (RPC #17-006-330).**

On the consent agenda vote, after a duly advertised public hearing at which there were no speakers, the Board adopted the following ordinance:

BE IT ORDAINED that, pursuant to application U-3182-07-1 on file in the Office of the Zoning Administrator for a special exception for the renewal of a use permit for a family daycare for up to 8 children for the parcel of real property known as located at 2053 N. Abingdon Street (RPC #17-006-330), approval is granted and the parcel so described shall be used according to the use permit approval requested by the application subject to all previously approved conditions, with a County Board review in two (2) years (October 2011).

[Board Report #10](#)

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**11. U-3202-08-2 USE PERMIT RENEWAL FOR A WIRELESS TELECOMMUNICATIONS FACILITY, ANTENNAS, AND GROUND EQUIPMENT AT 2305 S. WALTER REED DRIVE (RPC #29-002-029).**

On the consent agenda vote, after a duly advertised public hearing at which there were no speakers, the Board deferred consideration of the subject use permit renewal for a telecommunications facility at 2305 S. Walter Reed Drive to the December 12, 2009, County Board meeting.

[Board Report #11](#)

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**12. THIS ITEM WAS REMOVED FROM THE BOARD MEETING AGENDA.**

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**13. U-3206-08-1 USE PERMIT RENEWAL FOR A CHILD CARE CENTER; LOCATED AT 4108 4TH STREET NORTH (RPC #20-022-004).**

On the consent agenda vote, after a duly advertised public hearing at which there were no speakers, the Board adopted the following ordinance:

BE IT ORDAINED that, pursuant to application U-3206-08-1 on file in the Office of the Zoning Administrator for a special exception for the renewal of a use permit for a for a child care center for the parcel of real property known as located at 4108 4th Street North (RPC #20-022-004), approval is granted and the parcel so described shall be used according to the use permit approval requested by the application subject to all previous conditions, with a review by the County Board in three (3) years (October 2012).

[Board Report #13](#)

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**14. U-3226-09-1 USE PERMIT FOR A COMPREHENSIVE SIGN PLAN; LOCATED AT 2825 WILSON BOULEVARD (RPC: 15-065-001).**

On the consent agenda vote, after a duly advertised public hearing at which there were no speakers, the Board deferred consideration of the subject use permit for a comprehensive sign plan at 2825 Wilson Boulevard to the November 14, 2009 County Board meeting.

[Board Report #14](#)

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**15. U-3227-09-4 USE PERMIT FOR AT&T TO REPLACE EXISTING ANTENNAS AND RELOCATE AN EXISTING ANTENNA ON A BUILDING (COUNTRY CLUB TOWERS) LOCATED AT 2400 S. GLEBE ROAD (RPC #31-025-001).**

On the consent agenda vote, after a duly advertised public hearing at which there were no speakers, the Board adopted

the following ordinance:

BE IT ORDAINED, that, pursuant to application U-3227-09-4 on file in the Office of the Zoning Administrator for a special exception for a use permit for AT & T to replace existing antennas and relocate an existing antenna on a building (Country Club Towers) for the parcel of real property known as 2400 S. Glebe Road (RPC #31-025-001), approval is granted and the parcel so described shall be used according to the use permit approval request by the application, subject to the following conditions, and with a County Board review in one (1) year (October 2010).

1. The applicant agrees that the telecommunications facility on the existing Country Club Towers building at 2400 S. Glebe Road will be limited to a total of nine (9) antennas, including six (6) existing antennas that will be replaced and/or relocated, and three (3) future antennas that the applicant has leased space for, as placed on the building and shown on plans dated October 5, 2009. More than the approved nine (9) antennas on the building would require a use permit amendment. All exposed cables, mounting hardware, and equipment cabinets on the rooftop will be painted to match the existing penthouse wall exterior [as set forth in the document entitled "Addendum 10-24-09-B – October 5, 2009 Plans" attached for the public record to these minutes].
2. The applicant shall identify a community liaison who shall be available to address any concerns regarding the facility operation. The name and telephone number of the liaison shall be provided to the Nauck Civic Association, the Country Club Towers Apartment Building, and the Zoning Administrator.
3. The applicant agrees that the antennas shall be removed within ninety (90) days after any cessation of use.

[Board Report #15](#)

[Addendum 10-24-09-B – October 5, 2009 Plans](#)

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**16. U-3228-09-1 USE PERMIT FOR ADDITIONS TO AND EXPANSION OF EXISTING NONCONFORMING BUILDINGS OR USES AND MODIFICATION OF COVERAGE, YARD, SETBACK, PARKING AND/OR DENSITY REGULATIONS FOR EXISTING APARTMENT BUILDINGS; LOCATED AT 914-934 S. BUCHANAN STREET (RPC: 23-006-161 AND 23-006-002).**

On the consent agenda vote, after a duly advertised public hearing at which there were no speakers, the Board deferred consideration of the subject use permit for additions to and expansion of existing nonconforming buildings or uses and modification of coverage, yard, setback, parking and/or density regulations for existing apartment buildings at 914-934 S. Buchanan Street to the November 14, 2009 County Board meeting.

[Board Report #16](#)

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

**17. APPROVAL OF DEEDS OF EASEMENT FOR RELOCATION OF WATER METERS ASSOCIATED WITH THE DEPARTMENT OF ENVIRONMENTAL SERVICES PROJECT ON PROPERTIES LOCATED AT 2601 S. JOYCE ST. (RPC 37021181), 2605 S. JOYCE ST. (RPC 37021180) AND 2611 S. JOYCE ST. (RPC 37021179).**

On the consent agenda vote, after a duly advertised public hearing at which there were no speakers, the Board took the following actions:

1. Approved the attached Deed of Easement for water meter purposes between Maria Sue Landini and the County Board of Arlington County, Virginia, for the acquisition of a permanent easement on a portion of

the property located at 2601 South Joyce Street, RPC 37021181 [as set forth in the document entitled "Addendum 10-24-09-C – Deeds of Easement" attached for the public record to these minutes]; and

2. Approved the attached Deed of Easement for water meter purposes between Kevin D. McCormick and Cynthia McCormick and the County Board of Arlington County, Virginia, for the acquisition of a permanent easement on a portion of the property located at 2605 South Joyce Street, RPC 37021180 [as set forth in the document entitled "Addendum 10-24-09-C – Deeds of Easement" attached for the public record to these minutes]; and
3. Approved the attached Deed of Easement for water meter purposes between Rolf Thorvald Lundberg and Carolyn H. Lundberg and the County Board of Arlington County, Virginia, for the acquisition of a permanent easement on a portion of the property located at 2611 South Joyce Street, RPC 37021179 [as set forth in the document entitled "Addendum 10-24-09-C – Deeds of Easement" attached for the public record to these minutes]; and
4. Authorized the Real Estate Bureau Chief, Engineer and Capital Projects Division, Department of Environmental Services, or his designee, to accept on behalf of the County Board, the Deeds of Easement attached hereto as Attachments 1, 2, and 3 (attached to the County Manager's September 30, 2009 report) for permanent easements on portions of the properties located at 2601 South Joyce Street, 2605 South Joyce Street, and 2611 South Joyce Street, subject to approval as to form by the County Attorney [as set forth in the document entitled "Addendum 10-24-09-C – Deeds of Easement" attached for the public record to these minutes].

