

A Regular Meeting of the County Board of Arlington County, Virginia, held in Room 307 of 2100 Clarendon Boulevard thereof on Saturday, July 11, 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, Member
HOPE L. HALLECK, Clerk
and other staff

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*** PUBLIC COMMENT**

Robert Atkins spoke about plastic bottles.

Mike Staples spoke about the County Manager plan of government.

Ken Dennis, representing the Police Union, spoke about Police services and the FY 2011 budget.

Stan Hanzel spoke about HOT Lanes in the Fairlington Community.

John Reeder spoke about the Housing Authority Referendum.

Timothy Wise spoke about Metro safety.

Jim Hurysz spoke about transportation safety.

June O'Connell spoke about the County ordinance regarding bonus density in site plan applications for achieving LEED certification.

Jerry Auten spoke about the Leeway Overlee neighborhood and asked for a representative on the East Falls Church Task Force.

Audrey Clement spoke about the Housing Authority Referendum.

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*** CONSENT ITEMS (ITEMS 1-46) CITIZENS INTERESTED IN REMOVING AN ITEM FROM THE CONSENT AGENDA MUST SUBMIT A SPEAKER SLIP TO THE CLERK AT THE SATURDAY, JULY 11, 2009, MEETING BEFORE 9 A.M. PUBLIC TESTIMONY ON REMOVED ITEMS WILL OCCUR AT THE RECESSED MEETING ON TUESDAY, JULY 14, 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 applied for by the James M. Wright, Trustee for accessory parking at the Walker Chapel United Methodist Church (Item #22). 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 permits, she was able to participate in the discussions and votes concerning the use permits, 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 FISETTE, 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 #6, #22, #28, #30, #34, and #36 through #41. All other items were pulled from the consent agenda and scheduled for hearing at the July 14, 2009 County Board Recessed Meeting.

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SITE PLANS/AMENDMENTS/REVIEWS

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1. **SP #20 SITE PLAN AMENDMENT TO REVISE CONDITION #60 TO MODIFY THE LOCATIONS FOR OUTDOOR CAFES ON THE LIBERTY CENTER SITE; LOCATED AT 875 N. RANDOLPH STREET, 4075 WILSON BOULEVARD, AND 888 AND 818 NORTH QUINCY STREET (RPC #14-044-018, 14-044-020 THRU 14-044-259).**

This item was removed from the consent agenda and will be heard at the July 14, 2009 County Board Recessed Meeting.

[Board Report #1-Revised](#)

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2. **SP #25 SITE PLAN AMENDMENT TO ALLOW TEMPORARY USE OF APPROX. 897 SQ FT OF RETAIL SPACE FOR USE AS MARKETING AND LEASING CENTER AT THE WATERVIEW PROJECT; LOCATED AT 1925 N. LYNN ST., 1111 AND 1117, AND 1121 19TH STREET NORTH (RPC: 16-018-001, -010, -011, 16-018-012 THRU 16-018-146)**

This item was removed from the consent agenda and will be heard at the July 14, 2009 County Board Recessed Meeting.

[Board Report #2](#)

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3. **SP #34 ART PROPERTY ASSOCIATES, LLC (MONDAY PROPERTIES) FOR AN ADDITIONAL APPROX. 1,400 SQUARE FEET OF RETAIL GFA; LOCATED AT 1501 WILSON BLVD. (RPC: 16-033-001).**

This item was removed from the consent agenda and will be heard at the July 14, 2009 County Board Recessed Meeting.

[Board Report #3](#)

[Board Report #3-Supplemental](#)

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4. **SP #65 SITE PLAN AMENDMENT REVIEW TO CONSTRUCT BASKETBALL COURT ON ROOF OF THE CENTURY CENTER; LOCATED AT 2351 JEFFERSON DAVIS HIGHWAY, 2450 CRYSTAL DRIVE, 2461 S. CLARK ST. (RPC #34-020-032, -034, -035).**

This item was removed from the consent agenda and will be heard at the July 14, 2009 County Board Recessed Meeting.

[Board Report #4](#)

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5. **SP #105 PENTAGON CITY PHASED DEVELOPMENT SITE PLAN AMENDMENT TO CHANGE CONDITION #2 OF THE PENTAGON CITY PHASED DEVELOPMENT SITE PLAN (PDSP) TO PERMIT THE REALLOCATION OF DENSITY BETWEEN PARCEL 1D AND PARCEL 3; MORE SPECIFICALLY, TO PERMIT 930 RESIDENTIAL UNITS NOW ALLOCATED FOR PARCEL 1D TO BE USED EITHER ON THAT PARCEL OR ON PARCEL 3, AND TO PERMIT 300 HOTEL UNITS NOW ALLOCATED FOR PARCEL 3 TO BE USED EITHER ON THAT PARCEL OR ON PARCEL 1D; LOCATED AT 1197 S. FERN ST., 501 AND 525 15TH STREET SOUTH, 1200, 1232, 1400, 1410, 1420, 1430, 1440 AND 1450 S. EADS ST. (RPC # 35-003-001, -002, -011, -012, -014, -015, -016, -017, -018, -019, -020, -021, -032, -033).**

This item was removed from the consent agenda and will be heard at the July 14, 2009 County Board Recessed Meeting.

[Board Report #5](#)

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6. **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 consent agenda vote, after a duly advertised public hearing, the Board deferred the site plan amendment to the September 26, 2009 County Board Meeting.

[Board Report #6](#)

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7. **SP #173 SITE PLAN AMENDMENT FOR A COMPREHENSIVE SIGN PLAN FOR ARLINGTON PLAZA; LOCATED AT 2000 15TH ST. N. (RPC #17-014-005)**

This item was removed from the consent agenda and will be heard at the July 14, 2009 County Board Recessed Meeting.

