

A Recessed Meeting of the County Board of Arlington County, Virginia, held in Room 307 of 2100 Clarendon Boulevard thereof on Tuesday, March 17, 2009 at 3:00 p.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
Aubryn Bednar, Acting Clerk
and other staff

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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 the smart growth documentary and thanked the Arlington County Public Affairs Office for producing the film. The film was premiered last week at the Arlington Committee of 100. It looked at 40 years of growth in the County and showed how Arlington, the smallest county in the Washington Metropolitan region, ended up with more Metro stops than any other jurisdiction. It also gave a very good depiction of how Arlington integrated transportation into its growth model. The documentary will air on Arlington Virginia Network (AVN), can be viewed on our website, and copies will be available at Arlington Public Libraries. The Chairman then asked AVN to run a brief piece of the documentary. Individuals will be able to purchase a video of the documentary at the Plaza Library, located on the first floor of Courthouse Plaza building.

The Chairman announced that the Arlington Community Foundation as established a new Emergency Needs – Homelessness Prevention Fund. The Shooshan Company has provided \$50,000 in seed money for the fund. This fund will provide an opportunity for individuals in the community, as well as businesses and other sectors, to contribute and help solve the homelessness problem. The money will be administered by the Arlington Community Foundation and will go to non-profit groups through grants.

The Chairman announced that the budget hearings will take place March 24 and 25 in room 307 at 7:00 p.m. Individuals and organizations may choose to speak on either date. The public hearing on the tax rate and other fees will take place on March 26 in room 307 at 7:00 p.m.

The Chairman announced that Arlington County is participating in the global “Earth Hour” effort, sponsored by the World Wildlife fund. Earth Hour will be Saturday, March 28 from 8:30 p.m. to 9:30 p.m. Arlington’s Fresh AIRE (Arlington Initiative to Reduce Emissions) program is promoting and supporting this project. The Chairman encouraged everyone to turn off all non-essential lights for this one hour.

The Chairman announced the Teen Binge Drinking Special Forum. One of Arlington’s priorities this year has been to help reduce teen binge drinking. The Arlington PTA Family Network offers a special forum for parents of college-bound youth on Monday, March 30, at 7:00 p.m. at Central Library. The forum is called “The Animal House Image of College: Myth or Fact?” Audience members will use interactive audience response “clickers” to share opinions and a University of Virginia substance abuse expert will be on hand to answer questions.

The Chairman announced National Volunteer Week, April 19 thru 25. Arlington makes it easy for those wishing to volunteer in the community. The Chairman encouraged those wishing to volunteer within the community visit the County’s website and view the Volunteer Arlington page.

The Chairman announced that March is “Including People with Intellectual and Development Disabilities” month, the proclamation ceremony occurred on the morning of March 3, 2009 at the Kettler Iceplex. Two lifetime achievement awards were presented. The recipients were Bonnie K. Fowler, an educator with the Stratford Program and Justine Maloney, a parent and advocate. There were also eight recipients of the school and community therapists’ awards. The recognized individuals were:

- Carole Thomas, a music therapist;
- Nancy Harlan, a speech therapist at Barrett Elementary;
- Sharon Jaeckel, a physical therapist;
- James May, a behavior therapist;
- Martha Krabill, a dance therapist at the Community Integration Center;
- Dina Zeese, a speech/language pathologist at Barcroft Elementary;
- Sabrina Huffman, an adapted yoga instructor and Lisa Ruby, and adapted gymnastics instructor, both from the Therapeutic Recreation division of Arlington Parks, Recreation and Cultural Resources.