[Board Report #17](#)

[Addendum 10-24-09-C – Deeds of Easement](#)

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

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- 18. ENACTMENT OF AN ORDINANCE TO ALLOW ENCROACHMENT OF: 1) AN UNDERGROUND STORM WATER DETENTION VAULT WITH ASSOCIATED MANHOLES AND A PORTION OF A RETAINING WALL INTO A PORTION OF A COUNTY EASEMENT FOR PUBLIC SIDEWALK AND UTILITIES PURPOSES, SUCH PORTION LOCATED ON PARCEL A, TRUSTEES OF THE MACEDONIA BAPTIST CHURCH, ADJACENT TO THE EAST SIDE OF SHIRLINGTON ROAD, RPC NO. 31025115 (FORMERLY, RPC NOS. 31025047, 31025048, 31025049), WITH CONDITIONS; AND 2) AN UNDERGROUND GARAGE AND A PORTION OF A RETAINING WALL INTO A PORTION OF A COUNTY EASEMENT FOR PUBLIC SIDEWALK AND UTILITIES PURPOSES, SUCH PORTION LOCATED ON PARCEL A, TRUSTEES OF THE MACEDONIA BAPTIST CHURCH, ADJACENT TO THE WEST SIDE OF SOUTH GARFIELD STREET, RPC NO. 31025115 (FORMERLY, RPC NOS. 31025047, 31025048, 31025049), WITH CONDITIONS.**

On the consent agenda vote, after a duly advertised public hearing at which there were no speakers, the Board adopted the following ordinances:

**ORDINANCE TO ALLOW THE ENCROACHMENT OF AN UNDERGROUND STORM WATER DETENTION VAULT WITH ASSOCIATED MANHOLES AND A PORTION OF A RETAINING WALL INTO A PORTION OF A COUNTY EASEMENT FOR PUBLIC SIDEWALK AND UTILITIES PURPOSES, SUCH PORTION LOCATED ON PARCEL A, TRUSTEES OF THE MACEDONIA BAPTIST CHURCH, ADJACENT TO THE EAST SIDE OF SHIRLINGTON ROAD, RPC NO. 31025115 (FORMERLY, RPC NOS. 31025047, 31025048, 31025049), WITH CONDITIONS.**

BE IT ORDAINED by the County Board of Arlington County, Virginia, that the Owner, Trustees of the Macedonia Baptist Church, and the Applicant, Nauck Development Partners-I, LP, being the owner and developer respectively of the project known Macedonia Baptist Church, Use Permit #U-3185-07-01, are hereby permitted to construct an underground storm water detention vault with associated manholes and a portion of a retaining wall, to serve the project authorized by Use Permit #U-3185-07-01, into a portion of the existing County Easements for Public Sidewalk and Utilities Purposes ("Easement") located on Parcel A, Trustees of the Macedonia Baptist Church, adjacent to the east side of Shirlington Road, RPC No. 31025115 (formerly, RPC Nos. 31025047, 31025048 and 31025049), with conditions set forth herein. The dimensions (length, width and depth (by elevations)), and spatial location of the

permitted encroachments ("Encroachments") are depicted in Exhibit A entitled "Proposed Conditions Plat Showing the Proposed Encroachments Into Public Access Easement Deed Book 4308, Page 1744 on Parcel A Trustees of the Macedonia Baptist Church Deed Book 4308, Page 1744 Arlington County, Virginia", Sheet 1 of 1, prepared by William H. Gordon Associates, Inc., dated September 29, 2009 and Exhibit B "Easements for Public Sidewalk and Utilities Purposes Encroachment Exhibit" Sheets 1 of 3, 2 of 3 and 3 of 3, prepared by William H. Gordon Associates, Inc., dated October 8, 2009, both Exhibit A and Exhibit B as attached to the County Manager's October 5, 2009 Report (Exhibit A and Exhibit B collectively, "Plats") [as set forth in the document entitled "Addendum 10-24-09-D – Plats" attached for the public record to these minutes].

BE IT FURTHER ORDAINED that this permission for the Encroachments shall continue until such time as the underground storm water detention vault with associated manholes and the portion of the retaining wall, encroaching within the Easement are destroyed, removed, no longer in use, or not continuously and promptly maintained by the Applicant and/or Owner. Nothing in this Ordinance shall be construed either: to allow the installation by Applicant or Owner, or permit to exist, any structure whatsoever other than the underground storm water detention vault with associated manholes and the portion of the retaining wall within the Encroachments shown on the Plats; or, to allow any greater encroachments beyond the dimensions and spatial area shown on the Plats.

BE IT FURTHER ORDAINED that the Applicant and Owner, their successors and assigns, shall continuously and promptly maintain the underground storm water detention vault with associated manholes and the retaining wall, and maintain, restore, repair, and replace all County owned facilities, within and adjacent to the Easement, including any sidewalk, curb and gutter, landscaping and paved surface, which are damaged by the installation, maintenance, destruction, continued existence, repair or removal of the underground storm water detention vault with associated manholes and the retaining wall, in accordance with Use Permit #U-318507- 01, and all applicable County standards, codes and ordinances.

BE IT FURTHER ORDAINED that this Ordinance shall not be construed to release the Applicant or Owner, their successors in title and interest and assigns, of negligence on their part on account of such Encroachments, and the Applicant and Owner, by constructing, or causing to be constructed, and by continuing to have the underground storm water detention vault with associated manholes and the retaining wall encroach within the Easement, thereby agrees for themselves, their successors in title and interest, and assigns, to indemnify and hold harmless the County Board of Arlington County, Virginia and County officials, officers, employees, contractors, subcontractors and agents from all claims, negligence, damages, costs and expenses arising out of the location, construction, maintenance, repair and removal of the underground storm water vault with associated manholes and the retaining wall, and the permission for the underground storm water detention vault with associated manholes and the retaining wall to encroach within the Easement permitted by this Ordinance.

BE IT FURTHER ORDAINED that on or before October 24,2012, the Applicant or Owner, at their sole cost and 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 Arlington County, Virginia and a copy thereof shall be promptly delivered by the Applicant or Owner to the Real Estate Bureau Chief, Engineering and Capital Projects Division, Department of Environmental Services.

**ORDINANCE TO ALLOW ENCROACHMENT OF AN UNDERGROUND GARAGE AND A PORTION OF A RETAINING WALL INTO A PORTION OF A COUNTY EASEMENT FOR PUBLIC SIDEWALK AND UTILITIES PURPOSES, SUCH PORTION LOCATED ON PARCEL A, TRUSTEES OF THE MACEDONIA BAPTIST CHURCH, ADJACENT TO THE WEST SIDE OF SOUTH GARFIELD STREET, RPC NO. 31025115 (FORMERLY, RPC NOS. 31025047,31025048,31025049), WITH CONDITIONS.**

BE IT ORDAINED by the County Board of Arlington County, Virginia, that the Owner, Trustees of the Macedonia Baptist Church, and the Applicant, Nauck Development Partners-1, LP, being the owner and developer respectively of the project known Macedonia Baptist Church, Use Permit #U-3185-07-01, are hereby permitted to construct an underground garage and a portion of a retaining wall, to serve the project authorized by Use Permit #U-3185-07-01, into a portion of the existing County Easements for Public Sidewalk and Utilities Purposes ("Easement") located on Parcel A, Trustees of the Macedonia Baptist Church, adjacent to the east side of Shirlington Road, RPC No. 31025115 (formerly, RPC Nos. 31025047,31025048 and 31025049), with conditions set forth herein. The dimensions (length, width and depth (by elevations)), and spatial location of the permitted encroachments ("Encroachments") are depicted in Exhibit A entitled "Proposed Conditions Plat Showing the Proposed Encroachments Into Public Access Easement Deed Book 4308, Page 1744 on Parcel A Trustees of the Macedonia Baptist Church Deed Book 4308, Page 1744 Arlington County, Virginia", Sheet 1 of 1, prepared by William H. Gordon Associates, Inc., dated September 29,2009 and Exhibit B "Easements for Public Sidewalk and Utilities Purposes Encroachment Exhibit" Sheets 1 of 3, 2 of 3 and 3 of 3, prepared by William H. Gordon Associates, Inc., dated October 8, 2009, both Exhibit A and Exhibit B as attached to the County Manager's October 5, 2009 Report (Exhibit A and Exhibit B collectively, "Plats") [as set forth in the document entitled "Addendum 10-24-09-D – Plats" attached for the public record to these minutes].