[Board Report #7](#)

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8. **SP# 193 SITE PLAN AMENDMENT FOR OUTDOOR CAFÉ SEATING IN PUBLIC RIGHT-OF-WAY AT BALLSTON COMMONS; LOCATED AT 671 NORTH GLEBE ROAD (RPC# 14-059-036, -037)**

This item was removed from the consent agenda and will be heard at the July 14, 2009 County Board Recessed Meeting.

[Board Report #8](#)

[Board Report #8-Supplemental](#)

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9. **COURTHOUSE PLAZA HOTEL**

- A. SP #231 Site Plan Amendment to revise Condition #84 of the Courthouse Plaza Hotel Site Plan to modify the timing and requirements for the garage closure and bicycle storage facility; located at 1401 North Adams St. (RPC: 18-005-042, -053).

This item was removed from the consent agenda and will be heard at the July 14, 2009 County Board Recessed Meeting.

[Board Report #9A](#)

- B. Approval of an agreement by and between Arlington Hotel Associates LLC, VNO Courthouse I LLC; VNO Courthouse II LLC and the County Board of Arlington County, Virginia for Location and Construction of a Secure Bicycle Room Facility on Lot 1, Courthouse Plaza, RPC No. 18004065.

This item was removed from the consent agenda and will be heard at the July 14, 2009 County Board Recessed Meeting.

[Board Report #9B](#)

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- 10. **SP #255 SITE PLAN AMENDMENT REVIEW FOR LIVE ENTERTAINMENT AND DANCING AT TARA TEMPLE; LOCATED AT 4001 FAIRFAX DRIVE (RPC #14-029-014)**

This item was removed from the consent agenda and will be heard at the July 14, 2009 County Board Recessed Meeting.

[Board Report #10](#)

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- 11. **THIS ITEM WAS REMOVED FROM THE AGENDA. SP #346 SITE PLAN AMENDMENT TO REVISE CONDITION #1 ALLOWING EXTENSION OF TIME TO SUBMIT BUILDING PERMIT FOR TWO LAND BAYS AND PARK CONCEPT DESIGN PLAN (POTOMAC YARD LAND BAYS D-EAST, D-WEST, AND CENTER PARK NORTH). PROPERTY IS LOCATED AT JEFFERSON DAVIS HIGHWAY, 3400 POTOMAC AVE., AND CRYSTAL DRIVE (RPC# 34-027-045, -059 AND 34-027-062, -070).**

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- 12. **SP #357, SITE PLAN AMENDMENT TO ALLOW CERTAIN PROFESSIONAL OFFICE USES IN ADDITION TO RETAIL, IN APPROVED RETAIL SPACE; LOCATED AT 1601 CLARENDON BLVD. (RPC #17-010-037).**

This item was removed from the consent agenda and will be heard at the July 14, 2009 County Board Recessed Meeting.

[Board Report #12](#)

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- 13. **SP #359 SITE PLAN AMENDMENT TO PERMIT RETAIL SPACES TO BE LEASED TO CONSUMER AND BUSINESS SERVICES AT STATION SQUARE AT CLARENDON; LOCATED AT 2900 CLARENDON BOULEVARD (RPC# 18-014-328, -329).**

This item was removed from the consent agenda and will be heard at the July 14, 2009 County Board Recessed Meeting.

[Board Report #13](#)

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- 14. **SP #364 SITE PLAN AMENDMENT RENEWAL FOR A MONTESSORI PRESCHOOL AT THE WOODBURY PARK COMMUNITY CENTER; LOCATED AT 2230 N. FAIRFAX DRIVE (RPC# 18-084-013, -014, -015).**

This item was removed from the consent agenda and will be heard at the July 14, 2009 County Board Recessed Meeting.

[Board Report #14](#)

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- 15. **SP #371 SITE PLAN AMENDMENT TO MODIFY THE CONDITION REGARDING LEED COMPLIANCE; LOCATED AT 1800 WILSON BLVD. (RPC# 17-010-038, -040 THROUGH -194).**

This item was removed from the consent agenda and will be heard at the July 14, 2009 County Board Recessed Meeting.

[Board Report #15](#)

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- 16. **SP #390 SITE PLAN AMENDMENT TO REVISE CONDITION #67 TO MODIFY THE TIMING FOR GRANTING PUBLIC USE AND/OR ACCESS EASEMENTS FOR THE NORTH TRACT LOFTS RESIDENTIAL SITE PLAN; LOCATED AT 305 10TH STREET SOUTH (RPC: 34-024-457).**

This item was removed from the consent agenda and will be heard at the July 14, 2009 County Board Recessed Meeting.

[Board Report #16](#)

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- 17. **SP #402 SITE PLAN AMENDMENT TO MODIFY CONDITIONS PERTAINING TO THE PLAT OF EXCAVATED AREA AND WALL CHECK SURVEY OF THE PENROSE SQUARE PROJECT; LOCATED AT 2501 9TH ROAD S. (RPC# 25-016-012, -013, -014).**

This item was removed from the consent agenda and will be heard at the July 14, 2009 County Board Recessed Meeting.

[Board Report #17](#)

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USE PERMITS REQUEST/REVIEWS/AMENDMENTS

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- 18. **U-3018-01-1 USE PERMIT RENEWAL FOR LIVE ENTERTAINMENT AND DANCING AT THE SPORTS HOUSE GRILL; LOCATED AT 3249 COLUMBIA PIKE (RPC# 25-012-001).**

This item was removed from the consent agenda and will be heard at the July 14, 2009 County Board Recessed Meeting.

[Board Report #18](#)

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- 19. **U-3126-05-1 USE PERMIT AMENDMENT TO MODIFY CONDITION # 18 TO PERMIT TANDEM SPACES TO BE COUNTED TOWARD THE TOTAL PARKING QUANTITY REQUIREMENT AT THE 55 HUNDRED PROJECT; LOCATED AT 5500 COLUMBIA PIKE (RPC# 28-004-212).**

This item was removed from the consent agenda and will be heard at the July 14, 2009 County Board Recessed Meeting.