The Chairman announced that April is Donate Life Month and welcomed John Ogden with the Washington Regional Transplant Community. The Chairman proceeded to read the following proclamation:

DONATE LIFE MONTH

WHEREAS, nearly 2,000 people living in the Washington, D.C. metropolitan area are currently waiting for a life-saving organ transplant, and thousands more need a tissue transplant this year; and

WHEREAS, every day 18 of the more than 100,000 Americans awaiting an organ transplant will die before they receive a second chance at life; and

WHEREAS, Washington Regional Transplant Community is observing more than 20 years educating Arlington County citizens about saying yes to donation, thereby giving the gift of life through organ, eye and tissue recovery; and

WHEREAS, Arlington County citizens can make their donation decision by either designating donation on their driver’s license or signing up at www.save7lives.org and discussing their choice with their family; and

WHEREAS, during Donate Life Month we honor our county’s organ, eye and tissue donors and their families, whose decision to share the gift of life through America’s donor programs serves as a positive example for all our citizens;

NOW, THEREFORE, I, Barbara Favola, Chairman of the County Board of Arlington, Virginia, do hereby proclaim **April 2009** as

DONATE LIFE MONTH

in Arlington County and urge all citizens to sign up as organ, eye and tissue donors, to inform their family of their decision and to help raise awareness of the important need for organ, eye and tissue donation in our community.

The Chairman presented Mr. Ogden with the proclamation and Mr. Ogden said a few words.

The Chairman was sorry to announce that on March 5, 2009 concrete fell from the Glebe Road Overpass on to Route 50. Fortunately, the concrete fell in the early morning hours so no one was injured and no cars were damaged. This is a warning that this bridge is not in excellent shape. Arlington has urged the state to repair this bridge.

Mr. Zimmerman reported that he received correspondence from an individual that was on Route 50 at approximately 3:00 a.m. and the individual’s vehicle was hit by something resulting in considerable damage to the individual’s vehicle. Had this occurred during rush hour this could have been a far more difficult event. This highlights the need for improvements. The bridge over Route 50 and the road below it are both state highways. Mr. Zimmerman showed a short clip from a visit out to the site. Mr. Zimmerman requested that the Chairman send a letter on behalf of the Board to the Governor asking that this project be made a priority.

The Chairman agreed with Mr. Zimmerman’s request.

Mr. Zimmerman reported that due to the economic downturn the unemployment rate in Arlington has risen. Mr. Zimmerman welcomed Christine Loucas with the Arlington Food Assistance Center (AFAC) to tell Arlington

residents about what is happening in her industry. AFAC is a means by which Arlington is able to feed people who otherwise would not have it.

Ms. Loucas, Executive Director of the Arlington Food Assistance Center, reported that the need for supplemental groceries has increased dramatically. The number of families that have turned to AFAC has increased by 50% in the last year. The first week in March AFAC served 1,234 families which consisted of 1,932 adults and 1,306 children. One year ago AFAC served only 837 families and two years ago just 646 families. Members of the communities that would like to support AFAC can: 1) donate food to AFAC; 2) volunteer with AFAC; and 3) donate money to AFAC. Please visit AFAC's website at afacinfo.org or call 703-845-8486.

Mr. Zimmerman announced the launching of the Tree Canopy Fund in cooperation with Arlingtonians for a Clean Environment (ACE). The primary goal of the program is to plant more trees on private property across Arlington. Individuals can obtain detailed information about the program on the ACE website which is arlingtonenvironment.org.

Ms. Hynes reported on how she has been working with the Communications Department to publicize Arlington County Government events that are free or of a low cost. A new page has been created on the Arlington County website entitled "Things to Do: Fun, Free, Low Cost, and Local!"

Ms. Hynes announced that March is Arts and Music Month in the Public Schools. There are many activities planned for this month. Ms. Hynes encouraged individuals to visit high school and middle school websites to see what events will be taking place in March.

Mr. Tejada reported that the 13th Annual Neighborhood Day will be held on May 16 and 17, 2009. May 16th will include neighborhood events such as block parties, community group festivals, tree plantings, and stream clean-ups. On May 17th Arlington County and the community will partner with the Taste of Arlington from noon until 5:00 p.m. on Wilson Boulevard in front of the Ballston Common Mall. The Neighborhood Parade has been suspended for 2009.