BE IT FURTHER ORDAINED that this permission for the Encroachments shall continue until such time as the underground garage and the portion of the retaining wall, encroaching within the Easements are destroyed, removed, no longer in use, or not continuously and promptly maintained by the Applicant and/or Owner. Nothing in this Ordinance shall be construed either: to allow the installation by Applicant or Owner, or permit to exist, any structure whatsoever other than the underground garage and the portion of the retaining wall within the Encroachment shown on the Plats; or, to allow any greater encroachment beyond the dimensions and spatial area shown on the Plats.

BE IT FURTHER ORDAINED that the Applicant and Owner, their successors and assigns, shall continuously and promptly maintain the underground garage and the retaining wall, and maintain, restore, repair, and replace all County owned facilities, within and adjacent to the Easement, including any sidewalk, curb and gutter, landscaping and paved surface, which are damaged by the installation, maintenance, destruction, continued existence, repair or removal of the underground garage and the retaining wall, in accordance with Use Permit #U-3185-07-01, and all applicable County standards, codes and ordinances.

BE IT FURTHER ORDAINED that this Ordinance shall not be construed to release the Applicant or Owner, their successors in title and interest and assigns, of negligence on their part on account of such Encroachments, and the Applicant and Owner, by constructing, or causing to be constructed, and by continuing to have the underground garage and the retaining wall encroach within the Easement, thereby agrees for themselves, their successors in title and interest, and assigns, to indemnify and hold harmless the County Board of Arlington County, Virginia and County officials, officers, employees, contractors, subcontractors and agents from all claims, negligence, damages, costs and expenses arising out of the location, construction, maintenance, repair and removal of the underground garage and the retaining wall, and the permission for the underground garage and retaining wall to encroach within the Easement permitted by this Ordinance.

BE IT FURTHER ORDAINED that on or before October 24, 2012, the Applicant or Owner, at their sole cost and 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 Arlington County, Virginia and a copy thereof shall be promptly delivered by the Applicant or Owner to the Real Estate Bureau Chief, Engineering and Capital Projects Division, Department of Environmental Services.

[Board Report #18](#)

[Addendum 10-24-09-D – Plats](#)

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- 19. APPROVAL AND ACCEPTANCE OF A DEED OF TEMPORARY EASEMENT FOR EMERGENCY EGRESS GRANTED BY JBG/COURTHOUSE METRO, L.L.C. AND 2050 WILSON BLVD., LLC TO THE COUNTY BOARD OF ARLINGTON COUNTY, VIRGINIA TO PERMIT EMERGENCY EGRESS ACROSS PROPERTY LOCATED AT 2055 15TH STREET NORTH AND 2050 WILSON BOULEVARD IN ARLINGTON COUNTY, VIRGINIA (RPC NO. 18001004) FROM THE EMERGENCY WINTER SHELTER LOCATED AT 2049 15TH STREET NORTH IN ARLINGTON COUNTY, VIRGINIA (RPC NO. 18001003).**

This item was removed from the consent agenda and will be heard at the October 27, 2009 County Board Recessed Meeting.

[Board Report #19](#)

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- 20. APPROVAL OF A DEED OF LEASE BETWEEN ARLINGTON HEIGHTS PROPERTIES, L.P., AS LANDLORD, AND THE COUNTY BOARD OF ARLINGTON COUNTY, VIRGINIA, AS TENANT, FOR 2,010 SQUARE FEET OF SPACE IN A PORTION OF A BUILDING LOCATED AT 2300 9TH STREET SOUTH, ARLINGTON, VIRGINIA (RPC #25017044); AND APPROVAL OF A LICENSE AGREEMENT BETWEEN FIRST TRANSIT, INC., AS LICENSEE, AND THE COUNTY BOARD OF ARLINGTON COUNTY, VIRGINIA, AS LICENSOR, FOR THE USE OF SUCH SPACE.**

On the consent agenda vote, after a duly advertised public hearing at which there were no speakers, the Board took the following actions:

- 1. Approve the attached Deed of Lease between Arlington Heights Properties, L.P. and the County

Board, for 2,010 Square Feet of Space in a Portion of a Building Located at 2300 9th Street South, Arlington, Virginia (RPC #25017044) [as set forth in the document entitled "Addendum 10-24-09-E – Arlington Heights and First Transit" attached for the public record to these minutes]; and

2. Approve the attached License Agreement between First Transit, Inc. and the County Board, for the use of 2,010 Square Feet of Office Space Located at 2300 9th Street South, Arlington, Virginia (RPC #25017044) [as set forth in the document entitled "Addendum 10-24-09-E – Arlington Heights and First Transit" attached for the public record to these minutes]; and
3. Authorize the Real Estate Bureau Chief to execute, on behalf of the County Board, the Lease, the License, and all related documents, including, without limitation, all documents, present or future, concerning subordination, non-disturbance, attornment, and estoppels, all subject to approval as to form by the County Attorney.

[Board Report #20](#)

[Addendum 10-24-09-E – Arlington Heights and First Transit](#)

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**21. APPROVAL OF AN AMENDED AND RESTATED DEED OF LEASE BETWEEN ROSSLYN CENTER ASSOCIATES L.P. ("LANDLORD") AND THE COUNTY BOARD OF ARLINGTON COUNTY, VIRGINIA ("TENANT") CONCERNING A PORTION OF THE REAL PROPERTY LOCATED AT 1700 N. MOORE ST., ARLINGTON, VA, RPC #16037001, 16037007 AND 16037008; AND APPROVAL OF A LICENSE AGREEMENT BETWEEN THE CONVENTION STORE, INC., AS LICENSEE, AND THE COUNTY BOARD OF ARLINGTON COUNTY, VIRGINIA, AS LICENSOR, FOR THE USE OF SUCH SPACE.**

On the consent agenda vote, after a duly advertised public hearing at which there were no speakers, the Board took the following actions:

1. Approve the attached Amended and Restated Deed of Lease, between Rosslyn Center Associates L.P. ("Landlord") and The County Board of Arlington County, Virginia ("Tenant") concerning a portion of the real property located at 1700 N. Moore St. ("Building"), Arlington, VA, RPC #16037001,16037007 and 16037008; and Approval of a License Agreement between The Convention Store, Inc., as Licensee, and The County Board of Arlington County, Virginia, as Licensor, for the use of Such Space [as set forth in the document entitled "Addendum 10-24-09-F – Rosslyn Center and Convention Store" attached for the public record to these minutes].
2. Approve the attached License Agreement between The Convention Store, Inc. and the County Board for the use of 1,758 Square Feet of Retail Space Located at 1700 N. Moore St., Arlington, Virginia (RPC #16037001,16037007 and 16037008); and, Approval of a License Agreement between The Convention Store, as Licensee, and The County Board of Arlington County, Virginia, as Licensor, for the use of such space[as set forth in the document entitled "Addendum 10-24-09-F – Rosslyn Center and Convention Store" attached for the public record to these minutes].
3. Authorize the Real Estate Bureau Chief to execute, on behalf of the County Board, the Lease, the License, and all related documents, including, without limitation, all documents, present or future, concerning subordination, non-disturbance, attornment, and estoppels, all subject to approval as to form by the County Attorney.