[Board Report #19](#)

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- 20. **U-3144-05-1 USE PERMIT AMENDMENT TO MODIFY CONDITION #19 TO PERMIT TANDEM SPACES TO BE COUNTED TOWARD THE TOTAL PARKING QUANTITY REQUIREMENT AND ADJUST THE PARKING ALLOCATIONS FOR RESERVED AND SHARED SPACES; AND TO MODIFY THE AWNING HEIGHT CLEARANCE AT THE SIENA PARK PROJECT; LOCATED AT 2301 COLUMBIA PIKE (RPC# 25-017-098).**

This item was removed from the consent agenda and will be heard at the July 14, 2009 County Board Recessed Meeting.

[Board Report #20](#)

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- 21. **THE APPLICATION FOR THIS ITEM HAS BEEN WITHDRAWN. U-3185-07-1 USE PERMIT AMENDMENT MACEDONIA BAPTIST CHURCH TO MODIFY CONDITION #35 REGARDING DATE BY WHICH COUNTY BOARD APPROVAL OF DENSITY CREDIT MUST BE COMPLETED; IN "C-2" SERVICE COMMERCIAL - COMMUNITY BUSINESS DISTRICT, UNDER ZONING ORDINANCE §31-A.17.C, UNIFIED COMMERCIAL/MIXED USE DEVELOPMENT IN NAUCK VILLAGE CENTER SPECIAL REVITALIZATION DISTRICT. PROPERTY IS APPROXIMATELY 14,900 SQUARE FEET, LOCATED AT 2219, 2229, 2237 SHIRLINGTON ROAD, AND IS IDENTIFIED AS RPC: #31-025-047, -048, AND -049. THE APPROVED DENSITY IS 2.06 FAR. APPLICABLE POLICIES INCLUDE GENERAL LAND USE PLAN (GLUP) "SERVICE COMMERCIAL" AND NAUCK VILLAGE CENTER ACTION PLAN.**

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- 22. **U-3200-08-4 USE PERMIT RENEWAL FOR 35 SECONDARY PARKING SPACES AT THE WALKER CHAPEL UNITED METHODIST CHURCH; LOCATED AT 4102 N. GLEBE ROAD (RPC #03-066-001).**

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

BE IT ORDAINED that, pursuant to application U-3200-08-4 on file in the Office of the Zoning Administrator for renewal of a special exception for a use permit for 35 secondary parking spaces for the parcel of real property known as 4102 N. Glebe Road (Walker Chapel United Methodist Church) (RPC #03-066-001), approval is granted and the parcel so described shall be used according to the use permit approval requested by the application, subject to all previously approved conditions, and with a County Board review in two (2) years (July 2011).

[Board Report #22](#)

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- 23. **THE APPLICATION FOR THIS ITEM HAS BEEN WITHDRAWN. U-3215-09-1 USE PERMIT FOR ACCESSORY PARKING USE AT A PLACE OF WORSHIP FOR TEMPORARY CONSTRUCTION WORKERS, LOCATED AT 1961 N. CULPEPER ST. (RPC #07-006-129).**

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24. CHILD CARE ZONING ORDINANCE AMENDMENT AND USE PERMIT REQUEST

- A. ZOA-09-07 Zoning Ordinance amendment to Section 3. "S-3A" Special Districts to permit child care centers and other programs licensed pursuant to Chapter 52 of the County Code by Use Permit approval.

This item was removed from the consent agenda and will be heard at the July 14, 2009 County Board Recessed Meeting.

[Board Report #24 A](#)

- B. U-3222-09-3 Use Permit for a child care center at the Wilson School property; located at 1601 Wilson Blvd. (RPC# 16-032-001).

This item was removed from the consent agenda and will be heard at the July 14, 2009 County Board Recessed Meeting.

[Board Report #24 B](#)

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VACATIONS, EASEMENTS, RIGHTS OF WAY, ENCROACHMENTS & LEASES

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- 25. **APPROVAL OF A RESOLUTION GRANTING A DENSITY CREDIT, UNDER SECTION 36.L. OF THE ARLINGTON COUNTY ZONING ORDINANCE, TO THE PROPERTY KNOWN AS WILSON BOULEVARD CHRISTIAN CHURCH LOCATED AT 3850 WILSON BOULEVARD, , IN EXCHANGE FOR A FEE SIMPLE DEDICATION OF A PORTION OF THE CHURCH PROPERTY FOR PUBLIC PURPOSES TO THE COUNTY BOARD OF ARLINGTON COUNTY, VIRGINIA; AND APPROVAL OF A DEED OF TEMPORARY EASEMENT AND CONSTRUCTION AGREEMENT ON THE CHURCH PROPERTY FOR A STREET IMPROVEMENT PROJECT (RPC# 20-003-001)**

This item was removed from the consent agenda and will be heard at the July 14, 2009 County Board Recessed Meeting.

[Board Report #25](#)

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- 26. **APPROVAL OF DEEDS OF EASEMENTS FOR PUBLIC STORM SEWER PROJECT ON PROPERTIES LOCATED AT 3101 JOHN MARSHALL DRIVE (RPC# 02-031-025), 3206 N. KENSINGTON ST. (RPC# 02-031-012), AND 3212 N. KENSINGTON ST. (RPC# 02-031-011).**

This item was removed from the consent agenda and will be heard at the July 14, 2009 County Board Recessed Meeting.

[Board Report #26](#)

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ORDINANCES, PLANS AND POLICIES

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- 27. **ORDINANCE TO AMEND CHAPTER 20-2 (BOARD OF EQUALIZATION OF REAL ESTATE ASSESSMENTS ESTABLISHED; POWERS; COMPENSATION) OF THE CODE OF ARLINGTON COUNTY, VIRGINIA ("CODE").**

This item was removed from the consent agenda and will be heard at the July 14, 2009 County Board Recessed Meeting.

