

A Regular Meeting of the County Board of Arlington County, Virginia, held in Room 307 of 2100 Clarendon Boulevard thereof on Saturday, December 11, 2010 at 8:35 a.m.

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

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

ooooo0ooooo

**ANALYSIS OF CONTINGENT ACCOUNTS.**

The Board received a Summary of Fiscal Year 2011 Contingent Accounts showing balances of \$1,000,000 in General and \$1,397,066 in Affordable Housing Investment Fund as of December 2, 2010.

**PUBLIC COMMENT**

**Kevin Carey** shared his suggestion for lowering the unemployment rate in Arlington County through the establishment of a 30 hour work week.

**Robert Atkins** expressed his concerns regarding Metro’s safety and perceived incorrect labeling of maps.

**Spencer Cobb**, member of the Boy Scout Troop 167, asked the County Board for the establishment of a year-round, low barrier shelter and inquired whether there were funds for such an initiative. He also asked for the physical address of the current shelter. Members of Troop 624 were also attendance.

**Chick Walter** requested that the County’s snow blower lending program be terminated as he considers it to be unsuccessful.

**Shelley Wade** asked the County Board to restore library hours for the second half of the FY 2011.

**Robert Swennes**, shared how the Leeway Civic Association comes together to clear sidewalks during snowfalls and utilizes County-provided snow blowing equipment to do so.

**Matthew Wavro** urged the County Board to make the County Government more energy efficient in its operations instead of embarking on an effort to lobby residents on their energy use through the Energy Taskforce. He also advised the County Board to work with its communications staff to share information about the County’s efforts to offer improved services at a better cost.

**Jim Hurysz** requested the establishment of a year-round, low-barrier shelter.

**June O’Connell** asked the County Board to clarify the funding source for the Courthouse Road interchange at Rt. 50 improvement project.

**Maureen Ross**, President of the Cherrydale Civic Association, stated that the Civic Association does not agree with the County’s request to extend the Lee Highway undergrounding project two years. She requested the project be expedited.

ooooo0ooooo

**CONSENT ITEMS (ITEMS 1-31) CITIZENS INTERESTED IN REMOVING AN ITEM FROM THE CONSENT AGENDA MUST SUBMIT A SPEAKER SLIP TO THE CLERK AT THE SATURDAY, DECEMBER 11, 2010, MEETING BEFORE 9 A.M. PUBLIC TESTIMONY ON REMOVED ITEMS WILL OCCUR AT THE RECESSED MEETING ON TUESDAY, DECEMBER 14, 2010, AT 6:30 P.M. (NO TESTIMONY TAKEN ON SATURDAY).**

Ms. Favola announced her declaration of personal interest pursuant to Section 2.2-3115.G in the use permit amendment requested by Marymount University (Item #6). Ms. Favola is employed by the University; however, under the State and Local Government Conflicts of Interest Act, because she is a member of a group who are all affected by the approval of the use permit, she was able to participate in the discussions and votes concerning the use permit, and can do so fairly, objectively, and in the public interest.

On a motion by CHRISTOPHER ZIMMERMAN, Vice Chairman, seconded by BARBARA A. FAVOLA, Member and carried by a vote of 5 to 0, the voting recorded as follows: J. WALTER TEJADA, Member - Aye, MARY HYNES, Member - Aye, BARBARA A. FAVOLA, Member - Aye, CHRISTOPHER ZIMMERMAN, Vice Chairman - Aye, JAY FISSETTE, Chairman - Aye, the Board approved the County Manager’s recommendation for all consent items #2 through #29 and #31. Requests for full hearing were submitted for items #1 and #30, and these items are scheduled for hearing at the December 14, 2010 County Board recessed meeting.

ooooo0ooooo

**SITE PLANS/AMENDMENTS/REVIEW**

ooooo0ooooo

**2. SP #25 SITE PLAN AMENDMENT FOR ENLARGEMENT OF AN EXISTING ROOFTOP SIGN AT THE WATERVIEW PROJECT; LOCATED AT 1919 N. LYNN ST. (RPC#: 16-018-010).**

On the consent agenda vote, after a duly advertised public hearing, the Board deferred the subject site plan amendment for a rooftop sign to the January 22, 2011, County Board meeting.

[Board Report #2](#)

ooooo0ooooo

**3. SP#125 SITE PLAN AMENDMENT TO CONVERT TELEVISION STUDIO AND EDUCATIONAL USE TO OFFICE USE; LOCATED AT 1000-1100 WILSON BLVD. (RPC#: 17-001-010 & -011).**

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

BE IT ORDAINED that, pursuant to application SP #125 on file in the Office of the Zoning Administrator for renewal of the site plan amendment to convert television studio and educational use to office use for the parcel of real property known as 1000-1100 Wilson Blvd. (RPC#: 17-001-010 & -011) approval is granted and the parcel so described shall be used according to the approval requested by the application, subject to two (2) revised conditions and to all previously approved conditions:

1. The applicant agrees that the subject space (4,520 ~~5,892~~ square feet), ~~Suites 704 and 705,~~ will be designed to allow viewing of studio operations from the interior mall space and constructed consistent with ~~drawings~~ drawing dated July 7, 2008 ~~October 15, 2010~~. [Clerk’s note: as set forth in the document entitled “Addendum 12-11-10-A-SP #125” attached for the public record to these minutes.]
2. The applicant agrees to provide an inventory delineating all uses currently occupying the 36,400 square feet of retail gross floor area of the 1972 Arland Towers Site Plan approval

and to provide the applicant's marketing strategy to sustain retail use of that floor area prior to the issuance of a certificate of occupancy of the remodeled space.