[Board Report #21](#)

[Addendum 10-24-09-F – Rosslyn Center and Convention Center Store](#)

**ORDINANCES, PLANS AND POLICIES**

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**22. AMENDMENT TO CHAPTER 14.2 (MOTOR VEHICLES AND TRAFFIC) OF THE ARLINGTON COUNTY**

**CODE RELATING TO MAXIMUM AND MINIMUM SPEED LIMITS.**

On consent agenda vote, after a duly advertised public hearing at which there were no speakers, the Board adopted the following ordinance:

AN ORDINANCE TO AMEND, REENACT, AND RECODIFY CHAPTER 14.2 (MOTOR VEHICLES AND TRAFFIC) OF THE ARLINGTON COUNTY CODE TO INCORPORATE BY REFERENCE HIGHWAYS WITHIN THE COUNTY OR PORTIONS THEREOF WHERE MOTOR VEHICLES MAY BE DRIVEN IN EXCESS OF (25) MILES PER HOUR.

BE IT ORDAINED that Chapter 14.2 of the Arlington County Code is amended, reenacted and recodified as follows, to be effective October 24, 2009:

§14.2-12 Maximum and minimum speed limits.

\*\*\*

~~Spout Run Parkway from Lee Highway to Kirkwood Road.~~

\*\*\*

~~Columbia Pike from ~~Pentagon Reservation~~ South Oak Street to South Dinwiddle Street.~~

\*\*\*

~~Henry G. Shirley Memorial Highway (I-95 I-395) from the Federal line at the approach to 14<sup>th</sup> Street Bridge to Arlington~~

\*\*\*

~~Henry G. Shirley Memorial Highway (Route I-95 I-395) from Alexandria line to the District of Columbia line at the 14<sup>th</sup> Street Bridge.~~

~~Sixty-five (65) miles per hour upon:~~

~~Henry G. Shirley Memorial Highway (I-395) High Occupancy Vehicle (HOV) lanes from Alexandria line to Mile Marker 8.0~~

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[Board Report #22](#)

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**23. AMENDMENT TO CHAPTER 20-5(D) (PROCEDURES GOVERNING DIRECTOR OF REAL ESTATE ASSESSMENTS, GENERAL REASSESSMENT BOARD AND BOARD OF EQUALIZATION OF REAL ESTATE ASSESSMENTS) OF THE CODE OF ARLINGTON COUNTY, VIRGINIA.**

On consent agenda vote, after a duly advertised public hearing at which there were no speakers, the Board adopted the following ordinance:

**BE IT ORDAINED** by the County Board of Arlington, Virginia that Chapter 20-5(d) of the Arlington County Code is amended, reenacted and recodified to read in pertinent part as follows:

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**§ 20-5 Procedures Governing Director of Real Estate Assessments, General Reassessment Board and Board of Equalization of Real Estate Assessments**

**(d)** Hearings shall be scheduled by the Board of Equalization of real estate assessments with due regard for the convenience of the protestant and with due regard for the time required by the Director of Real

Estate Assessments to investigate the protest and to prepare justification of the protested assessment. The Board of Equalization of Real Estate Assessments shall publish notice in a newspaper having general circulation in the county, giving the regular time and place of its hearings. A quorum for meetings of the Board of Equalization shall be three (3) members. The Board of Equalization of Real Estate Assessments shall determine and rule upon all protested assessments and all proposed reduced assessments within ninety (90) days of the date of the hearing. All actions of such board affecting assessments of real estate in such county shall require an affirmative vote of at least three (3) members and shall be certified by such board to the Director of Real Estate Assessments on forms prepared by and prescribed by the Director. The authority of such board shall cease as of October 31 of each year. However, for tax year 2009, the authority of the board of equalization shall be extended to November 14. Notice of the decision of the Board of Equalization of Real Estate Assessments shall be prepared in triplicate, and a copy thereof shall be given to the protestant and affected taxpayer by the Department of Real Estate Assessments through mails promptly after the decision is so certified. (5-25-57; 9-21-74; 1-1-79; Ord. No. 84-26, 9-8-84; Ord. No. 84-31, 10-13-84; Ord. No. 85-32, 8-17-85; Ord. No. 92-27, 1-1-93; Ord. No. 92-56, 1-1-93)

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[Board Report #23](#)

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**24. ADOPTION OF PROPOSED AMENDMENTS TO CHAPTER 27 (MISCELLANEOUS ORDINANCES) OF THE ARLINGTON COUNTY CODE, SECTION 27-3, TO CHARGE THE INTEREST RATE ON DELINQUENT TAXES AND OTHER DEBTS OWED TO ARLINGTON COUNTY BEGINNING FROM THE DATE OF DELINQUENCY, AND ON PROPOSED AMENDMENTS TO CHAPTER 20 (REAL ESTATE ASSESSMENTS) AND CHAPTER 65 (MEALS, FOOD AND BEVERAGE TAXATION) OF THE ARLINGTON COUNTY CODE TO REMOVE INCONSISTENCIES REGARDING THE INTEREST RATE OF ARLINGTON COUNTY CODE SECTION 27-3.**

On the consent agenda vote, after a duly advertised public hearing at which there were no speakers, the Board adopted the following ordinances:

**AN ORDINANCE TO AMEND CHAPTER 27 (MISCELLANEOUS ORDINANCES) OF THE ARLINGTON COUNTY CODE RELATING TO THE INTEREST RATE CHARGED ON DELINQUENT TAXES**

**BE IT ORDAINED** By the County Board of Arlington, Virginia, that Chapter 27, Section 27-3 of the Arlington County Code is amended, reenacted and recodified to read in pertinent part as follows:

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**§ 27-3. Refund of local levies and interest on delinquent taxes and refunds of erroneously assessed taxes.**

Except as otherwise provided, interest shall be charged on all past due taxes. Beginning on October 24, 2009, interest shall accrue on all past due County taxes at a rate of ten (10) percent per annum.

Interest on any tax that is past due shall begin to accrue on the day after the tax is due, and such interest shall continue to accrue until the date on which payment is made.

Any person who assessed by the commissioner of the revenue with local taxes aggrieved by any such assessment which has previously been paid to the Treasurer of Arlington County may apply to the commissioner of the revenue for a correction of such assessment. is aggrieved by an assessment of the Commissioner of the Revenue or Director of Real Estate Assessment may apply to the assessing officer for correction of such assessment.