[Board Report #27](#)

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CAPITAL PROJECTS

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28. AWARD OF CONSTRUCTION AGREEMENT AND AN ENGINEERING SERVICES AMENDMENT FOR THE WATER POLLUTION CONTROL PLANT STANDBY GENERATOR FACILITY PROJECT.

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

1. Approved the award of Contract No. 51-09 to Specialty Construction Management, Inc. in the amount of \$5,921,350.
2. Authorized an amendment to engineering contract #96-03 held by Malcolm Pirnie, Inc. in an amount not to exceed \$798,043. The amendment brings the Board approved total for Agreement No. 96-03 to \$14,781,098.
3. Authorized the Purchasing Agent to execute the Contract Documents and the Amendment subject to legal review by the County Attorney.

[Board Report #28](#)

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29. AWARD OF CONTRACT FOR THE PROVISION AND INSTALLATION OF IMPROVEMENTS TO THE SITE AT FAIRLINGTON COMMUNITY CENTER, 3308 S. STAFFORD ST., INVITATION TO BID NUMBER 204-09.

This item was removed from the consent agenda and will be heard at the July 14, 2009 County Board Recessed Meeting.

[Board Report #29-Revised](#)

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30. INCREASE AUTHORIZED EXPENDITURES UNDER CONTRACT 206-09 WITH VANASSE HANGEN BRUSTLIN, INC. FOR STREAM ASSESSMENT, STREAM RESTORATION DESIGN, AND RELATED WATERSHED MANAGEMENT SERVICES.

On consent agenda vote, the Board increased authorized expenditures under contract 206-09 with Vanasse Hangen Brustlin, Inc. for stream assessment, stream restoration design, and related watershed management services to a total of \$500,000 to \$1,000,000.

[Board Report #30](#)

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31. AWARD OF CONTRACT NUMBER 346-08 BETWEEN THE ARLINGTON COUNTY BOARD AND TOOLE DESIGN GROUP, LLC TO PROVIDE TRANSPORTATION ENGINEERING SERVICES FOR CUSTIS TRAIL IMPROVEMENTS AT ROSSLYN CIRCLE AND ON NORTH LYNN STREET FROM EASTBOUND LEE HIGHWAY TO WESTBOUND LEE HIGHWAY AS RELATED TO THE ROSSLYN ESPLANADE.

This item was removed from the consent agenda and will be heard at the July 14, 2009 County Board Recessed Meeting.

[Board Report #31](#)

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- 32. AWARD OF AMENDMENT NO. 1 TO AGREEMENT NO. 457-08 BETWEEN THE ARLINGTON COUNTY BOARD AND PB AMERICAS, INC. AND AUTHORIZATION OF ADDITIONAL FUNDS TO INCORPORATE STREETCAR TRACK IN THE FINAL DESIGN, CONSTRUCTION BID DOCUMENTS, AND CONSTRUCTION ADMINISTRATIVE SERVICES FOR THE CRYSTAL CITY POTOMAC YARD TRANSITWAY.**

This item was removed from the consent agenda and will be heard at the July 14, 2009 County Board Recessed Meeting.

[Board Report #32](#)

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- 33. FUNDING REQUEST FOR NEIGHBORHOOD CONSERVATION (NC) PROGRAM PROJECTS.**

This item was removed from the consent agenda and will be heard at the July 14, 2009 County Board Recessed Meeting.

[Board Report #33](#)

[Board Report #33-Attachment](#)

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- 34. APPROVAL OF AN AGREEMENT BETWEEN THE COUNTY BOARD AND THE COMMONWEALTH OF VIRGINIA, DEPARTMENT OF TRANSPORTATION (VDOT) FOR THE DEVELOPMENT, ADMINISTRATION, AND CONSTRUCTION OF A TRAFFIC SIGNAL AT THE INTERSECTION OF OLD DOMINION DRIVE (STATE ROUTE 309) AT 26TH STREET NORTH.**

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

1. Approved the Standard Project Administration Agreement between the County Board of Arlington, Virginia and the Commonwealth of Virginia, Department of Transportation (“VDOT”) for project TS09-000-364 “New Traffic Signal Installation Route 309 & 26th Street”, attached as Exhibit 1 to the County Manager’s July 2, 2009 report, and authorized the County Manager or his designee on behalf of the County Board to enter into the Agreement, subject to approval as to form by the County Attorney.
2. Authorized the amount of \$142,697, plus a County supplement of \$59,975 for a total contract authorization of \$202,672 for the development, administration, and construction of a traffic signal at the intersection of Old Dominion Drive (State Route 309) at 26th Street North.

[Board Report #34](#)

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APPROPRIATIONS, GRANT APPLICATIONS & OTHER CONTRACTS

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- 35. ARLINGTON COMMISSION FOR THE ARTS GRANT RECOMMENDATIONS.**

This item was removed from the consent agenda and will be heard at the July 14, 2009 County Board Recessed Meeting.

[Board Report #35](#)

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36. ACCEPTANCE AND APPROPRIATION OF A \$100,000 GRANT FROM THE PENNSYLVANIA STATE UNIVERSITY ELECTRO-OPTICS CENTER (PENN STATE EOC) TO HELP IDENTIFY, DEVELOP AND TEST NEW TECHNOLOGIES FOR USE BY FIRST RESPONDERS.

On consent agenda vote, the Board accepted and appropriated a \$100,000 grant from the Penn State EOC to the Fire Department to help identify, develop and test new technologies for use by first responders.