[Board Report #3](#)

[Addendum 12-11-10-A-SP #125](#)

0000000000

**4. [SP #221 SITE PLAN AMENDMENT REVIEW TO RENEW AN OUTDOOR CAFE IN THE PUBLIC RIGHT-OF-WAY FOR KOPAN HOUSE, LOCATED AT 2200 WILSON BLVD. \(RPC #18-004-007, -008, -012, -013, -014, -015, -016\).](#)**

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

BE IT ORDAINED that, pursuant to application SP #221 on file in the Office of the Zoning Administrator for renewal of the site plan amendment for an outdoor café in the public right-of-way for Kopan House (now Hikaru Sushi) for the parcel of real property known as 2200 Wilson Blvd. (RPC#: 18-004-007, -008, -012, -013, -014, -015, -016) approval is granted and the parcel so described shall be used according to the approval requested by the application, subject to all previous conditions and a new condition #38, and with a County Board review in five (5) years (December 2015).

[Board Report #4](#)

38. The applicant agrees that if the business changes ownership, a County Board review of the outdoor café use will be scheduled.

0000000000

**5. [SP#389 & 411 SITE PLAN AMENDMENT TO ADJUST SITE PLAN BOUNDARIES TO REFLECT A LAND EXCHANGE AND RELATED AMENDMENTS AND/OR ADDITIONS TO SITE PLAN CONDITIONS \(SP #389, 2001 CLARENDON BOULEVARD-ELM STREET SITE PLAN AND #411, 1900 WILSON BOULEVARD-ZOM SITE PLAN\) LOCATED AT 2001 CLARENDON BLVD. \(RPC#: 17-011-009, -013, -015 AND -016 \) AND 1860, 1900 AND 1916 WILSON BLVD. \(RPC#: 17-011-006, -007, -008, -017, -018 AND A PORTION OF -009 AND -019\).](#)**

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

BE IT ORDAINED that, pursuant to application SP#389 & 411 on file in the Office of the Zoning Administrator for renewal of the site plan amendment to adjust site plan boundaries to reflect a land exchange and related amendments and/or additions to site plan conditions (SP #389, 2001 Clarendon Boulevard-Elm Street site plan and #411, 1900 Wilson Boulevard-ZOM site plan) for the parcel of real property known as located at 2001 Clarendon Blvd. (RPC#: 17-011-009, -013, -015 and -016 ) and 1860, 1900 and 1916 Wilson Blvd. (RPC#: 17-011-006, -007, -008, -017, -018 and a portion of -009 and -019) approval is granted and the parcel so described shall be used according to the approval requested by the application, subject to all previously approved conditions, amended Condition #79 and new Condition #81 for SP #389.

Proposed Revised/Additional Conditions for SP#389:

- 79. **Availability of Unused Density**
  - a. In the event that the land exchange does not occur, the developer agrees that there is 2,093 s.f. of site area available on the property included in the SP #389, after road dedications to be used for potential density. The 2,093 s.f. of site area at current "C-

O-2.5" district limits could yield up to 5 residential units or 8 hotel units or 5,232 s.f. of commercial GFA. The developer further agrees that future use of this site area for density is subject to the approval of a future site plan amendment by the County.

- b. In the event that the Exchange Closing does occur, the developer agrees that there would be 2,946 s.f. of site area available on the property included in SP #389, after road dedications to be used as potential density. The 2,946 s.f. of site area at current "C-O-2.5" district limits could yield up to 7 residential units or 12 hotel units or 7,365 s.f. of commercial GFA. The developer further agrees that future use of this site area for density is subject to the approval of a future site plan amendment by the County Board.

81. **Site Area Modifications – Land Exchange**

- a. As amended by the County Board on December 11, 2010, Site Plan #389 includes approximately 3,922 s.f. of property (the "ZOM Exchange Parcel") located on the west side of future Troy Street which is owned by the adjacent property owner to the east ("ZOM") and which is governed by Site Plan #411 (The "ZOM" Site Plan).
- b. The developer and ZOM desire to exchange the ZOM Exchange Parcel for 3,069 s.f. of property (the "Elm Exchange Parcel") located on the east side of future Troy Street currently owned by the developer and which is governed by this Site Plan #389.
- c. In order to facilitate the exchange of properties, the following events are expected to occur: The County Board approves this amendment to the Site Plan #389 which adds the ZOM Exchange Parcel to this Site Plan #389 with condition language (this Condition #81) that mirrors Condition #85 of the ZOM Site Plan; and closing on the exchange of parcels ("Exchange Closing"), as evidenced by the recording of deeds among the land records conveying the Elm Exchange Parcel to ZOM and the ZOM Exchange Parcel to Elm.
- d. The Zoning Administrator may approve an administrative change to adjust the site plan boundaries for this Site Plan #389 so that the Elm Exchange Parcel is no longer subject to the Site Plan #389. The Zoning Administrator may approve such administrative change upon finding that the Exchange Closing has occurred based on reasonable evidence presented by the developer of this Site Plan #389. In addition, if the Zoning Administrator makes such finding, the Zoning Administrator may approve an administrative change to adjust the boundaries of Site Plan #411 so that the ZOM Exchange Parcel is not included in Site Plan #411.
- e. Neither this Condition #81 of Site Plan #389 nor Condition #85 of the ZOM Site Plan #411 shall have any bearing or effect on the right of the property owner(s) or developer of this SP #389 to proceed with construction of this Site Plan #389.