~~If the commissioner of the revenue is satisfied that he has erroneously assessed such tax, he shall certify to the treasurer the amount erroneously assessed. Should the assessing officer determine that such tax was erroneously assessed, the assessing officer shall certify to the Treasurer the amount erroneously assessed and the Treasurer shall refund the amount erroneously paid together with any penalties and interest paid thereon. No refund shall be made, in any case, if the application for correction of an assessment is made after the last day of the tax year for which such taxes were assessed plus the number of years allowed by Virginia the Code of Virginia for application to the Circuit Court for correction of erroneous assessments.~~

~~The authority of this section shall also be vested in the director of the real estate assessments and the treasurer as to those taxes assessed upon real estate. No refund shall be made in any case when application therefor was made more than the number of years after the last day of the tax year for which such taxes were assessed, allowed by state law for application to the circuit court for correction of erroneous assessments.~~

~~Except as otherwise provided, interest shall be charged on any tax payment that is past due. Beginning on or after July 1, 2009, interest shall accrue as follows:~~

~~(1) Interest on past due payments of real property taxes shall accrue at the rate of ten (10) percent per annum;~~

~~(2) Interest on past due payments of personal property taxes on vehicles under section 27-11.1. shall accrue at the rate of ten (10) per annum;~~

~~(3) Interest on past due payments of all other personal property taxes shall accrue at the rate of ten (10) percent per annum;~~

~~(4) Interest on past due payments of license taxes shall accrue at the rate of ten (10) percent per annum;~~

~~(5) Interest on past due payments of all other county taxes shall accrue at the rate of ten (10) percent per annum.~~

~~Interest on any tax payment that is past due shall begin to accrue on the day after the tax is due, and such interest shall continue to accrue until the date on which payment is made, and such interest shall be calculated bimonthly or on a daily basis at the Treasurer's discretion.~~

~~Any tax payment that is delinquent and past due prior to June 30, 2009, shall also accrue interest until paid. The interest to be charged on any such delinquent tax payment shall be at the rate specified by the Arlington County Code at the time the tax was due and unpaid, and the interest on any such delinquent tax payment shall accrue at that specified rate beginning from the date on which the tax was due and extending until the date on which the tax was paid or June 30, 2009. Refunds of erroneously assessed taxes prior to July 1, 2009, together with any penalty and interest paid thereon, shall be repaid to the person who paid to the County the erroneously assessed tax with interest at the rate specified by the Arlington County Code at the time the tax was due and unpaid.~~

~~Except as otherwise provided, beginning on and after July 1, 2009 refunds of erroneously assessed taxes, together with any penalty and interest paid thereon, shall be repaid to the person who paid to the county the erroneously assessed tax with interest at the applicable rate specified above. Interest payable on any such refund of taxes erroneously assessed an erroneously assessed tax shall begin to accrue on the later of (i) July 1, 2009, (ii) the date on which the tax being refunded was required to be paid, or and (iii) (ii) the date on which the tax being refunded was paid. Refunds of personal property vehicular taxes made assessed in accordance with the Code of Virginia § 58.1-3516 shall be made without interest, as any such overpayment of taxes did not result from erroneously assessed taxes. Pursuant to Virginia Code § 58.1-3916, no interest shall be paid on any refund in the amount of ten (10) dollars or less.~~

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**AN ORDINANCE TO AMEND CHAPTER 20 (REAL ESTATE ASSESSMENTS) OF THE ARLINGTON COUNTY CODE RELATING TO THE INTEREST ON INSTALLMENT PAYMENTS**

**BE IT ORDAINED** By the County Board of Arlington, Virginia, that Chapter 20, Section 20-8 of the Arlington County Code is amended, reenacted and recodified to read in pertinent part as follows:

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**§ 20-8. Installment Payments.**

Taxes on the assessed valuation of all taxable real estate located in Arlington County for the year 1978 and for each tax year thereafter shall be paid in the following installments: of the total levy, one-half (1/2) shall be paid on or before June 15 and one-half (1/2) shall be paid on or before October 5. Any person assessed who fails to pay the tax installments on or before the respective payment date shall incur a penalty thereon of ten (10) percent or ten dollars (\$10.00), whichever shall be greater, but not to exceed the amount of the tax, which shall be added to the amount of taxes due from such person assessed. Interest shall accrue at the rate prescribed in section 27-3, from the first day of the month following the month in which the taxes are due shall accrue or be paid upon the taxes assessed on or after July 1, 1999, remaining unpaid. For unpaid taxes assessed prior to July 1, 1999, interest accrued through June 30, 1999, at ten (10) percent during the first year of delinquency and thereafter at the rate of interest established in Section 6621 of the Internal Revenue Code of 1984, as amended, shall accrue and be collected at the rate prescribed in section 27-3 after July 1, 1999, for any such taxes remaining unpaid.

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**AN ORDINANCE TO AMEND CHAPTER 65 (MEALS, FOOD AND BEVERAGE TAXATION) OF THE ARLINGTON COUNTY CODE RELATING TO THE INTEREST ON MEALS, FOOD AND BEVERAGE TAXES**

**BE IT ORDAINED** By the County Board of Arlington, Virginia, that Chapter 65, Section 65-8 of the Arlington County Code is amended, reenacted and recodified to read in pertinent part as follows:

**§ 65-8. Penalties, interest, and collection fees.**

(a) If a seller required to collect taxes pursuant to this chapter fails or refuses to file the tax returns or to remit the taxes collected or due within the time and in the amount specified by this chapter, there shall be added to such tax due a penalty of ten (10) percent of the tax due.

(b) Interest shall accrue as prescribed in section 27-3, on taxes due and delinquent prior to June 30, 1999, at the rate of ten (10) percent for the first year. For the second and subsequent years, interest shall be paid on the delinquent tax and penalty at the rate of interest established pursuant to Section 6621 of the Internal Revenue Code of 1984, as amended, but never at a rate of less than ten (10) percent per annum. Interest on taxes due and payable after July 1999, shall accrue interest as prescribed in § 27-3. Interest shall begin to accrue on the first day of the month following the month in which the taxes were due to the county.

(c) The assessment or payment of penalties or interest pursuant to this section shall not be deemed a defense to any criminal prosecution for failure to comply with any of the requirements of this chapter.

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[Board Report #24](#)

**CAPITAL PROJECTS**

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**25. APPROVE AN AWARD OF CONTRACT FOR THE RECONSTRUCTION OF THE PLAYGROUND AT BLUEMONT PARK LOCATED AT 5800 WILSON BLVD., ARLINGTON, VIRGINIA, INVITATION TO BID NUMBER 367-09.**

On the consent agenda vote, after a duly advertised public hearing at which there were no speakers, the Board took the following actions:

1. Approved the award of contract Number 367-09 in the amount of \$589,600.00 to MCA Construction, Inc. and approve an allocation of \$58,960.00 as a contingency for change orders for a total contract authorization of \$648,560.00.
2. Authorized the Purchasing Agent to execute the contract documents and all other documents to

implement the above actions, subject to review of such documents by the County Attorney.

[Board Report #25](#)

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**26. THIS ITEM WAS REMOVED FROM THE BOARD MEETING AGENDA.**

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**APPROPRIATIONS, GRANT APPLICATIONS & OTHER CONTRACTS**

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**27. HOMELESS PREVENTION AND RAPID RE-HOUSING GRANT.**

This item was removed from the consent agenda and will be heard at the October 27, 2009 County Board Recessed Meeting.

[Board Report #27](#)

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**28. VIRGINIA DEPARTMENT OF HEALTH H1N1 PANDEMIC RESPONSE FUNDING.**

On the consent agenda vote after a duly advertised public hearing at which there were no speakers, the Board voted to appropriate \$287,383 from the Virginia Department of Health (101.364100) to the Department of Human Services (101.55102) for an H1N1 vaccination and outreach campaign.