[Board Report #36](#)

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37. APPROPRIATION OF AN INCIDENT COMMAND SYSTEM (ICS) TRAINING GRANT FROM THE U.S. DEPARTMENT OF HOMELAND SECURITY

On consent agenda vote, the Board appropriated, in Fiscal Year 2010, \$106,000 from the U.S. Department of Homeland Security to the Office of Emergency Management for the continued compliance of the National Incident Management System's objectives and to assist the National Capital Region in training first responders in Incident Command and the management of incidents and events.

[Board Report #37](#)

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38. AMERICAN RECOVERY AND REINVESTMENT ACT (ARRA) FUNDS.

- A. Award of Community Development Block Grant Recovery (CDBG-R) Funds under the American Recovery and Reinvestment Act (ARRA) of 2009.

On consent agenda vote, the Board awarded previously appropriated and allocated CDBG-R funds to three nonprofit housing developers to undertake energy efficiency improvements at approved properties in these amounts:

1. Up to \$151,120 to Arlington Partnership for Affordable Housing for Carlyn Spring Apartments, 4318 North Carlin Springs Road and Calvert Manor, 1925 N. Calvert St.;
2. Up to \$151,120 to AHC, Inc. for the Berkeley Apartments, 2900 South Glebe Road, and Harvey Hall, 860 S. Greenbrier St.; and
3. Up to \$151,120 to Wesley Housing Development Corporation for William Watters, 2008 N. Adams St.

[Board Report #38 A](#)

- B. Appropriation of Virginia Department for the Aging American Recovery and Reinvestment Act (ARRA) Funds.

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

1. Appropriated \$25,312 in Virginia Department for the Aging American Recovery and Reinvestment Act funds to the Department of Parks, Recreation and Cultural Resources for the congregate meal program.
2. Appropriated \$12,461 in Virginia Department for the Aging American Recovery and Reinvestment Act funds to the

Department of Human Services for home delivered meals.

[Board Report #38 B](#)

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39. APPROPRIATION OF FEDERAL FUNDS TO THE ARLINGTON AGENCY ON AGING.

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

1. Appropriated \$27,783 in federal Older American Act funds from the Virginia Department of Aging to the Department of Human Services for the Arlington Agency on Aging.
2. Appropriated \$3,083 in federal Older American Act funds from the Virginia Department of Aging to the Department of Parks, Recreation and Cultural Resources for the congregate meal program.

[Board Report #39](#)

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40. APPROPRIATION OF A FY 2010 FEDERAL GRANT FOR THE DEPARTMENT OF HUMAN SERVICES.

On consent agenda vote, the Board appropriated \$143,000 in federal Substance Abuse and Mental Health Services Administration funds to the Department of Human Services and authorized 2.0 grant-funded limited-term Full-Time Equivalents for substance abuse jail diversion activities.

[Board Report #40](#)

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41. APPLICATION FOR FY 2009 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) FORMULA PROGRAM.

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

1. Authorized the County Manager to apply for and accept \$70,128 in non-competitive grant funds under the Edward Byrne Memorial Justice Assistance Grant Program: FY 2009 Local Solicitation from the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance.
2. Contingent upon approval, appropriated \$40,128 in additional grant funds from the Bureau of Justice Assistance to the Police Department for costs associated with the FY 2009 JAG Program in FY 2010.

[Board Report #41](#)

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OTHER

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42. DESIGNATION OF THE COUNTY MANAGER OR HIS DESIGNEE AS ENVIRONMENTAL OFFICER UNDER 24 CFR SUBTITLE A, §58.13.

This item was removed from the consent agenda and will be heard at the July 14, 2009 County Board Recessed Meeting.

[Board Report #42](#)

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43. RED FLAG" IDENTITY THEFT PREVENTION PROGRAM.

This item was removed from the consent agenda and will be heard at the July 14, 2009 County Board Recessed Meeting.

[Board Report #43](#)

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44. SUBSTITUTION OF THE LETTER OF CREDIT FOR THE BALLSTON PUBLIC PARKING GARAGE REVENUE BONDS.

This item was removed from the consent agenda and will be heard at the July 14, 2009 County Board Recessed Meeting.

[Board Report #44](#)

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45. AUTHORIZATION TO EXECUTE A SPECIAL WARRANTY DEED TO CONVEY THE COUNTY'S SECURITY INTEREST IN THE NORTHERN VIRGINIA CRIMINAL JUSTICE ACADEMY.

This item was removed from the consent agenda and will be heard at the July 14, 2009 County Board Recessed Meeting.

[Board Report #45](#)

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46. MINUTES.

This item was removed from the consent agenda and will be heard at the July 14, 2009 County Board Recessed Meeting.

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REGULAR HEARING ITEMS

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47. AXUMITE VILLAGE

- A. Z-2546-09-1 Rezoning from "R-5" One Family Dwelling Districts to "CP-FBC" Columbia Pike - Form Based Code Districts; located at 1036, 1100, and 1106 S. Highland Street (RPC: #32-007-167, -168, and -022).

On motion by CHRISTOPHER ZIMMERMAN, Member, seconded by JAY FISETTE, Vice Chairman and carried by a vote of 5 to 0, the voting recorded as follows: BARBARA A. FAVOLA, Chairman - Aye, JAY FISETTE, Vice Chairman - Aye, MARY HUGHES HYNES, Member - Aye, J. WALTER TEJADA, Member - Aye, CHRISTOPHER ZIMMERMAN, Member - Aye, after a duly advertised public hearing, at which the public spoke, the Board adopted the resolution, as set forth in the document entitled "Addendum 7-11-09-A – Rezoning Resolution 1036, 1100, and 1106 S. Highland Street" attached for the public record to these minutes, to approve the rezoning request from "R-5" One Family Dwelling Districts to "CP-FBC" Columbia Pike - Form Based Code Districts; 1036, 1100, and 1106 S. Highland Street (Axumite Village) (RPC: #32-007-167, -168 and -022).