[Board Report #5](#)

[Board Report #5-Supplemental](#)

oooo0oooo

**USE PERMITS REQUEST/REVIEWS/AMENDMENTS**

oooo0oooo

- 6. **U-1159-55-1 & U-2110-77-2 USE PERMIT AMENDMENT FOR EXPANDING THE USE OF THE SITE BY LIGHTING THE EXISTING ATHLETIC FIELDS LOCATED AT 6600 LITTLE FALLS ROAD (BISHOP DENIS J. O'CONNELL HIGH SCHOOL, RPC #: 01-037-001).**

On the consent agenda vote, after a duly advertised public hearing, the Board deferred consideration of the use permit amendment request for expanding the use of the site by lighting the existing athletic fields to the January 22, 2011 County Board meeting.

[Board Report #6](#)

0000000000

**7. U-1861-71-2 USE PERMIT REVIEW TO RENEW A PRESCHOOL FOR KINHAVEN SCHOOL LOCATED AT 4201 FAIRFAX DRIVE (RPC#:14-024-017).**

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

BE IT ORDAINED that, pursuant to application U-1861-71-2 on file in the Office of the Zoning Administrator for renewal of use permit amendment for a preschool for the parcel of real property known as 4201 Fairfax Drive (RPC#:14-024-017), approval is granted and the parcel so described shall be used according to the approval requested by the application, subject to all previous conditions, with no further scheduled County Board review.

[Board Report #7](#)

0000000000

**8. U-2032-75-1 USE PERMIT AMENDMENT FOR A CHILD CARE CENTER FOR ARLINGTON MONTESSORI SCHOOL LOCATED AT 3809-3813 WASHINGTON BOULEVARD (RPC#: 15-083-006, -007).**

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

BE IT ORDAINED that, pursuant to application U-2032-75-1 on file in the Office of the Zoning Administrator for renewal of use permit amendment to expand a childcare center for a total enrollment of 68 children for the parcel of real property known as 3809-3813 Washington Boulevard (RPC#: 15-083-006, -007), approval is granted and the parcel so described shall be used according to the approval requested by the application, subject to all existing and amended conditions of approval, and with a County Board review in one (1) year (December 2011).

Amended conditions:

2. ~~The applicant shall discontinue use of the small pull-off area located in front of 3809 Washington Boulevard which shall be landscaped in such a way as to discourage the parking of vehicles. The total number of children enrolled shall not exceed 68.~~
3. ~~The applicant agrees to inform the County's Child Care Office following completion of the enclosure of the existing porches located at 3809 and 3813 Washington Boulevard. The applicant further agrees that the Child Care staff will make the final determination regarding the number of children that could be accommodated in the newly developed space.~~

[Board Report #8](#)

0000000000

**9. U-2897-96-1 USE PERMIT REVIEW FOR THREE (3) CHILDREN'S PROGRAMS, INCLUDING A PRESCHOOL PROGRAM, AN AFTER-SCHOOL PROGRAM AND A COOPERATIVE PLAY GROUP, LOCATED AT 4975 COLUMBIA PIKE (ARLINGTON MILL COMMUNITY CENTER) (RPC#: 22-001-004).**

On the consent agenda vote, after a duly advertised public hearing, the Board discontinued the subject use permit U-2897-96-1 for the three (3) children’s programs at the Arlington Mill Community Center.

[Board Report #9](#)

ooooo0ooooo

**10. [U-2972-99-1 USE PERMIT REVIEW TO RENEW A DORMITORY FACILITY FOR VANGUARD SERVICES, LOCATED AT 521 N. QUINCY ST. \(RPC #14-061-071, -072\)](#)**

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

BE IT ORDAINED that, pursuant to application U-2972-99-1 on file in the Office of the Zoning Administrator for renewal of use permit amendment for a dormitory facility for the parcel of real property known as 521 N. Quincy St. (RPC #14-061-071, -072), approval is granted and the parcel so described shall be used according to the approval requested by the application, subject to all previous conditions, with no further scheduled County Board review.

[Board Report #10](#)

ooooo0ooooo

**11. [U-2999-01-1 USE PERMIT REVIEW FOR A VEHICLE SERVICE ESTABLISHMENT, LOCATED AT 2427 SHIRLINGTON ROAD \(RPC#: 31-034-019\).](#)**

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

BE IT ORDAINED that, pursuant to application U-2999-01-1 on file in the Office of the Zoning Administrator for renewal of use permit amendment for a vehicle service establishment for the parcel of real property known as 2427 SHIRLINGTON ROAD (RPC#: 31-034-019), approval is granted and the parcel so described shall be used according to the approval requested by the application, subject to all previous conditions, with a County Board review in four (4) months (April 2011).

[Board Report #11](#)

ooooo0ooooo

**12. [U-3020-01-1 USE PERMIT REVIEW FOR A VEHICLE SERVICE ESTABLISHMENT, LOCATED AT 3427 WASHINGTON BLVD. \(RPC #15-086-007\).](#)**

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

BE IT ORDAINED that, pursuant to application U-3020-01-1 on file in the Office of the Zoning Administrator for renewal of use permit amendment for a vehicle service establishment for the parcel of real property known as 3427 WASHINGTON BLVD. (RPC #15-086-007), approval is granted and the parcel so described shall be used according to the approval requested by the application, subject to all previously approved conditions, and with no further scheduled County Board review.

[Board Report #12](#)

0000000000

**13. U-3254-10-1 USE PERMIT FOR A TELECOMMUNICATIONS FACILITY LOCATED AT RESURRECTION LUTHERAN CHURCH AT 6201 WASHINGTON BLVD. (RPC#: 11-032-011).**

On the consent agenda vote, after a duly advertised public hearing, the Board deferred consideration of the use permit amendment request for a telecommunication facility.

