

A Recessed Meeting of the County Board of Arlington County, Virginia, held in Room 307 of #1 Courthouse Plaza thereof on Monday, December 15, 2008 at 3:05 p.m.

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

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

* Arrived 3:07 p.m.
** Arrived 3:10 p.m.

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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 Chairman announced that he had traveled to Arlington County's newest Sister City, San Miguel, El Salvador. He traveled there as a guest of the Arlington Sister Cities Association, which generously sponsored the airfare costs for the trip. On Thanksgiving Day, he signed the Sister Cities agreement, which formalized the 4-year-old relationship between the two communities. He was honored to represent the citizens of Arlington and the Arlington County Board at this event. The Chairman looks forward to a more formal partnership with San Miguel, as well as cultural and educational exchanges. As part of the new partnership, Arlington County donated school supplies to elementary schools in Chirilagua, a small town outside of San Miguel. The Chairman thanked the Arlington County Sister Cities Association.

The Chairman provided an update on the series of Diversity Dialogues. He reported that his past September and October, hundreds of Arlingtonians gathered on three occasions to participate in community dialogues on diversity related issues. The Diversity Dialogue Task Force is finalizing its report, which will be presented to the County Board in January.

The Chairman announced that it was his next-to-last meeting as Chairman of the County Board. He expressed that it was an honor and privilege to serve with his distinguished colleagues. He also expressed deepest gratitude and appreciation to the County staff. The Chairman thanked his colleagues, the staff, and the community for all of their support during the past year. The Chairman then announced a special 2008 "State of the County" on December 16, 2008 at 6:00 p.m. in the County Board Room. The "State of the County" will be preceded by Ms. Favola's swearing-in-ceremony at 5:00 p.m.

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II. APPOINTMENTS

On motion by J. WALTER TEJADA, Chairman, and carried by a vote of 5 to 0, the voting recorded as follows: J. WALTER TEJADA, Chairman – Aye, BARBARA A. FAVOLA, Vice Chairman – Aye, JAY FISETTE, Member – Aye, MARY HUGHES HYNES, Member – Aye, CHRISTOPHER ZIMMERMAN, Member – Aye, the Board made the following appointments:

Commission on the Status of Women
Appoint Samantha Sewell

Crystal City Planning Task Force

Appoint Barbara Baden

Housing Commission

Appoint Alice Hogan as Non-profit Representative
John Shanley as Non-profit Representative
Anne Elliott Merica as Neighborhood Representative
Stanley W. Slotter as Developer Representative

Industrial Development Authority

Appoint Michael McCarthy
Ed Holland

Northern Virginia Juvenile Detention Commission

Appoint Dr. Alfred O. Taylor, Jr. as Arlington County Representative

Sesquicentennial of the American Civil War Committee

Appoint Dana Dierkes
George Dodge
Al Eisenberg
Kendell Thompson
Kevin Vincent
Joan White
Talmadge Williams
John Courtright
Walter DeGroot
Tom Dickinson
Eleanor Harvey
Steve Holmes
Kevin Kelly
Bonnie Mangan
John Moroz
Warren Nelson
Kim O'Connell
Josh Ruebner
Chris Soester
Diana Hasuly-Ackman

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III. REGIONAL REPORTS

The Vice Chairman brought forward a resolution regarding the Virginia Commonwealth's FY 2009-2010 budget shortfall.

On motion by BARBARA A. FAVOLA, Vice Chairman, seconded by J. WALTER TEJADA, Chairman and carried by a vote of 5 to 0, the voting recorded as follows: J. WALTER TEJADA, Chairman – Aye, BARBARA A. FAVOLA, Vice Chairman – Aye, JAY FISETTE, Member – Aye, MARY HUGHES HYNES, Member – Aye, CHRISTOPHER ZIMMERMAN, Member – Aye, the Board adopted the following resolution on the Commonwealth's FY 2009-2010 budget shortfall:

**RESOLUTION ON THE COMMONWEALTH'S FY 2009-2010 BUDGET SHORTFALL
ADOPTED BY THE ARLINGTON COUNTY BOARD – ADOPTED DECEMBER 15, 2008**

WHEREAS, Arlington County is committed to ensuring fiscal sustainability at the local and state levels of government because fiscal sustainability enables the Commonwealth and its local governments to provide high quality, cost effective core public services that benefit Virginians today and for generations to come; and

WHEREAS, the current difficult economic and financial times require government, at all levels, to evaluate

service delivery responsibilities and to determine the continued importance of programs meeting critical needs; and