[Addendum 7-11-09-A – Rezoning Resolution 1036, 1100, and 1106 S. Highland Street](#)

- B. U-3224-09-1 Use Permit for approval under the Columbia Pike Form Based Code of the Axumite Village proposal; located at 1036, 1100, and 1106 S. Highland Street (RPC#: 32-007-167, -168, and -022)

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

BE IT ORDAINED that, pursuant to application U-3224-09-1 on file in the Office of the Zoning Administrator for a special exception for a use permit to for approval under the Columbia Pike Form Based Code (Section 20 of the Zoning Ordinance) to build 36 condominium units with appropriate modifications for the alley location, streetscape details, and sign regulations for the parcel of real property known as 1036, 1100, and 1106 S. Highland Street (Axumite Village) (RPC #32-007-167, -168, and -022), approval is granted and the parcel so described shall be used according to the use permit approval requested by the application, subject to the conditions as set forth in the document entitled "Addendum 7-11-09-B – U-3224-09-1" attached for the public record to these minutes, and conditioned upon the Applicant obtaining and recording an easement from the adjacent property owner to the west as agreed to in Condition #44.

[Addendum 7-11-09-B – U-3224-09-1](#)

[Board Report #47 A.. B.](#)

[Board Report #47 A..B.-Attachment 1](#)

[Board Report #47 A., B.-Attachment 2](#)

[Board Report #47 A., B.-Supplemental](#)

[Board Report #47 A., B.-Supplemental Attachment](#)

[Board Report #47 A., B.-Supplemental 2](#)

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- 48. [**U-3223-09-1 USE PERMIT REQUEST, FOR APPROVAL UNDER THE COLUMBIA PIKE FORM BASED CODE OF THE COLUMBIA PLACE PROPOSAL; LOCATED AT 1100 S. EDGEWOOD STREET \(RPC# 32-005-006, -007, -013-016, AND -018\).**](#)

On motion by J. WALTER TEJADA, Member, seconded by CHRISTOPHER ZIMMERMAN, Member and carried by a vote of 5 to 0, the voting recorded as follows: BARBARA A. FAVOLA, Chairman - Aye, JAY FISETTE, Vice Chairman - Aye, MARY HUGHES HYNES, Member - Aye, J. WALTER TEJADA, Member - Aye, CHRISTOPHER ZIMMERMAN, Member - Aye, 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-3223-09-1 on file in the Office of the Zoning Administrator for a special exception for a use permit for approval under the Columbia Pike Form Based Code (Section 20 of the Zoning Ordinance) for a mixed use project with 14 multi-family residential units, 8 townhouse units, and approximately 3,000 square feet of retail with appropriate modifications for the alley location and streetscape details for the parcel of real property known as 1100 S. Edgewood Street (Columbia Place) (RPC #32-005-006, -007, -013, -016, and -018), approval is granted and the parcel so described shall be used according to the use permit approval requested by the application, subject to the conditions as set forth in the document entitled "Addendum 7-11-09-C – U-3223-09-1" attached for the public record to these minutes.

[Addendum 7-11-09-C – U-3223-09-1](#)

[Board Report #48](#)

[Board Report #48-Attachment](#)

[Board Report #48-Supplemental](#)

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49. ZOA-09-06 ZONING ORDINANCE AMENDMENTS TO SECTION 20. "CP-FBC" COLUMBIA PIKE FORM BASED CODE DISTRICTS, SECTION 20. (APPENDIX A) "CP-FBC" COLUMBIA PIKE-FORM BASED CODE DISTRICTS, SECTION 26. "C-2" SERVICE COMMERCIAL - COMMUNITY BUSINESS DISTRICTS, SECTION 26A. "C-TH" COMMERCIAL TOWN HOUSE DISTRICTS, AND SECTION 27A. "C-R" COMMERCIAL REDEVELOPMENT DISTRICTS, TO REQUIRE USE PERMITS FOR BUSINESSES PROVIDING CLASSES AND/OR INSTRUCTION TO CHILDREN WHERE TWENTY PERCENT OR MORE OF THE TOTAL ENROLLMENT IS CHILDREN UNDER EIGHTEEN YEARS OF AGE OR THE TOTAL NUMBER OF CHILDREN UNDER EIGHTEEN YEARS OF AGE ENROLLED IN CLASSES SCHEDULED AT THE SAME TIME IS TEN OR MORE.

On motion by J. WALTER TEJADA, Member, seconded by MARY HUGHES HYNES, Member and carried by a vote of 4 to 1, the voting recorded as follows: BARBARA A. FAVOLA, Chairman - Aye, JAY FISETTE, Vice Chairman - Aye, MARY HUGHES HYNES, Member - Aye, J. WALTER TEJADA, Member - Aye, CHRISTOPHER ZIMMERMAN, Member - No, after a duly advertised public hearing, at which the public spoke, the Board adopted the following ordinance, as set forth in the document entitled "Addendum 7-11-09-D – ZOA-09-06 Zoning Amendments to Section 20, 26, 26A, and 27A" attached for the public record to these minutes, to amend, reenact, and recodify Sections 20 (and its Appendix A), 26, 26A and 27A of the Arlington County Zoning Ordinance to require Use Permits for businesses providing classes or instruction to children where twenty percent or more of the total enrollment is children under eighteen years of age or the total number of children under eighteen years of age enrolled in classes scheduled at one time is ten or more.

[Addendum 7-11-09-D – ZOA-09-06 Zoning Amendments to Section 20, 26, 26A, and 27A](#)

[Board Report #49](#)

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CLOSED MEETING; CERTIFICATION OF CLOSED MEETING DISCUSSIONS

On motion by BARBARA A. FAVOLA, Chairman, 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 FISETTE, Vice Chairman - Aye, MARY HUGHES HYNES, Member - Aye, J. WALTER TEJADA, Member - Aye, CHRISTOPHER ZIMMERMAN, Member - Aye, the Board met in a closed meeting from 12:17 p.m. to 1:34 p.m., as authorized by §§2.2-3711.A.7 of the Virginia Code, for the purpose of consultation with the County Attorney concerning the Rules of Professional Conduct relating to legal representation of multiple parties to an agreement where the County Board and the School Board are the parties, and issues involving compliance with the National Environmental Policy Act relating to the proposed I-395 HOT Lanes project.