[Board Report #13](#)

0000000000

**14. U-3273-10-1 USE PERMIT FOR AT&T ANTENNAS AND EQUIPMENT CABINET AT 399 OLD JEFFERSON DAVIS HIGHWAY (RPC#: 34-023-003).**

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

BE IT ORDAINED that, pursuant to application U-3273-10-1 on file in the Office of the Zoning Administrator for renewal of use permit amendment for a telecommunication facility for the parcel of real property known as 399 Old Jefferson Davis Highway (RPC#: 34-023-003), approval is granted and the parcel so described shall be used according to the approval requested by the application, subject to the proposed conditions.

Proposed conditions:

1. The applicant agrees that the telecommunications facility will be constructed as shown on plans dated September 24, 2010 and approved by the County Board on December 11, 2010. [Clerk's note: as set forth in the document entitled "Addendum 12-11-10-A1- U-3273-10-1" attached for the public record to these minutes.]
2. The applicant shall identify a community liaison who shall be available to address any concerns regarding the facility operation. The name and telephone number of the liaison shall be provided to Crystal City leaders and the Zoning Administrator.
3. The applicant agrees that the antennas shall be removed within ninety (90) days after any cessation of use.

[Board Report #14](#)

[Addendum 12-11-10-A1- U-3273-10-1](#)

0000000000

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

0000000000

**15. APPROVAL OF DEEDS OF EASEMENT FOR STORM DRAINAGE PURPOSES ON PROPERTIES LOCATED AT 17 SOUTH FENWICK STREET AND 21 SOUTH FENWICK STREET, ARLINGTON, VIRGINIA (RPCS 24006013 & 24006012).**

On the consent agenda vote, after a duly advertised public hearing, the Board took the following actions:

1. Approved the Deed of Easement, from Herminia C. Turner, Trustee, to the County Board of Arlington County, Virginia, granting to the County a permanent public storm drainage easement on a portion of the property located at 17 South Fenwick Street, RPC 24006013; and [Clerk's note: as set forth in the document entitled "Addendum 12-11-10-B-Fenwick Exhibit 1" attached for the public record to these minutes.]
2. Approved the Deed of Easement, from Gail Helen Massot to the County Board of Arlington County, Virginia, granting to the County a permanent public storm drainage easement on a portion of the property located at 21 South Fenwick Street, RPC 24006012; and [Clerk's note: as set forth in the document entitled "Addendum 12-11-10-C-Fenwick Exhibit 2" attached for the public record to these minutes.]
3. Authorized the Real Estate Bureau Chief, or his designee, to accept, on behalf of the County Board, the attached two Deeds of Easement, subject to approval as to form of such Deeds by the County Attorney.

[Board Report #15](#)

[Addendum 12-11-10-B-Fenwick Exhibit 1](#)

[Addendum 12-11-10-C-Fenwick Exhibit 2](#)

oooo0oooo

**16. ENACTMENT OF AN ORDINANCE TO PERMIT THE ENCROACHMENT OF A PORTION OF AN UNDERGROUND PARKING GARAGE STRUCTURE UNDER AND WITHIN COUNTY OWNED PROPERTY KNOWN AS PARCEL A, BUCKINGHAM COMMONS VILLAGE 1, ARLINGTON COUNTY, VIRGINIA (RPC NO. 20024240), WITH CONDITIONS.**

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

**ORDINANCE TO PERMIT THE ENCROACHMENT OF A PORTION OF AN UNDERGROUND PARKING GARAGE STRUCTURE UNDER AND WITHIN COUNTY OWNED PROPERTY KNOWN AS PARCEL A, BUCKINGHAM COMMONS VILLAGE 1, ARLINGTON COUNTY, VIRGINIA, RPC NO. 20024240, WITH CONDITIONS:**

BE IT ORDAINED by the County Board of Arlington County, Virginia, that Buckingham Parcel D Associates LLC, its successors and assigns, as owner of Parcel D as shown on the Plat and as developer of the project known as Site Plan #405, as amended ("Developer"), is permitted to construct, operate and maintain an underground parking garage, a portion of which garage will encroach underground into property owned by the County known as Parcel A, Buckingham Commons Village 1, Arlington County, Virginia, RPC No. 20024240 ("Property"). The dimensions (length, width and height elevations) and spatial location of the permitted encroachment are depicted on, and consistent with, Exhibit A attached to the County Manager's Report dated November 9, 2010, entitled "Plat Showing Encroachment Area on Parcel A, Buckingham Commons Village 1, Deed Book 4141, Page 803, Arlington County, Virginia," dated October, 2010, prepared by Urban Engineering & Associates, Inc. in the dimensions and locations shown as the "ENCROACHMENT AREA 3,044 S.F." and "PROPOSED GARAGE: SECTION A-A" detail ("Plat");

BE IT FURTHER ORDAINED that this permission shall be a license only, and shall continue until such time as that portion of the underground parking garage encroaching within the Property is destroyed, removed, and not rebuilt consistent and as authorized by Site Plan #405; or, such underground parking garage becomes the subject of a site plan or site plan amendment other than Site Plan #405 as approved by the County Board on June 9, 2007. Nothing herein shall be construed to either allow the installation of any

above ground structure or any structure other than the underground parking garage within the area as shown on the Plat; or to allow any greater encroachment beyond the area shown on the Plat;

BE IT FURTHER ORDAINED that the upper surface of the top slab of the encroaching portion of the underground parking garage shall be a minimum depth of four (4) feet below the finished grade of the public sidewalk, from the back of the street curb to the far edge of the of the public sidewalk for the entire length of the encroachment;

BE IT FURTHER ORDAINED that the Developer shall continuously and promptly maintain the underground parking garage, and maintain, restore, repair, and replace all County owned facilities, within and adjacent to the encroachment area, including the sidewalk, curb and gutter, which are damaged by the installation, maintenance, destruction, continued existence, or removal of the underground garage;

BE IT FURTHER ORDAINED that this permission shall not release the Developer of negligence on its part on account of such encroachment. The Developer, by availing itself of the permissions authorized by this Ordinance and by continuing to have the underground parking garage encroach within the Property, thereby agrees for itself, its successors and assigns, to the provisions of this Ordinance and agrees to indemnify and hold harmless the County Board of Arlington County, Virginia and County officials, officers, employees, and agents from all claims, negligence, damages, costs and expenses arising out of the permission for the underground parking garage to encroach within the Property.