Mr. Tejada reported that the 3rd Annual March Madness Basketball Tournament was held March 7 and 8, 2009 at the Thomas Jefferson Community Center. This was an amateur adult basketball event. All proceeds benefitted the Arlington County Chapter of the American Red Cross.

Mr. Tejada reported that he endorses the concept of a friendship agreement with Ivano-Frankivsk, Ukraine. There is a delegation from Ivano-Frankivsk that will be visiting Arlington from April 20-24. Mr. Tejada recommended that the County Board support the endorsement of the friendship agreement which may lead to a Sister City Agreement in the future.

The Chairman encouraged the two groups to continue to work on building bonds and asked staff to look into the role of Arlington County in sister city partnerships.

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II. APPOINTMENTS

On motion by BARBARA A. FAVOLA, 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, the Board made the following appointments:

Fire Trial Board

Reappoint Charles F. Satterfield as the Fire Department Employee Representative

Fiscal Affairs Advisory Commission

Appoint Shawn Poulin

Industrial Development Authority

As elected by the Industrial Development Authority in March 2009.
Designate Ted Johnson as Chairman
Les Bergen as Vice Chairman

Appoint Michelle Cowan and designate as Secretary/Treasurer

Transportation Commission

Reappoint Bill Gearhart
Tim Torma
Paul Benda

Urban Forestry Commission

Reappoint Mary Ann Lawler
Larry Finch

Disability Advisory Commission

Appoint Kenneth Allen
Scott Mouney

Sports Commission

Appoint Mauricio E. Coreas

Reappoint George Towner, Jr.
Alfred Foreman

Tenant-Landlord Commission

Reappoint Charles Clohan
William Ross

Sesquicentennial of the American Civil War Committee

Appoint Marsha Lederman-Schwartz

On motion by CHRISTOPHER ZIMMERMAN, Member, seconded by BARBARA A. FAVOLA, 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, the County Board adopted the following amended charge for the East Falls Church Planning Task Force:

**East Falls Church Planning Task Force - Charge
Revised Charge Adopted – March 18, 2009**

Mission:

The overall purpose of the East Falls Church Planning Study is to generate a vision for transit-oriented development in the East Falls Church area of Arlington County. This vision should take the form of a concept plan with a policy framework (i.e. potential zoning and land use changes) that focuses on targeted sites, including the East Falls Church Metro parking lot and other sites that are likely to redevelop. The Study will address key planning issues including height, density, use mix, urban design, affordable housing, and environmental sustainability. A major component of the Study will be a comprehensive transportation analysis for the East Falls Church area, including a portion of the City of Falls Church. Since the scope of the transportation analysis includes both jurisdictions, the Study will be coordinated with the City of Falls Church. Staff from the City of Falls Church will provide analysis of the future development potential on sites near the East Falls Metro station located within Falls Church.

To achieve citizen input, a Task Force will be established, consisting of representatives of nearby Arlington civic associations, appointed commissions, and governmental and quasi-governmental agencies who are major landowners. Two citizen representatives from Falls Church, to be appointed to the Task Force by the Falls Church City Council, will provide input and act as liaisons to the Falls Church community. The charge of the Task Force will be:

1. Help to identify issues and sites to be addressed in the Study.
2. Review transportation impacts and alternatives, and review recommendations regarding transportation improvements.
3. Give input on conceptual plans and alternatives developed by staff for redevelopment of the East Falls Church Metro Station area and certain other key properties within close proximity to the Metro station.
4. Assist staff in developing recommendations to the County Board on the Final Concept Plan and Policy

Framework.