WHEREAS, the Commonwealth must resolve an estimated 2009 and 2010 biennial revenue shortfall approaching \$3 billion that may in fact continue to escalate in the near term; and

WHEREAS, Arlington County must resolve significant local revenue shortfalls for these periods as well; and

WHEREAS the Commonwealth's General Fund supports most critical core government services including public education, health and human resources, including the Comprehensive Services Act, public safety, natural resources and environmental services by dedicating almost 50 percent of the state's General Fund to local governments (with 74 percent of this funding supporting K-12 public education); and

WHEREAS, if one level of government establishes and ensures a priority, it is then incumbent upon that level of government to adequately fund the services necessary to meet that priority; and

WHEREAS, the current economic environment threatens the sustainability of these critical core services if the Commonwealth is required to reduce its contribution to the financial partnership between the state and its local governments including Arlington County; and

WHEREAS, specific and necessary state budget reductions may impact a wide array of core public services, including but not limited to public education, the Comprehensive Service Act, and public safety, and many local governments, including Arlington County, will absorb significant state reductions in 2009 and may be compelled to increase real property taxes to help ensure the continuation of vital public services; and

WHEREAS Arlington County stands ready to partner with the Commonwealth to make the difficult budgetary decisions required, including thoroughly evaluating programs and working together to maintain a structural balance between revenues and expenditures that promotes the long-term viability of our Commonwealth.

NOW THEREFORE BE IT RESOLVED THAT the Arlington County Board respectfully offers the following budget and revenue recommendations for the 2009 legislative session to the Governor and Virginia General Assembly including Arlington's Delegates and Senators:

- Budget and appropriate sufficient withdrawals from the state's Revenue Stabilization Fund ("Rainy Day Fund") to help offset necessary state budget reductions. Global and national financial markets are imbalanced; consequently, Virginia is one of many states facing a significant state revenue shortfall. The Commonwealth is required to replenish the Fund when economic conditions improve, and Arlington supports recapitalizing the Fund in better economic times.
- Before budgeting and appropriating necessary state budget reductions, revisit recent state tax exemptions. Since the late 1990s the state has enacted more than \$1.8 billion in net biennial tax reductions and specific General Fund transfers.
- Oppose the enactment of new unfunded and under-funded state mandates that will impose new costs on local governments. Additionally, consider repealing specific, unfunded and under-funded state mandates. In the area of public education, the Governor and Virginia General Assembly should consider providing localities and school districts maximum flexibility to i) suspend specific mandates and ii) manage specific public education reductions.
- Enact a law authorizing equal taxing authority for counties. Counties should be enabled, like cities and towns, to institute specific taxes, including a meals tax without a referendum. The new sources of revenue would be tailored to the needs of a jurisdiction and could help local governments protect adequate funding for the core government services including K-12 public education, and reduce county dependence on property taxes.
- Consider additional possibilities for mitigating the impact of state cuts on local governments. Local governments will have to make significant cuts in services because of flat or decreasing real estate revenues. Permit local governments, at their option, to implement a one-half percent increase in the sales tax as a way to minimize the potential burden passed on to homeowners through increased real property taxes.

BE IT FURTHER RESOLVED THAT, Arlington County offers these recommendations in the spirit of compromise and partnership to the Governor and Virginia General Assembly including Arlington's Delegates and Senators.

Mr. Zimmerman reported that the Northern Virginia Transportation Commission (NVTC) and the Northern Virginia Transportation Authority (NVTA) adopted legislative programs, specifically suggestions for Federal economic stimulus. NVTA adopted a list that included transportation contracts that can be executed in three months, six months and eighteen months. This list encompassed a range of different projects, both regional and local.

Mr. Fisetto reported that at the Council of Governments (COG) annual meeting, a press conference was held regarding energy efficiency and climate change highlighting local government needs surrounding energy efficiency projects that are ready to be considered by the new administration. The project Arlington put forward is to install medium and large scale rooftop photovoltaics on targeted County facilities.

Ms. Hynes, representative on the Aviation Policy Committee of the Council on Governments, reported that Metro Washington Airports Authority (MWAA) gave a presentation about the work they have been doing on energy efficiency and recycling. The Committee encouraged MWAA to promote their efforts publicly. The Committee is also hoping to do some outreach to local military airports.

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IV. COUNTY MANAGER REPORT

The County Manager acknowledged Barbara Wiley, Acting Comptroller, and the audit staff. The Comprehensive Annual Financial Report was submitted and received an unqualified opinion for its external audit which is the cleanest opinion that an organization can receive.