BE IT FURTHER ORDAINED that the County may record, or cause to be recorded, in the land records of the Arlington County Circuit Court, a certified copy of the Ordinance and the Plat.

[Clerk's note: as set forth in the document entitled "Addendum 12-11-10-D-Buckingham Plat" attached for the public record to these minutes.]

[Board Report #16](#)

[Addendum 12-11-10-D-Buckingham Plat](#)

ooooo0ooooo

**17. APPROVAL AND ACCEPTANCE OF A LICENSE AGREEMENT BETWEEN THE COUNTY BOARD AND CENTRAL PLACE II, L.L.C. AND A CRANE SWING LICENSE AGREEMENT BETWEEN THE COUNTY BOARD, CENTRAL PLACE, L.L.C. AND CENTRAL PLACE II, L.L.C. CONCERNING THE ROSSLYN STATION ACCESS IMPROVEMENT PROJECT.**

On the consent agenda vote, after a duly advertised public hearing, the Board took the following actions:

1. Approved the attached License Agreement between Central Place, II, L.L.C. and the County Board of Arlington County, Virginia for use of portions of property referred to as the RCA Parcel (RPC #16038004) for construction of the Rosslyn Station Access Improvement Project. [Clerk's note: as set forth in the document entitled "Addendum 12-11-10-E-Central Place License Agreement" attached for the public record to these minutes.]
2. Approved the attached Crane Swing License Agreement between Central Place, L.L.C. and Central Place II, L.L.C. and the County Board of Arlington County, Virginia for location, operation and swing of cranes over, under, upon and across portions of Parcel O, Central Place (RPC #16038014) and Parcel R, Central Place (RPC #16038015).

[Clerk’s note: as set forth in the document entitled “Addendum 12-11-10-F-Central Place Crane Swing Agreement” attached for the public record to these minutes.]

- 3. Authorized the Real Estate Bureau Chief, Engineering and Capital Projects Division, Department of Environmental Services, to execute on behalf of the County Board, the License, the Crane Swing License Agreement and all related documents, subject to approval as to form of such documents by the County Attorney.

[Board Report #17](#)

[Addendum 12-11-10-E-Central Place License Agreement](#)

[Addendum 12-11-10-F-Central Place Crane Swing Agreement](#)

ooooo0ooooo

**ORDINANCES, PLANS AND POLICIES**

ooooo0ooooo

**18. AMENDMENTS TO THE COUNTY’S GARBAGE, REFUSE AND WEEDS CODE, CHAPTER 10, ARTICLE I AND IV, REFUSE AND RECYCLING RESPECTIVELY, OF THE ARLINGTON COUNTY CODE.**

On the consent agenda vote, after a duly advertised public hearing, the Board adopted the proposed amendments to Chapter 10 of the Arlington County Code, Garbage, Refuse and Weeds, regarding refuse and recycling to become effective January 1, 2011. [Clerk’s note: as set forth in the document entitled “Addendum 12-11-10-G-Chapter 10” attached for the public record to these minutes.]

[Board Report #18](#)

[Board Report #18-Supplemental](#)

[Addendum 12-11-10-G-Chapter 10](#)

ooooo0ooooo

**19. ADOPT AMENDMENTS TO CHAPTERS 21 AND 46 OF THE ARLINGTON COUNTY CODE**

On the consent agenda vote, after a duly advertised public hearing, the Board adopted the proposed amendments to Chapters 21 and 46 (Retirement Systems) of the Arlington County Code.

**AN ORDINANCE TO AMEND, REENACT AND RECODIFY CHAPTER 21 (RETIREMENT ORDINANCES) OF THE ARLINGTON COUNTY CODE.  
BE IT ORDAINED that the Arlington County Code is amended, reenacted and recodified as follows:**

**§ 21-48. Benefits upon withdrawals from employment or death.**

\*\*\*

- (b) If a member has ceased to be an employee, other than by death or by retirement, after completion of five (5) or more years of service and has not elected in writing as prescribed by the County Manager ~~not~~ to withdraw the total amount of his contribution account, he will be eligible to receive a deferred vested retirement

allowance commencing on his normal retirement date.