Scope of Duties:

Development of Concept Plan and Policy Framework

A final Concept Plan and Policy Framework shall be developed and presented to the County Board and for adoption (approximately one [1] year after the first meeting of the East Falls Church Planning Study Task Force). The Falls Church City staff will forward relevant transportation and urban design recommendations to the City Council for their consideration. The scope of duties of the Task Force will be to:

- Review previous County studies; and recommendations from the Virginia Tech East Falls Church Metro Area Plan (2004), the Washington Metropolitan Area Transit Authority (WMATA) Station Access Study (2002), and the Arlington East Falls Church Civic Association Metro Survey (2005).
- Review the City of Falls Church 2005 Comprehensive Plan.
- Help to identify sites to be studied and issues to be addressed for the future of East Falls Church including height, density, use mix, urban design, affordable housing and transportation.
- Review and comment on the concepts and alternatives generated by staff for the sites that are identified.
- Hold public participation events, such as community forums, informal information sessions; etc.
- Engage their stakeholder groups in a discussion of issues and proposed policy framework and concept plan.
- Assist staff in forwarding a recommendation to the County Board on the final concept plan and policy framework for its consideration.

Task Force Composition:

In order to maximize citizen input, the Task Force shall be established with representatives from the following stakeholder groups (18 members):

Arlington East Falls Church Civic Association (4 members, including Committee Chairman)
Madison Manor Civic Association (1 member)
Williamsburg Civic Association (1 member)
Planning Commission (3 members)
Transportation Commission (1 member)
Washington Metropolitan Area Transit Authority [WMATA] (1 member)
Virginia Department of Transportation [VDOT] (1 member)
At-large Arlington Community Representatives (up to 4)
City of Falls Church (2 members)

In addition, one County Board member will be selected as a liaison to the planning process.

Timeline:

June 2007

- Hold kick-off meeting.
 - Discuss study scope
 - Discuss Task Force and public participation schedule.
 - Help identify issues and sites to be addressed.

September – November 2007

- Review recommendations from previous studies and documents, such as the Virginia Tech East Falls Church Metro Area Plan (2004), the WMATA East Falls Church Station Access Study (2002), and the

Arlington East Falls Church Civic Association Metro Survey (2005).

- Review draft concepts and alternatives.
- Discuss scope of transportation analysis with staff.
- Refine concepts based on Task Force comments and feedback.
- Discuss urban design, streetscape, pedestrian and bicycle improvements.

December 2007

- Assist with providing updates to and soliciting feedback from affected civic associations, Advisory Boards, and interested citizens.

January – May 2008

- Review results of transportation analysis and recommend revisions to preliminary redevelopment concepts and alternatives.
- Provide input on final urban design recommendations for the general area.
- Work with staff to develop an implementation strategy for achieving the vision.

June - July 2008

- Seek comments from affected civic associations.
- Staff works with Task Force to prepare presentations for Planning and Transportation Commissions.

September 2008

- Staff works with Task Force with staff to develop final recommendations for County Board review and approval.

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III. REGIONAL REPORTS

Ms. Hynes reported that she recently became the Chair of the Aviation Policy Committee for the Council of Governments (COG). Congress is making a move to change the slot rule at National Airport. The Committee will be keeping an eye on this proposed change.

Mr. Zimmerman reported that Metro is working to get a budget together for fiscal year 2010. It appears as though the gap in the budget will be closed with minimal impact on service. On the other hand, Mr. Zimmerman is concern about how Metro will close the gap. For example, the proposed elimination of administrative positions. Mr. Zimmerman and the other Virginia representatives believe that there should be a public hearing on the budget.

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IV. COUNTY MANAGER REPORT

The County Manager announced the Building Energy Report Card which has recently been posted on the Arlington County website. Mr. Griffin presented the Building Energy Report card which shows energy consumption, energy intensity, and the carbon footprint for all of Arlington's government buildings with notations on activities to date and next steps for each facility. In 2007, the County operations released over 66,000 tons of greenhouse gases into the environment. The County buildings contributed about 40% of that total. From 2007 to 2008 through efficiency and conservation measures, the County has been able to reduce energy usage by over 900,000 kWh of electricity and over 15,000 therms of natural gas. These reductions saved the County \$100,000 in avoided energy costs and represented 1.2% reduction in energy intensity of these buildings. Energy intensity is the amount of energy in thermal units per square foot of building area.