[Board Report #28](#)

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**29. ACCEPTANCE AND APPROPRIATION OF AN FY 2009 OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION (OJJDP) NON-COMPETITIVE GRANT TO FUND GANG PREVENTION AND INTERVENTION INITIATIVES IN ARLINGTON AND REGION WIDE.**

On the consent agenda vote after a duly advertised public hearing at which there were no speakers, the Board voted to accept and appropriate \$250,000 in grant revenue from the Office of Juvenile Justice and Delinquency Prevention (101.374900) to the Juvenile and Domestic Relations District Court Services Unit (101.20403) for gang prevention and intervention initiatives.

[Board Report #29](#)

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**REQUESTS TO ADVERTISE**

**30. REQUEST TO ADVERTISE AMENDMENTS TO CHAPTERS 21, 35, AND 46 (RETIREMENT SYSTEM) OF THE ARLINGTON COUNTY CODE.**

On the consent agenda vote, the Board authorized advertisement of a public hearing on November 14, 2009, on the proposed amendments to Chapters 21, 35, and 46 (Retirement System) of the Arlington County Code as shown in the County Manager's report of October 6, 2009 [and as set forth in the document entitled "Addendum 10-24-09-G – Retirement System Ordinance" attached for the public record to these minutes].

[Board Report #30](#)

[Addendum 10-24-09-G – Retirement System Ordinance](#)

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**31. REQUEST TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO CHAPTER 27 (MISCELLANEOUS ORDINANCES) OF THE ARLINGTON COUNTY CODE, SECTION 27-11.**

On the consent agenda vote, the Board authorized advertisement for public hearing at the November 14, 2009 County Board meeting ordinances to amend Chapter 27 Section 27-11 (Miscellaneous Ordinances) of the Code of Arlington County, Virginia ("Code") changing the payment due date on business tangible property tax from September 15 to September 5, as shown in Attachment I of the County Manager's October 1 report [and as set forth in the document entitled "Addendum 10-24-09-H – Chapter 27 Ordinance" attached for the public record to these minutes].

[Board Report #31](#)

[Addendum 10-24-09-H – Chapter 27 Ordinance](#)

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**OTHER**

**32. REFINANCING OF THE INDUSTRIAL DEVELOPMENT AUTHORITY SKATING FACILITY BONDS.**

On the consent agenda vote, after a duly advertised public hearing at which there were no speakers, the Board took the following actions:

1. Adopted the following resolution requesting the Industrial Development Authority of Arlington County (the "IDA") to convert the interest rate on its existing skating facility bonds to a fixed rate or to issue taxable revenue refunding bonds in an amount not to exceed \$37 million in order to refinance existing debt related to the Skating Facility [as set forth in the document entitled "Addendum 10-24-09-I– IDA Resolution" attached for the public record to these minutes].
2. Authorized the County Manager or the Director of the Department of Management and Finance to execute bond documents on behalf of the County.

[Board Report #32](#)

[Addendum 10-24-09-I– IDA Resolution](#)

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**33. RESOLUTION TO APPROVE VIRGINIA RAILWAY EXPRESS MASTER AGREEMENT AMENDMENTS TO INCLUDE SPOTSYLVANIA COUNTY AS A MEMBER AND ADD TWO NEW FINANCIAL GUIDELINES.**

On the consent agenda vote, after a duly advertised public hearing at which there were no speakers, the Board took the following actions:

1. Adopt the resolution approving amendments to the Virginia Railway Express (VRE) Master Agreement to include Spotsylvania County as a signatory, and adding two new financial guidelines, effective February 15, 2010, and contingent upon approval of all participating and contributing jurisdictions, and both the Northern Virginia and Potomac and Rappahannock Transportation Commissions ("NVTC" and "PRTC").
2. Authorized the County Board Chairman to sign the amended Master Agreement, attached to the County Manager's October 16, 2009 report, subject to review by the County Attorney.

**Resolution to Amend Virginia Railway Express (VRE) Master Agreement**

**WHEREAS**, on August 18, 2009, the Board of Supervisors of Spotsylvania County approved and authorized execution of the following: (1) an Agreement Governing Spotsylvania County's Admission to Membership in PRTC and Participation in the VRE (the "VRE Membership Agreement"); (2) an Amended VRE Master Agreement; (3) an Amended PRTC Founding Ordinance and Master Agreement (the "PRTC Founding Ordinance"); and

**WHEREAS**, the VRE Membership Agreement must be approved by NVTC and PRTC, the Amended VRE Master Agreement must be approved by PRTC, NVTC, and each participating and contributing Jurisdiction, and the PRTC Founding Ordinance must be approved by PRTC; and

**WHEREAS**, in order to complete the required steps for Spotsylvania County to become a member of PRTC, a certification from the Secretary of the Commonwealth must be obtained stating that the requirements for enlarging PRTC have been complied with, and that certification must be entered into the minutes of a Spotsylvania County Board of Supervisors' meeting; and

**WHEREAS**, the VRE Membership Agreement approved by Spotsylvania County provides that approval of the three agreements and completion of the certification process must occur by all required parties by November 30, 2009; and

**WHEREAS**, the VRE Membership Agreement approved by Spotsylvania County provides that the effective date of Spotsylvania County's membership in PRTC and its participation in VRE is February 15, 2010, subject to each party's right to terminate the VRE Membership Agreement on 30 days notice prior to the effective date; and

**WHEREAS**, the VRE Operations Board has recommended to NVTC and PRTC that the Amended VRE Master Agreement be approved; and

**WHEREAS**, NVTC and PRTC will consider approval of the foregoing agreements at their meetings in November, 2009, and have forwarded to the participating and contributing VRE jurisdictions the Amended VRE Master Agreement and requested that it be considered for approval by their governing bodies by October 31,2009.  
Resolution continued

**NOW, THEREFORE BE IT RESOLVED** that the Arlington County Board approves the Amended VRE Master Agreement to include Spotsylvania County as a signatory, effective February 15, 2010, and contingent upon each participating and contributing jurisdiction, and both NVTC and PRTC, approving the Amended VRE Master Agreement; and,

**BE IT FURTHER RESOLVED** that the Arlington County Board hereby authorizes the Chairman to execute the Amended VRE Master Agreement on behalf of the Arlington County Board.