\*\*\*

**AN ORDINANCE TO AMEND, REENACT AND RECODIFY CHAPTER 46 (RETIREMENT ORDINANCES) OF THE ARLINGTON COUNTY CODE.**

**BE IT ORDAINED that the Arlington County Code is amended, reenacted and recodified as follows:**

**§ 46-27. Eligibility requirements.**

\*\*\*

(a) Except for employees who are covered by section 46-44(h) and persons appointed as county manager who elect not to become members within sixty (60) days after appointment, employees of the county board hired after February 8, 1981, who have not reached normal retirement age (age sixty-two (62)), or in the case of police officers, firefighters, and deputy sheriffs, age fifty-two (52) as of the first day of employment, and all employees of the school board hired after February 8, 1981, and before July 1, 2001, who have not reached normal retirement age (age sixty-two (62)) are members of the system. Notwithstanding the foregoing, retirement benefits under this Chapter shall not be provided to employees in the Management Accountability Program, as defined in Administrative Regulation 2.7, who have entered into an agreement for inclusion in a deferred compensation plan when the agreement prohibits inclusion in any other retirement system established by the county, pursuant Virginia Code 51.1-800(d). Notwithstanding the foregoing, there shall be no age restrictions on membership for persons hired on or after January 1, 1991. Employees who did not meet the eligibility requirements related to age at the time of hire shall have the option to join the system and elect to purchase service credit for service back to January 1, 1991. Such election must be made by December, 1991.

\*\*\*

**§ 46-55. Social Security Option.**

A member who has retired from service pursuant to Section 46-37 (service retirement) may elect to receive an increased retirement allowance until ~~age sixty-two (62) or until age sixty-five~~ his Social Security full retirement age as defined as of January 1, 2001 or at the early Social Security reduced benefit age if the member elects to receive Social Security at an early age and a decreased retirement thereafter, so that a member will receive a uniform or nearly uniform retirement allowance when the member’s retirement allowance is added to the member’s anticipated federal Social Security primary benefits.

\*\*\*

**§ 46-44. Benefits upon withdrawal from employment or death.**

\*\*\*

(b) If a member has ceased to be an employee, other than by death or by retirement, after completion of five (5) or more years of service and has not elected in writing as prescribed by the County Manager ~~not~~ to withdraw the total amount of his contribution account, he will be eligible to receive a deferred vested retirement allowance commencing on his normal retirement date.

- 20. **THIS ITEM WILL BE HEARD AT THE JANUARY 22, 2010, MEETING. ZONING ORDINANCE AMENDMENT TO SECTION 37.F, VIOLATIONS AND PENALTIES, CRIMINAL PENALTIES, TO MAKE IT UNLAWFUL FOR A FIRM, CORPORATION, OWNER, AGENT OR OCCUPANT TO VIOLATE SECTION 37G, AND ALSO MAKES IT UNLAWFUL FOR A FIRM, CORPORATION, OWNER, AGENT OR OCCUPANT TO CAUSE OR, WITH KNOWLEDGE, PERMIT VIOLATIONS OF SECTION 37.G.**

0000000000

**CAPITAL PROJECTS**

0000000000

- 21. **APPROVAL OF A CONSTRUCTION SUPPORT AGREEMENT BETWEEN THE WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY (WMATA) AND THE COUNTY BOARD OF ARLINGTON COUNTY, VIRGINIA (COUNTY BOARD) FOR THE ROSSLYN STATION ACCESS IMPROVEMENT PROJECT (RSAIP).**

On the consent agenda vote, after a duly advertised public hearing, the Board approved the agreement for WMATA Construction Support in the amount of \$882,000 for the Rosslyn Station Access Improvement Project between WMATA and the County Board and authorized the County Manager to execute the agreement subject to approval as to form by the County Attorney. [Clerk’s note: as set forth in the document entitled “Addendum 12-11-10-H-WMATA Agreement” attached for the public record to these minutes.]

[Board Report #21](#)

[Addendum 12-11-10-H-WMATA Agreement](#)

0000000000

**APPROPRIATIONS, GRANT APPLICATIONS & OTHER CONTRACTS**

0000000000

- 22. **AMENDMENTS TO SCHOOLS APPROPRIATIONS FOR FY 2011 BASED ON CLOSEOUT OF FY 2010.**

On the consent agenda vote, after a duly advertised public hearing, the Board approved the revised appropriations for various School funds in FY 2011 to reflect the approved School Board resolutions in the FY 2010 Final Fiscal Status Report and appropriated \$33,218,860 from the FY 2010 fund balance to Non-departmental to increase the transfer to the Schools as follows:

Schools Operating Fund:	\$31,569,775
Capital Projects Fund:	<u>\$ 1,649,085</u>
Total	\$33,218,860

[Board Report #22](#)

0000000000

- 23. **APPROPRIATE AND ALLOCATE THE SCHOOLS 2010 QUALIFIED SCHOOL CONSTRUCTION BOND (QSCB) PROCEEDS.**

On the consent agenda vote, after a duly advertised public hearing, the Board appropriated and allocated proceeds of \$3.390 million from the School’s 2010 Qualified School Construction Bond (QSCB) issue as follows: \$3,390,000 to the Schools Bond Fund (887).

[Board Report #23](#)

0000000000

**24. APPROPRIATE GRANTS FROM THE U.S. DEPARTMENT OF HOMELAND SECURITY URBAN AREA SECURITY INITIATIVE (UASI) AND VIRGINIA DEPARTMENT OF EMERGENCY MANAGEMENT (VDEM) TO OFFICE OF EMERGENCY AND MANAGEMENT (OEM) FOR THE MANAGEMENT AND OPERATION OF THE EXERCISE AND TRAINING, NATIONAL INCIDENT MANAGEMENT SYSTEM (NIMS), METROPOLITAN MEDICAL RESPONSE SYSTEMS (MMRS), AND CITIZEN CORPS OUTREACH PROGRAMS.**

On the consent agenda vote, after a duly advertised public hearing, the Board took the following actions:

1. Appropriated \$36,574 for the Exercise and Training Program and \$89,012 for the National Incident Management System (NIMS) Program from the U.S Department of Homeland Security (101.375230) to the Office of Emergency Management (101.32020).
2. Appropriated \$237,007 for the Metropolitan Medical Response System (MMRS) program and \$21,230 for the Citizen Corps outreach program from the Virginia Department of Emergency Management (101.374200, 101.375250) to the Office of Emergency Management (101.32020).