Total energy consumption across all buildings fell by less than 1% because building have been added or are new to the inventory which proposes challenges. Individuals can also use this tool to view the report card for individual County buildings. For more information visit www.arlingtonva.us and search for "Building Energy Report Cards".

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CLOSED MEETING; CERTIFICATION OF CLOSED MEETING DISCUSSIONS

On motion by BARBARA A. FAVOLA, Chairman, 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, the Board met in a closed meeting from 4:22 p.m. to 6:36 p.m., as authorized by §§2.2-3711.A.3 and 7 of the Virginia Code, for the purposes of discussing three matters involving the acquisition of real property for public purposes and the disposition of publicly held real property where discussion in public would adversely affect the County's negotiating and bargaining position; and for consultation with the County Attorney concerning the case of Thompson v. Arlington County pending in the US District Court for the Eastern District of Virginia, and concerning the payment of franchise fees under the agreement with Comcast of Potomac, LLC.

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On motion by Ms. Favola, seconded by Mr. Zimmerman 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 only public business matters lawfully exempted from open meeting requirements under Chapter 37, Title 2.2 of the Code of Virginia and only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed, or considered by the Board.

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

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CONSENT ITEMS (ITEMS REMOVED FROM THE CONSENT AGENDA SATURDAY, MARCH 14, 2009)

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8. 1800 WILSON BOULEVARD

- A. SP #371: 1800 WILSON BOULEVARD, LLC, AMEND CONDITION #66 REGARDING ALTERNATIVE LEED COMPLIANCE MEASURES; 1800 WILSON BLVD. (RPC #17-010-038, -040 THROUGH -194).
- B. SP #371: 1800 WILSON BOULEVARD, LLC, RESTAURANT OUTDOOR SEATING; 1800 WILSON BLVD. (RPC #17-010-038, -040 THROUGH -194).

On motion by MARY HUGHES HYNES, Member, seconded by BARBARA A. FAVOLA, 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, the County Board deferred consideration of SP #371 regarding alternative LEED compliance measures to the May 16, 2009 County Board meeting and deferred consideration of SP #371 regarding restaurant outdoor seating to the April 25, 2009 County Board meeting.

[Board Report #8 A., B.-Revised](#)

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19. [FIRE PREVENTION CODE](#)

- A. Request to advertise a public hearing on the repeal of Chapter 8.0 of the Code of Arlington County – Fire Prevention Code and enactment of Chapter 8.1 of the Code of Arlington County – Fire Prevention Code; and
- B. Request to advertise a public hearing on the adoption of a resolution to adopt the current fire prevention fees schedule currently set forth in Chapter 8.0 of the Code of Arlington County.

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, the County Board authorized advertisement of a public hearing on April 25, 2009, on the repeal of Chapter 8.0 of the Code of Arlington County – Fire Prevention Code and enactment of Chapter 8.1 of the Code of Arlington County – Fire Prevention Code, and authorized advertisement of a public hearing on April 25, 2009, on the adoption of a resolution attached to the County Manager’s March 9, 2009 report to adopt the current fire prevention fees schedule currently set forth in Chapter 8.0 of the Code of Arlington County.

[Board Report #19. A., B.-Revised](#)

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

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28. [TAXICAB ORDINANCE](#)

- A. Request to advertise a public hearing on a new taxicab ordinance (Chapter 25.1 of County Code).

[Board Report #28 A](#)

[Board Report #28 A-Attachment 1](#)

[Board Report #28 A-Attachment 2](#)

[Board Report #28 A-Attachment 3](#)

- B. Request to advertise a public hearing on an ordinance to amend, reenact and recodify Chapter 25 (Taxicabs), Section 25-6, Subsections (2)(a), and (6)(a), (6)(b), (6)(c), (6)(d), and (6)(e) of the Code of Arlington County, Virginia, Concerning Application Deadlines for Certificates of Public Convenience and Necessity, Deadlines for Submission of Applications to the Transportation Commission, times within which the Transportation Commission is to hold meeting and submit conclusions and recommendations on applications, and deadline for the County Manager to issue statement on economic condition of the taxicab industry, to be effective upon enactment.