The County Manager requested that the County Board act on his report dated December 8, 2008, regarding authorization for the County Manager to enter into reciprocal and contractual agreements with federal, state and local jurisdictions for emergency Fire Department operational support and services.

On motion by BARBARA A. FAVOLA, Vice Chairman, seconded by J. WALTER TEJADA, Chairman and carried by a vote of 5 to 0, the voting recorded as follows: J. WALTER TEJADA, Chairman – Aye, BARBARA A. FAVOLA, Vice Chairman – Aye, JAY FISETTE, Member – Aye, MARY HUGHES HYNES, Member – Aye, CHRISTOPHER ZIMMERMAN, Member – Aye, the County Board authorized the County Manager or his designee to enter into reciprocal and contractual Fire Department operational support and services agreements to the extent provided for in Virginia Code Sections 15.2-1724, 15.2-1727, 27-2, 27-2.1, 27-3, 27-4, 27-23.6 and to ratify any such existing agreements.

The County Manager reported that improvements have been made to the Emergency Winter Shelter adjacent to the County building. The County can accommodate 46 people in that building. Emergency plans are also in place to have 40 more beds in the Detention Center. The County is also currently meeting with all other providers in the region to identify additional contingency plans. The County is prepared to open public and private buildings as needed in order to prevent people from being exposed to the elements.

The County Manager provided a December budget update as summarized his December 2008 Budget Update Memorandum to the County Board dated December 15, 2008.

[Board Report - Fire Cooperative Agreement](#)

[December 2008 County Manager Budget Update](#)

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THE FOLLOWING ITEMS TO BE HEARD BEGINNING AT 5:30 P.M.

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CONSENT ITEMS (ITEMS REMOVED FROM THE CONSENT AGENDA SATURDAY, DECEMBER 13, 2008)

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2. [SP #89 SITE PLAN AMENDMENT: 1101 WILSON OWNER, LLC, ROOFTOP SIGN; 1101 WILSON BLVD. \(RPC #16-039-002\).](#)

On motion by J. WALTER TEJADA, Chairman, seconded by BARBARA A. FAVOLA, Vice Chairman and carried by a vote of 5 to 0, the voting recorded as follows: J. WALTER TEJADA, Chairman - Aye, BARBARA A. FAVOLA, Vice Chairman - Aye, JAY FISETTE, Member - Aye, MARY HUGHES HYNES, Member - Aye, CHRISTOPHER ZIMMERMAN, Member - Aye, after a duly advertised public hearing, at which the public spoke, the Board deferred the site plan amendment request for a rooftop sign for BAE Systems, Inc. at 1101 Wilson Blvd., to the January 24, 2009 County Board Meeting.

[Board Report #2](#)

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5. [**U-2914-97-5 USE PERMIT REVIEW \(CARRY OVER\): ELEMENTARY SCHOOL: 5700 LEE HIGHWAY \(RIVENDELL SCHOOL, RPC #10-002-001, -007\).**](#)

On motion by J. WALTER TEJADA, Chairman, seconded by MARY HUGHES HYNES, Member and carried by a vote of 5 to 0, the voting recorded as follows: J. WALTER TEJADA, Chairman - Aye, BARBARA A. FAVOLA, Vice Chairman - Aye, JAY FISETTE, Member - Aye, MARY HUGHES HYNES, Member - Aye, CHRISTOPHER ZIMMERMAN, Member - Aye, after a duly advertised public hearing, at which the public spoke, the County Board deferred the use permit review to the January 24, 2009 County Board Meeting.

[Board Report #5-Revised](#)

[Board Report #5-Attachment](#)

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25. [**REQUEST TO ADVERTISE PUBLIC HEARINGS ON PROPOSED ZONING ORDINANCE AMENDMENTS TO SECTION 2. GENERAL REGULATIONS AND SECTION 35. NONCONFORMING BUILDINGS AND USES TO ALLOW, UPON THE ACQUISITION OF A PORTION OF A LOT BY THE COUNTY FOR A PUBLIC PURPOSE, THE CREATION OF CONDITION\(S\) THAT ARE NOT COMPLIANT WITH REQUIREMENTS OF THE ZONING ORDINANCE TO BE TREATED AS A NONCONFORMING USE OR BUILDING, PURSUANT TO THE NONCONFORMING USE PROVISIONS OF THE ZONING ORDINANCE.**](#)