[Board Report #24](#)

0000000000

**25. ACCEPT AND MANAGE A REGIONAL \$746,750 FISCAL YEAR 2008 URBAN AREAS SECURITY INITIATIVE (UASI) MEDICAL CARE SUPPORT UNITS AND SUPPLIES GRANT FROM THE GOVERNMENT OF THE DISTRICT OF COLUMBIA HOMELAND SECURITY AND EMERGENCY MANAGEMENT AGENCY.**

On the consent agenda vote, after a duly advertised public hearing, the Board took the following actions:

1. Accept and manage the regional FY 2008 UASI Medical Care Support Units and Supplies grant from the Government of the District of Columbia Homeland Security and Emergency Management Agency (794.91261).
2. Authorized the County Manager or her designee to enter into any agreement(s) associated with this grant.

[Board Report #25](#)

0000000000

**26. ACCEPT AND MANAGE A REGIONAL PATIENT TRACKING GRANT FROM THE NORTHERN VIRGINIA REGIONAL COMMISSION.**

On the consent agenda vote, after a duly advertised public hearing, the Board took the following actions:

1. Accept and manage a regional \$1,137,120 Patient Tracking Grant from the Northern Virginia Regional Commission (794.91261).
2. Authorized the County Manager or her designee to sign any agreement(s) associated with this grant.

[Board Report #26](#)

0000000000

**REQUESTS TO ADVERTISE**

0000000000

**27. REQUEST TO ADVERTISE AMENDMENTS TO THE COUNTY COMPREHENSIVE PLAN TO ADD A STREETS ELEMENT, DATED DECEMBER 2010, AND TO AMEND THE GOALS AND POLICIES SUMMARY BY ADDING A NEW POLICY NUMBER 14 TO THE AMENDED MASTER TRANSPORTATION PLAN**

On the consent agenda vote, after a duly advertised public hearing, the Board took the following actions:

1. Authorize the Advertisement of an Amendment to the County Comprehensive Plan to add a Streets Element, entitled "Master Transportation Plan Streets Element," dated December 2010, to be included in the Amended MTP, to be heard by the Planning Commission at its January 31, 2011 meeting, and by the County Board at its February 12, 2011 meeting.
2. Authorize the Advertisement of an Amendment to the County Comprehensive Plan's MTP Goals and Policies Summary to add a new Policy number 14 related to utilities in public streets, to be heard by the Planning Commission at its January 31, 2011 meeting and by the County Board at its February 12, 2011 meeting.

[Board Report #27](#)

0000000000

**OTHER**

0000000000

**28. AUTHORIZE A FUNDING REQUEST UNDER THE EXISTING MASTER LEASE AGREEMENT TO FINANCE VARIOUS ESSENTIAL EQUIPMENT AND TECHNOLOGY SYSTEMS AS REFLECTED IN THE ADOPTED FISCAL YEAR 2011- 2016 CAPITAL IMPROVEMENT PLAN.**

On the consent agenda vote, after a duly advertised public hearing, the Board took the following actions:

1. Authorize the Purchasing Agent to execute an appendix to the Master Lease for certain essential equipment totaling \$5,788,500.
2. Appropriated funds from Lease proceeds to the General Capital Fund account 313.380800.91103.

[Board Report #28](#)

0000000000

**29. REQUEST THE INDUSTRIAL DEVELOPMENT AUTHORITY TO ISSUE REVENUE BONDS TO FINANCE PORTIONS OF CONSTRUCTION OF FIRE STATION #3, PARK SPACE AT**

**BUCKINGHAM VILLAGE I, AND ARLINGTON MILL COMMUNITY CENTER.**

On the consent agenda vote, after a duly advertised public hearing, the Board took the following actions:

1. Adopted the 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 \$15 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 in the Resolution), [Clerk's note: as set forth in the document entitled "Addendum 12-11-10-I-IDA Bonds" attached for the public record to these minutes.] and,
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 \$15 million to Fund 340.

[Board Report #29](#)

[Addendum 12-11-10-I-IDA Bonds](#)

oooo0oooo

**31. MINUTES**

On the consent agenda vote, after a duly advertised public hearing, the Board approved the minutes of the following meetings:

November 13, 2010	Regular Meeting
November 16, 2010	Recessed Meeting

oooo0oooo

**REGULAR HEARING ITEMS**

oooo0oooo

**32. ADOPTION OF A PROPOSED ORDINANCE ESTABLISHING THE BALLSTON BUSINESS IMPROVEMENT SERVICE DISTRICT ("BALLSTON BID") EFFECTIVE JANUARY 1 2011.**

Following a duly advertised public hearing at which there were speakers, on a motion by J. WALTER TEJADA, Member, seconded by CHRISTOPHER ZIMMERMAN, Vice Chairman and carried by a vote of 5 to 0, the voting recorded as follows: J. WALTER TEJADA, Member - Aye, MARY HYNES, Member - Aye, BARBARA A. FAVOLA, Member - Aye, CHRISTOPHER ZIMMERMAN, Vice Chairman - Aye, JAY FISETTE, Chairman - Aye, the Board adopted the ordinance creating the Ballston Business Improvement Service District ("Ballston BID").