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

Member & Vote

- Ms. Favola - Aye
- Mr. Fisetete - 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 well as one added personnel matter permitted by section 2.2-3711.A(1), were heard, discussed, or considered by the Board.

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50. **AUTHORIZATION REQUESTING THE INDUSTRIAL DEVELOPMENT AUTHORITY TO ISSUE REVENUE BONDS TO FINANCE THE ACQUISITION OF BUCKINGHAM VILLAGE 1 AND THE COUNTY'S METRO MATTERS OBLIGATION.**

On motion by CHRISTOPHER ZIMMERMAN, Member, seconded by J. WALTER TEJADA, Member and carried by a vote of 5 to 0, after a public hearing, at which the public spoke, the roll call voting as follows:

Member & Vote

Ms. Favola – Aye
Mr. Fisetto – Aye
Ms. Hynes – Aye
Mr. Tejada – Aye
Mr. Zimmerman - Aye

The Board took the following actions:

1. Adopted the following Resolution authorizing a request to the Industrial Development Authority of Arlington County, Virginia (the "IDA") to issue revenue bonds in an amount not to exceed \$43 million for County purposes and to authorize the County Manager or the Director of the Department of Management and Finance to approve the Bonds and the Basic Documents (as defined herein):

**A RESOLUTION OF THE COUNTY BOARD
OF ARLINGTON COUNTY, VIRGINIA REQUESTING THE
INDUSTRIAL DEVELOPMENT AUTHORITY
OF ARLINGTON COUNTY, VIRGINIA
TO ISSUE REVENUE BONDS TO FINANCE
THE ACQUISITION OF BUCKINGHAM VILLAGE 1 AND THE
PAYMENT OF THE COUNTY'S METRO MATTERS OBLIGATION**

WHEREAS, the County Board (the "County Board") of Arlington County, Virginia (the "County") has determined that it is necessary or advisable to undertake the acquisition, construction, improvement and development of a portion of certain real property known as Buckingham Village 1 to be used as public streets and park facilities (the "Buckingham Village 1 Project") and the prepayment of all or a portion of the County's obligations under a multiyear capital funding and construction agreement known as the Metro Matters Funding Agreement between the Washington Metropolitan Area Transit Authority and sponsoring jurisdictions, including the County (the "Metro Matters Project" and, together with the Buckingham Village 1 Project, the "Projects") and to obtain financing for the Projects through revenue bonds (the "Bonds") to be issued by the Industrial Development Authority of Arlington County, Virginia (the "Authority"). The Bonds will be payable solely from the revenues derived from a Financing Agreement between the Authority and the County (the "Financing Agreement") pursuant to which the County will agree to make payments, subject to annual appropriation, sufficient to pay the principal of and interest on the Bonds.

WHEREAS, the Bonds will be issued pursuant to the following documents: (i) an Indenture of

Trust (the "Indenture") between the Authority and The Bank of New York Mellon Trust Company, N.A., as trustee, with the form of the Bonds attached thereto; (ii) the Financing Agreement; (iii) a Continuing Disclosure Agreement (the "Continuing Disclosure Agreement") pursuant to which the County will undertake certain continuing disclosure requirements of Rule 15c2-12 promulgated by the Securities and Exchange Commission; and (iv) a Preliminary Official Statement (the "Preliminary Official Statement") and an Official Statement (the "Official Statement") with respect to the issuance and sale of the Bonds. The Financing Agreement and the Indenture are referred to in this Resolution as the "Basic Documents".

WHEREAS, the County Board has determined that it is necessary or desirable to advance money to pay costs of the Projects and has previously, by resolution adopted May 16, 2009, declared its intention to reimburse itself for costs of the Metro Matters Project.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY BOARD OF ARLINGTON COUNTY, VIRGINIA:

1. Issuance of Bonds. The County requests the Authority to issue its Bonds, in one or more taxable or tax-exempt series, in the maximum aggregate principal amount of \$43,000,000 to be paid from revenues derived from payments made by the County pursuant to the Financing Agreement and to apply the proceeds of the Bonds to finance the Projects in accordance with the Basic Documents.

2. Authorization of Basic Documents. The Basic Documents are approved in substantially the forms on file with the Director of the Department of Management and Finance, with such changes, insertions or omissions (including, without limitation, changes of the dates thereof) as may be approved by the County Manager, the Director of the Department of Management and Finance or the Chairman of the County Board, whose approval shall be evidenced conclusively by the execution and delivery of the Financing Agreement. The execution and delivery of and performance by the County under the Basic Documents are authorized.

3. Execution of Documents. The Chairman and the Vice Chairman of the County Board, the County Manager and the Director of the Department of Management and Finance, or any of them, are authorized to execute on behalf of the County the Basic Documents and, if required, the

Clerk of the County Board is authorized and directed to affix or to cause to be affixed the seal of the County to the Basic Documents and to attest such seal. The Chairman and the Vice Chairman of the County Board, the County Manager and the Director of the Department of Management and Finance or their designees are authorized to execute and deliver on behalf of the County such instruments, documents or certificates, and to do and perform such things and acts, as they shall deem necessary or appropriate to carry out the transactions authorized by this Resolution or contemplated by the Basic Documents; and all of the foregoing, previously done or performed by such officers or agents of the County, are in all respects approved, ratified and confirmed.