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, the Board took the following actions:

- 1. Authorized advertisement for a public hearing at the April 25, 2009, County Board meeting, an ordinance

to enact a new Chapter 25.1 (Taxicabs) of the Code of Arlington County, Virginia (“Code”), and to repeal Chapter 25 (Taxicabs) of the Code attached to the County Manager’s March 13, 2009 report, concerning the regulation, operation and control of taxicab service, taxicab businesses, owners, drivers and passengers, including the establishment of rates and charges for taxicab service, to be effective upon enactment.

- 2. Authorized advertisement for a public hearing on April 25, 2009, of an ordinance to amend, reenact and recodify Chapter 25 (Taxicabs), Section 25-6, Subsections (2)(a), (6)(a), (6)(b), (6)(c), (6)(d), and (6)(e), of the Code of Arlington County, Virginia attached to the County Manager’s March 4, 2009 report, concerning application deadlines for certificates of public convenience and necessity, deadlines for submission of applications to the Transportation Commission, times within which the Transportation Commission is to hold meeting and submit conclusions and recommendations on applications, and deadline for the County Manager to issue statement on economic condition of the taxicab industry, to be effective upon enactment.

[Board Report #28 B](#)

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29. [ALLOCATION OF FISCAL YEAR \(FY\) 2009 AFFORDABLE HOUSING INVESTMENT FUND \(AHIF\)/HOME FUNDS AS A LOAN TO THE NAUCK DEVELOPMENT PARTNERS-1, L.P. TO ASSIST WITH THE DEVELOPMENT OF MACEDONIA APARTMENTS IN THE NAUCK NEIGHBORHOOD; MODIFICATION OF THE PREVIOUSLY APPROVED HOUSING PROGRAM FOR THE MACEDONIA APARTMENTS.](#)

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 Board took the following actions:

- 1. Allocated funds up to \$2,855,000 in FY 2009 AHIF/HOME funds (101.495130.91102), of which \$2,400,000 will be placed in a County-held contingency account while commitments for other financing sources are obtained, and equity and interest rates are finalized, to Nauck Development Partners-1, L.P. (101.456300.91102) to assist with the construction of the Macedonia Apartments. The financing assistance is in the form of a subordinated, residual receipts loan, subject to the terms and conditions outlined in this report.
- 2. Approved a modification of the AHIF/HOME Affordable Housing Program approved on January 26, 2008 for the Macedonia Apartments to reduce the number of units affordable to households at 50% of the median income from eight units to six units as described in the Revised Affordable Housing Program below.
- 3. Authorized the County Manager to execute the required documents for a loan of up to \$2,855,000 to Nauck Development Partners-1, L.P. and authorized and direct the trustees for the County’s Deed of Trust to execute the required loan and subordination documents subject to approval by the County Attorney.
- 4. Authorized the County Manager, with the concurrence of the County Attorney, to act as the County Board’s representative in approving financing or program revisions that are necessary to remove any ambiguity or inconsistency or which improve the County’s financial security or financial position, and which changes do not adversely affect the County financially, prior to or after execution of the County’s financing documents.

[Board Report #29](#)

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ADDITIONAL ITEMS_

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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, the Board authorized the County Attorney to enter into a settlement agreement on behalf of the County in the case of Thompson, et al. v. Arlington County, Case No. 1:09-cv-48.

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COMCAST FRANCHISE FEE SETTLEMENT

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 authorized the County Manager to enter into a settlement agreement with Comcast of Potomac, LLC, in a form approved by the County Attorney, for the payment of past franchise fees in the amount of \$125,000.

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ADJOURNMENT

Without objection, at 8:52 p.m., the Board adjourned the meeting.

BARBARA A. FAVOLA, Chairman

ATTEST:

AUBRYN BEDNAR, Acting Clerk
Approved: June 16, 2009