[Board Report #33](#)

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**34. MINUTES.**

On a block vote, the Board approved the minutes from the following meetings:

January 13, 2009	Special Meeting Regarding Presidential Inauguration
February 3, 2009	Special Meeting for Civic Federation Meeting
February 26, 2009	Budget Work Session
March 3, 2009	Budget Work Session
March 10, 2009	Budget Work Session

March 12, 2009	Budget Work Session
March 17, 2009	Budget Work Session
March 19, 2009	Budget Work Session with Commissions
March 24, 2009	Budget Hearing
March 25, 2009	Budget Hearing
March 31, 2009	Budget Work Session
April 2, 2009	Budget Work Session
April 7, 2009	Budget Work Session
April 13, 2009	Budget Work Session with School Board
April 14, 2009	Budget Work Session
April 23, 2009	Budget Work Session
July 11, 2009	Regular County Board Meeting
September 28, 2009	Special Meeting for Public Input on New County Manager
September 29, 2009	Special Meeting for Briefing by County Manager

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**REGULAR HEARING ITEMS**

**35. REQUEST TO ADVERTISE PUBLIC HEARINGS BY THE PLANNING COMMISSION AND THE COUNTY BOARD ON A GENERAL LAND USE PLAN AMENDMENT FROM "SERVICE COMMERCIAL" (PERSONAL AND BUSINESS SERVICES, GENERALLY 1-4 STORIES) AND "LOW" RESIDENTIAL (1-10 UNITS/ACRE) TO "MEDIUM" OFFICE-APARTMENT-HOTEL (UP TO 2.5 F.A.R. OFFICE DENSITY; UP TO 115 UNITS/ACRE APARTMENT DENSITY; UP TO 180 UNITS /ACRE HOTEL DENSITY) AND TO ADD AN OPEN SPACE SYMBOL ON THE NORTHERN PORTION OF THE PROPERTY KNOWN AS 2401 AND 2407 WILSON BOULEVARD AND 2400, 2402 AND 2408 16<sup>TH</sup> STREET NORTH (RPC #15-060-001, -002, -007, -008 AND -009) WHICH IS GENERALLY BOUNDED BY 16<sup>TH</sup> STREET NORTH TO THE NORTH, WILSON BOULEVARD TO THE SOUTH, NORTH ADAMS STREET TO THE EAST AND REACHING APPROXIMATELY HALFWAY ACROSS THE BLOCK WEST TOWARDS NORTH BARTON STREET.**

After a duly advertised public hearing at which the public spoke, on a motion by Mr. Fiset, seconded by Mr. Zimmerman and carried by a vote of 5 to 0, the voting recorded as follows: Ms. Favola – Aye, Mr. Fiset – Aye, Ms. Hynes – Aye, Mr. Tejada – Aye and Mr. Zimmerman – Aye, the Board adopted the County Manager's recommendation to not authorize the advertisement of public hearings by the Planning Commission and County Board to consider amending the General Land Use Plan for the property known as 2401 and 2407 Wilson Boulevard and 2400, 2402 and 2408 16<sup>th</sup> Street North (RPC #15-060 - 001,- 002, -007, -008 and – 009) generally located in the area bounded by 16<sup>th</sup> Street North to the north, Wilson Boulevard to the south, North Adams Street to the east and reaching approximately halfway across the block west towards North Barton Street from "Service Commercial" (Personal and business services, generally 1-4 stories) and "Low" Residential (1-10 units/acre) to "Medium" Office-Apartment-Hotel (up to 2.5 F.A.R. office density; up to 115 units/acre apartment density; up to 180 units/acre hotel density) and to add an open space symbol to the northern portion of the site, as referenced in the map attached to the October 22, 2009 County Manager's report [and as set forth in the document entitled "Addendum 10-24-09]-RTA GLUP Amendment Map" attached for the public record to these minutes].

[Board Report #35](#)

[Board Report #35-Attachment 1](#)

[Board Report #35-Attachment 2](#)

[Addendum 10-24-09-J– RTA GLUP Amendment Map](#)

**36. ZOA-09-08 ZONING ORDINANCE AMENDMENT TO SECTIONS 12. "RA14-26", 13. "RA8-18", 14. "RA7-16" AND 15. "RA6-15" APARTMENT DWELLING DISTRICTS TO PERMIT, BY USE PERMIT APPROVAL, ADDITIONS TO AND EXPANSION OF EXISTING NONCONFORMING BUILDINGS OR USES AND MODIFICATION OF COVERAGE, YARD, SETBACK, PARKING AND/OR DENSITY REGULATIONS FOR EXISTING APARTMENT BUILDINGS, WHERE A BUILDING IS PROPOSED TO BE USED FOR THE PROVISION OF LOW OR MODERATE INCOME HOUSING. MODIFICATION OF HEIGHT AND DENSITY WOULD ONLY BE PERMITTED TO ALLOW DEVELOPMENT ALREADY LEGALLY EXISTING ON THE SITE.**

After a duly advertised public hearing at which the public spoke, on a motion by Mr. Zimmerman, seconded by Mr. Fisette and carried by a vote of 5 to 0, the voting recorded as follows: Ms. Favola – Aye, Mr. Fisette – Aye, Ms. Hynes – Aye, Mr. Tejada – Aye and Mr. Zimmerman – Aye, the Board adopted ordinance ZOA-09-08 to amend, reenact, and recodify Sections 12, 13, 14 and 15 of the Arlington County Zoning Ordinance to permit, by use permit approval, addition to and expansion of existing nonconforming buildings or uses and modification of regulations for existing apartment buildings, where a building is proposed to be used for the provision of low or moderate income housing [as set forth in the document entitled "Addendum 10-24-09-K– ZOA-09-08" attached for the public record to these minutes].

[Board Report-#36](#)

[Addendum 10-24-09-K– ZOA-09-08](#)

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**37. FOXCROFT HEIGHTS NEIGHBORHOOD CONSERVATION PLAN.**

After a duly advertised public hearing at which the public spoke, on a motion by Mr. Tejada, seconded by Mr. Zimmerman and carried by a vote of 5 to 0, the voting recorded as follows: Ms. Favola – Aye, Mr. Fisette – Aye, Ms. Hynes – Aye, Mr. Tejada – Aye and Mr. Zimmerman – Aye, the Board adopted the resolution to accept the Foxcroft Heights Neighborhood Conservation Plan with staff comments specified in the plan [as set forth in the document entitled "Addendum 10-24-09-L– Foxcroft Heights NC Plan" attached for the public record to these minutes].

[Board Report #37](#)

[Addendum 10-24-09-L– Foxcroft Heights NC Plan](#)

**38. BUDGET**

**A. FISCAL YEAR (FY) 2009 CLOSEOUT AND REAPPROPRIATION INTO FY 2010**

After a duly advertised public hearing at which the public spoke, Mr. Fisette made a motion, which was seconded by Ms. Hynes, and carried by a vote of 5 to 0, the voting recorded as follows, Ms. Favola – Aye, Mr. Fisette – Aye, Ms. Hynes – Aye, Mr. Tejada – Aye and Mr. Zimmerman – Aye, to take the following actions:

1. Adopt the FY 2009 County government appropriation resolution [as set forth in the document entitled "Addendum 10-24-09-M-FY 2009 Appropriation Resolution" attached for the public record to these minutes].
2. Allocate from the FY 2009 General Fund Balance the following amounts based on County Board policy, prior actions of the County Board, and staff evaluations:
  - a. \$20,152,964 for the FY 2010 budget, already appropriated in April 2009 as part of the FY 2010 adopted budget;
  - b. \$2,507,581 to the General Fund Operating Reserve: \$140,679 to maintain the reserve at three percent of the General Fund budget and \$2,366,902 to increase the reserve from 3.00 percent to 3.25 percent of the General Fund budget for a total General Fund Reserve of \$30,769,734 in FY 2010;

- c. \$1,500,000 to the County's Self Insurance Reserve to increase the reserve from \$3.5 million to \$5.0 million;
  - d. \$28,900,899 to affordable housing programs from unexpended FY 2009 Affordable Housing Investment Fund allocations and loan repayments, and appropriate to Non-Departmental (101.91102) \$32,499,880 in expense and \$3,598,981 in revenue;
  - e. \$894,730 to the FreshAIRE program from unexpended FY 2009 FreshAIRE appropriations and excess revenue derived from the residential utility tax, and appropriate to the Department of Environmental Services (101.40002); \$328,725 to the Other Post Employment Benefit (OPEB) Fund (referenced and appropriated in Attachment 2 supplemental appropriations) and \$385,162 to the safety net contingent in Non-Departmental (101.91102) referenced and appropriated in Attachment 2D;
  - f. \$2,410,096 in restricted revenue from seized assets and miscellaneous grants as referenced and appropriated in Attachment 2D;
  - g. Allocate \$24,513,422 from the FY 2009 General Fund Balance to the Schools for unspent expenditure appropriations and revenue increases based on the FY 2009 revenue sharing agreement.
5. Allocate undesignated fund balance from the FY 2009 General Fund of \$11,514,940 and appropriate to Non-Departmental (101.91102) as follows:
- a. \$300,000 to cover cost of two additional holidays for County staff in 2009, Christmas Eve and New Year's Eve.
  - b. \$6 million in employee compensation fund in Fiscal Year 2011 and Fiscal Year 2012.
  - c. The balance in a Fiscal Year 2011 contingency fund.