4. Sale of Bonds. The Bonds shall be offered for sale in such manner as the Director of the Department of Management and Finance may determine to be in the best interests of the County. The Director of the Department of Management and Finance is authorized and directed to request the Chairman or Vice Chairman of the Authority to accept bids and/or proposals for the purchase of the Bonds, including bids and/or proposals for the purchase of all or a portion of the Bonds as Build America Bonds (Direct Payment) under Section 54AA(g) of the Internal Revenue Code of 1986, as amended (the "Tax Code"), added by the provisions of the American Recovery and Reinvestment Act of 2009, which results in the lowest true interest cost to the County, provided that the true interest cost of the Bonds does not exceed the maximum set forth in this paragraph 4. The Director of the Department of Management and Finance is authorized and directed to request the Chairman or Vice Chairman of the Authority to approve the final terms of the Bonds, to evidence the Authority's irrevocable election to apply Section 54AA(g) of the Tax Code to such Bonds (including by preparing, signing and filing with the Internal Revenue Service the required forms) to any Bonds to be issued as Build America Bonds, and award the Bonds in accordance with the terms of the Notice(s) of Sale for the Bonds; all provided that (i) the true interest cost of the Bonds shall not exceed 6.0% for any tax-exempt Bonds and 8.5% for any taxable Bonds (not including any refundable credits to be received from the Secretary of the Department of the Treasury of the United States under Section 6431 of the Tax Code in respect of Build America Bonds), (ii) the aggregate principal amount of the Bonds shall not exceed the amount set forth in paragraph 1, (iii) the sale price of the Bonds to the underwriter(s) thereof shall not be less than 97% of the aggregate principal amount thereof (not taking into account any original issue discount), (iv) the sale price for each maturity of any Bonds issued as Build America Bonds to the underwriter(s) thereof shall not be greater than (a) 100% plus (b) one-quarter of one percent (0.25%) of the par amount multiplied by the number of complete years to the earlier of the

maturity date or the first optional redemption date for each maturity of such Bonds and (v) the final maturity of the Bonds shall not be later than approximately 26 years from their date.

5. Disclosure Documents. The Preliminary Official Statement and the Continuing Disclosure Agreement are approved in substantially the form on file with the Director of the Department of Management and Finance, with such changes, insertions or omissions as approved by the County Manager or the Director of the Department of Management and Finance. The County Manager or the Director of the Department of Management and Finance, or either of them, is authorized and directed to prepare and deliver the Official Statement. The use and distribution of the Preliminary Official Statement, a notice of bond sale and the Official Statement in connection with the sale of the Bonds is authorized and approved. The County Manager and Director of the Department of Management and Finance, or either of them, are authorized to execute the Official Statement. The Preliminary Official Statement, a notice of bond sale and the Official Statement shall be published in such publications and distributed in such manner, including by electronic distribution, and at such times as the County Manager, or such officers and agents of the County as he may designate, shall determine. The County Manager, or such other officer or agent of the County as he may designate, is authorized and directed to deem the Preliminary Official Statement and Official Statement "final" for purposes of Securities and Exchange Commission Rule 15c2-12. The execution and delivery of and performance by the County under the Continuing Disclosure Agreement is authorized. The County Manager and Director of the Department of Management and Finance, or either of them, are authorized to execute the Continuing Disclosure Agreement.

6. Nature of Obligations. Nothing in this Resolution, the Bonds or the Basic Documents shall constitute a debt of the County and the Authority shall not be obligated to make any payments under the Bonds or the Basic Documents except from payments made by or on behalf of the County under the Financing Agreement. The County Manager is directed to submit for each fiscal year a request to the County Board for an appropriation to the Authority for an amount equal to the payments coming due under the Financing Agreement for the next fiscal year. The County's obligations to make payments to the Authority pursuant to this Resolution shall be subject to and dependent upon annual appropriations being made from time to time by the County Board for such purpose. Nothing in this Resolution, the Bonds or the Financing Agreement shall constitute a pledge of the full faith and

credit of the County.

7. Official Intent. The County Board adopts this Resolution as a declaration of official intent for purposes of Treasury Regulations Section 1.150-2. The County Board reasonably expects to reimburse advances made or to be made by the County to pay the costs of the Projects from proceeds of the Bonds. The maximum amount of Bonds expected to be issued in one or more series for the Projects is \$43,000,000.

8. Effective Date. This Resolution shall take effect immediately.

2. Authorized the County Manager or the Director of the Department of Management and Finance to execute the Basic Documents on behalf of the County.

3. Appropriated bond proceeds in an amount not to exceed \$43 million to fund 313.

[Board Report #50](#)

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51. APPROVAL OF A NEIGHBORHOOD TRAFFIC CALMING PROJECT ON 4TH ROAD NORTH BETWEEN NORTH MONTAGUE STREET AND NORTH MANCHESTER STREET.

On motion by MARY HUGHES HYNES, Member, seconded by JAY FISETTE, Vice Chairman and carried by a vote of 5 to 0, the voting recorded as follows: BARBARA A. FAVOLA, Chairman - Aye, JAY FISETTE, Vice Chairman - Aye, MARY HUGHES HYNES, Member - Aye, J. WALTER TEJADA, Member - Aye, CHRISTOPHER ZIMMERMAN, Member - Aye, after a public hearing, at which the public spoke, the Board approved a Neighborhood Traffic Calming Project, as recommended by the Neighborhood Traffic Calming Committee on 4th Road North between North Montague Street and North Manchester Street in the Boulevard Manor neighborhood as outlined in the County Manager's June 16, 2009 report.

[Board Report #51](#)

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ADDITIONAL ITEMS

CLAIM OF SOFTSCAPE, INC.

The Chairman announced that the County Board would take action on this item at the Tuesday, July 14, 2009 Recessed Meeting.

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ADJOURNMENT

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

BARBARA A. FAVOLA, Chairman

ATTEST:

HOPE L. HALLECK, Clerk
Approved: October 24, 2009