On motion by CHRISTOPHER ZIMMERMAN, Member, seconded by JAY FISETTE, Member and carried by a vote of 5 to 0, the voting recorded as follows: J. WALTER TEJADA, Chairman - Aye, BARBARA A. FAVOLA, Vice Chairman - Aye, JAY FISETTE, Member - Aye, MARY HUGHES HYNES, Member - Aye, CHRISTOPHER ZIMMERMAN, Member - Aye, after a hearing, at which the public spoke, the Board adopted the resolution as set forth in the document entitled "Addendum 12-15-08-A – Resolution for Advertisement of Hearing to Consider Amendments to Section 2. and 35." attached for the public record to these minutes to advertise public hearings by the Planning Commission and the County Board at their regularly scheduled January, 2009 meetings, on the attached ordinance to amend, reenact, and recodify the provisions in Section 2. General Provisions and Section 35. Nonconforming Buildings and Uses of the Zoning Ordinance to allow by reason of acquisition by the County for a public purpose, the creation of a condition(s) that is not in compliance with requirements of the Zoning Ordinance, resulting in a nonconforming use or building, pursuant to the nonconforming use provisions of the Zoning Ordinance.

[Addendum 12-15-08-A – Resolution for Advertisement of Hearing to Consider Amendments to Section 2. and 35.](#)

[Board Report #25](#)

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26. [**REQUEST TO ADVERTISE PUBLIC HEARINGS ON PROPOSED ZONING ORDINANCE AMENDMENTS**](#)

TO SECTION 37 VIOLATIONS AND PENALTIES AND SECTION 31A HISTORIC PRESERVATION DISTRICTS.

On motion by BARBARA A. FAVOLA, Vice Chairman, seconded by JAY FISETTE, Member and carried by a vote of 5 to 0, the voting recorded as follows: J. WALTER TEJADA, Chairman - Aye, BARBARA A. FAVOLA, Vice Chairman - Aye, JAY FISETTE, Member - Aye, MARY HUGHES HYNES, Member - Aye, CHRISTOPHER ZIMMERMAN, Member - Aye, after a hearing, at which the public spoke, the Board adopted the resolution as set forth in the document entitled "Addendum 12-15-08-B – Resolution for Advertisement of Hearing to Consider Amendments to Section 37. and 31A." attached for the public record to these minutes to authorized advertisement of public hearings by the Planning Commission and the County Board for their regularly scheduled February 2009 meetings, on the ordinance to amend, reenact, and recodify the Zoning Ordinance provisions in Sections 37 and 31A of the Arlington County Zoning Ordinance to allow for the assessment of civil penalties for most zoning ordinance infractions.

Addendum 12-15-08-B – Resolution for Advertisement of Hearing to Consider Amendments to Section 37. and 31A

Board Report #26

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ADDITIONAL ITEMS

APPROVAL OF THE EXERCISE OF A RENEWAL OPTION TO A DEED OF LEASE BETWEEN CLARENDON SQUARE ASSOCIATES LIMITED PARTNERSHIP, LANDLORD, AND THE COUNTY BOARD OF ARLINGTON COUNTY, VIRGINIA, TENANT, TO RENEW THE TERM FOR A TEN YEAR RENEWAL PERIOD AND TO EXERCISE A THREE BROKER METHOD TO DETERMINE MARKET OFFICE RENT AND MARKET PARKING RENT, DURING THE RENEWAL PERIOD, FOR A PORTION OF THE BUILDING AND THE GARAGE LOCATED AT 3033 WILSON BOULEVARD, ARLINGTON, VA (RPC NUMBERS 15067002, 15067003, 15067005, 15067006, 15067007, 15067033, AND 15067036).

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

1. Approved the Issuance of Renewal Option Notice to a Deed of Lease between Clarendon Square Associates Limited Partnership, Landlord, and the County Board of Arlington County, Virginia, Tenant, to Renew the Term for a Ten Year Renewal Period and to Exercise a Three Broker Method to Determine Market Office Rent and Market Parking Rent, During the Renewal Period, for a Portion of the Building and the Garage Located at 3033 Wilson Boulevard, Arlington, VA, (RPC Numbers 15067002, 15067003, 15067005, 15067006, 15067007, 15067033 and 15067036).
2. Authorized the County Manager, or his designee, to execute and deliver on behalf of the County Board, a Renewal Option Notice to Deed of Lease to implement a Three Broker Method to determine market office rent and market parking rent, and to execute all related documents, subject to approval as to form by the County Attorney.

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ADJOURNMENT

Without objection, at 6:30 p.m. the Board adjourned the meeting.

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J. WALTER TEJADA, Chairman

ATTEST:

Hope L. Halleck, Acting Clerk