Ms. Favola moved an amended motion, which was seconded by Mr. Zimmerman and carried by a vote of 4 to 1, the voting recorded as follows, Ms. Favola – Aye, Mr. Fisetete – No, Ms. Hynes – Aye, Mr. Tejada – Aye and Mr. Zimmerman – Aye, to take the following actions:

3. Allocate \$7,933,725 to pay-as-you go capital and appropriate to Fund 313 as a transfer to capital from the General Fund (101.91107);
4. Amend the FY 2010 County Budget by approving the appropriations in Attachment 2. This attachment includes an encumbrance carryover of \$270,619 and a net carryover (expense minus revenue) of \$8,140,088 for incomplete projects.
5. Allocate undesignated fund balance from the FY 2009 General Fund of \$11,514,940 and appropriate to Non-Departmental (101.91102) as follows:  
  
\$1.45 million for a 1% market rate adjustment to employees effective January 1, 2010 through June 30, 2010.

[Board Report #38 A](#)

[Addendum 10-24-09-M-FY 2009 Appropriation Resolution](#)

## **B. FISCAL YEAR (FY) 2011 FINANCIAL FORECAST AND BUDGET GUIDANCE**

After a duly advertised public hearing at which the public spoke, on a motion by Ms. Favola, seconded by Mr. Tejada and carried by a vote of 5 to 0, the voting recorded as follows: Ms. Favola – Aye, Mr. Fisetete – Aye, Ms. Hynes – Aye, Mr. Tejada – Aye and Mr. Zimmerman – Aye, the Board received the County Manager's Budget Forecast for Fiscal Year 2011 and provided the following budget guidance for Fiscal Year 2011 with amendments noted:

### **County Board Guidelines for Preparation of the Manager's FY 2011 Budget**

#### **Goals:**

The County Board directs the County Manager to prepare a FY 2011 budget that reflects the serious economic downturn while honoring the County's vision and legacy. Specifically, the FY 2011 budget must, at a minimum, fund services that protect the health and safety of our residents, continues our investments in affordable housing, and environmental sustainability, funds the public school, and ensures a safety net for those in need.

#### **Principles:**

The following principles shall guide the development of the Manager's Proposed FY 2011 budget:

1. Provide a balanced budget with expenditures, ~~that is~~ no greater than the adopted FY 2010 budget and that equally divides the revenues/expenditures gap between proposed revenue increases and proposed expense/service reductions.
2. Ensure that the budget provides for long-term financial sustainability, anticipating no greater than flat revenue ~~growth~~ over the next two year period.
3. Preserve the County's triple AAA bond rating.
4. Fully fund all debt, lease and other contractual commitments, including those "subject to appropriation" in the base budget.
5. Add no new positions or programs supported by local tax revenues, unless bringing existing services in-house can be shown to save money or there is a new dedicated funding source.
6. Eliminate duplication and inefficiencies.
7. Abide by the Revenue Sharing Agreement with the Schools.
8. Provide options for ~~the~~ compensation ~~reserve~~ that address competitiveness and/or health care pressures.

The County Manager shall also provide: (1) an impact assessment were we to keep expenses within existing tax rates, and; (2) an impact assessment, including the extent to which tax rates would have to increase, were we to maintain services at the FY 2010 revised budget level. In addition, the Manager shall also provide an assessment of the impact of the 3 options above on the availability of debt capacity.

**Strategies:**

In developing ~~his~~ the proposed budget, the manager should:

1. Evaluate strategic choices such as investments in maintenance capital that would reduce on-going operating expenses.
2. When proposing the elimination of a non-essential service, present where possible, fee options that could offset the potential elimination of a non-essential service and/or new public/private partnerships designed to deliver the service.
3. Present alternatives that reduce costs through consolidation, mergers, contracting, partnerships, and other service mechanisms.
4. Incorporate evaluation of 2010 cuts, where information is known, and identify performance measures that will be used to evaluate significant cuts proposed for 2011.
5. Provide comparative analysis of compensation in the region showing Arlington's performance in recent years and assessing current standing and relating to long-standing County compensation goals.

[Board Report #38 B](#)

[Board Report #38 B-Supplemental](#)

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

On motion by Ms. Favola, seconded by Mr. Fisetto, and carried by a vote of 5 to 0, the voting recorded as follows, Ms. Favola – Aye, Mr. Fisetto – Aye, Ms. Hynes – Aye, Mr. Tejada – Aye and Mr. Zimmerman – Aye, the Board met in a closed session from 12:34 p.m. to 2:10 p.m., as authorized by Virginia Code section 2.2-3711.A.3, for the purpose of discussing seven matters involving the acquisition of real property for public purposes and one matter involving the disposition of publicly held real property where, in each instance, discussion in public would adversely affect the County's bargaining position.

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

**Member & Vote**

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

the Board certified that to the best of each member's knowledge that (1) only public business matters lawfully exempted from open meeting requirements under Chapter 37, Title 2.2 of the Code of Virginia and (2) only such public business matters as were identified in the motion by which the closed meeting was convened as were heard, discussed, or considered by the Board.

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**ADDITIONAL ITEM**

**39. APPROVAL OF THE SECOND AMENDMENT TO DEED OF LEASE, BETWEEN THE COUNTY BOARD OF ARLINGTON COUNTY, VIRGINIA ("LANDLORD") AND SIGNATURE THEATRE, INC. ("TENANT"), ON THE REAL PROPERTY LOCATED AT 4200 CAMPBELL AVENUE, ARLINGTON, VA, RPC 29014013.**

On a motion by Mr. Zimmerman, seconded by Mr. Tejada and carried by a vote of 5 to 0, the Board approved the Second Amendment to Deed of Lease, between The County Board of Arlington County, Virginia and Signature Theatre, Inc. ("Signature Theatre") on the real property located at 4200 Campbell Avenue, Arlington, VA, (RPC 29014013) attached to the County Manager's September 30, 2009 report and authorized the Real Estate Bureau Chief, or his designee, to execute and deliver on behalf of the County Board, the Second Amendment to Deed of Lease, and all related documents, subject to approval as to form by the County Attorney.

**ADJOURNMENT**

Without objection, at 2:14 p.m., the Board recessed until the October 27, 2009 Recessed Meeting.

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BARBARA A. FAVOLA, Chairman

ATTEST:

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HOPE L. HALLECK, Clerk  
Approved: March 13, 2010