ORDINANCE ESTABLISHING THE  
BALLSTON BUSINESS IMPROVEMENT SERVICE DISTRICT

WHEREAS, pursuant to §15.2-2400 et seq. Va. Code Ann., the County Board is authorized to establish service districts for the purpose of providing additional, more complete or more timely governmental services than may be needed or desired in the remainder of the County; and

WHEREAS, based upon the request of, and a demonstration of support from commercial property owners affected thereby, the County Board has determined a need exists to provide

some of the services authorized by law for service districts that promote economic development and benefit commercial properties through the establishment of a service district within the area of Arlington County known as Ballston, such service district to be called the Ballston Business Improvement Service District (the "Ballston BID");

NOW, THEREFORE, be it ordained as follows:

1. The Ballston BID is hereby established, the boundaries of which shall be as depicted on the map attached hereto and incorporated herein as Exhibit IIA, and which shall encompass those commercial parcels included on the list attached hereto and incorporated herein as Exhibit IIB, and which shall exclude all residential properties. [Clerk's note: as set forth in the documents entitled "Addendum 12-11-10-J-Ballston BID and Addendum 12-11-10-K-Ballston BID" attached for the public record to these minutes.]

2. The purposes of the Ballston BID are to promote the competitive success of the commercial properties in the district by providing services and facilities that enhance the economic activities and services of those properties. The services and facilities provided in the Ballston BID are those authorized by law that facilitate the aforesaid purposes including, but not limited to, economic development services, promotion of business and retail development services, marketing, sponsorship and promotion of recreational and cultural activities, signage (e.g., banners, wayfinding), beautification and landscaping, public parking, street and sidewalk cleaning, snow removal, and public transportation system related improvements (e.g., bus shelters), transportation management services, and transportation related enhancements (e.g., bike racks).

3. The plan for providing facilities and services within the Ballston BID is either or both for the County Board to provide the services and facilities directly using County personnel and contractors, and/or for the County Board to contract with a nonprofit corporation which shall be responsible for the provision of specific services and facilities within the Ballston BID identified in an annual work plan subject to annual approval and funding by the County Board, and management and oversight by the County Board pursuant to appropriate governing contracts, leases, and other documents.

4. The benefits to be expected from the creation of the Ballston BID include economic development within the Ballston BID, competitive commercial success of existing and future commercial properties, increased employment, and generally the preservation and enhancement of the Ballston BID as a safe, secure, and attractive area in which businesses and the community generally can thrive through the provision of additional, more complete and more timely governmental services.

5. This Ordinance and the Ballston BID established hereby shall be effective as of January 1, 2011 and shall remain in effect until June 30, 2016.

[Board Report #32](#)

[Addendum 12-11-10-J-Ballston BID](#)

[Addendum 12-11-10-K-Ballston BID](#)

ooooo0ooooo

**33. REVIEW OF APPLICATIONS FOR AWARD OF NEW TAXICAB CERTIFICATES.**

Following a duly advertised public hearing at which there were speakers, on a motion by BARBARA A. FAVOLA, Member, seconded by JAY FISETTE, Chairman and carried by a vote of 5 to 0, the voting recorded as follows: J. WALTER TEJADA, Member - Aye, MARY HYNES, Member - Aye, BARBARA A. FAVOLA, Member - Aye, CHRISTOPHER ZIMMERMAN, Vice Chairman - Aye, JAY FISETTE, Chairman - Aye, the Board took the following actions:

- 1. Denied the application submitted by GoGreen Cab, Inc., for a certificate that would permit operation of 50 taxicabs in Arlington.
- 2. Denied the application by EnviroCab, LLC, for a new certificate authorizing operation of 25 additional taxicabs, for a total of 75 taxicabs.

[Board Report #33](#)

0000000000

**34. [ADOPTION OF THE PROPOSED ARLINGTON COUNTY BOARD 2011 GENERAL ASSEMBLY LEGISLATIVE PRIORITIES. \(THE HEARING FOR THIS ITEM IS CLOSED.\)](#)**

Following a duly advertised public hearing on November 13, 2010 at which there were speakers, on a motion by BARBARA A. FAVOLA, Member, seconded by CHRISTOPHER ZIMMERMAN, Vice Chairman and carried by a vote of 5 to 0, the voting recorded as follows: J. WALTER TEJADA, Member - Aye, MARY HYNES, Member - Aye, BARBARA A. FAVOLA, Member - Aye, CHRISTOPHER ZIMMERMAN, Vice Chairman - Aye, JAY FISETTE, Chairman - Aye, the Board finalized and adopted the Arlington County Board 2011 Legislative Priorities.

[Board Report #34](#)

0000000000

**35. [THIS ITEM HAS BEEN REMOVED.](#)**

0000000000

**ADDITIONAL ITEMS**

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

On motion by JAY FISETTE, Chairman, seconded by CHRISTOPHER ZIMMERMAN, Vice Chairman and carried by a vote of 5 to 0, the voting recorded as follows: JAY FISETTE, Chairman - Aye, CHRISTOPHER ZIMMERMAN, Vice Chairman - Aye, BARBARA A. FAVOLA, Member - Aye, MARY HYNES, Member - Aye, J. WALTER TEJADA, Member - Aye, the Board met in a closed meeting from 12:10 p.m. to 3:40 p.m., as authorized by Virginia Code sections 2.2-3711.A.3, 5, and 7 for the purposes of discussing the following:

one matter involving the disposition of publicly held real property, where discussion in public could adversely affect the County's negotiating position;

consultation with the County Attorney concerning alternatives available to the County under Virginia law to finance, construct, and operate public transportation systems;

consultation with the County Attorney concerning the amendment and re-adoption of the Zoning Ordinance; and

consultation with the County Attorney concerning Case Number 1:09-cv-01570 pending in the United States District Court for the District of Columbia.

-----

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

**Member & Vote**

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

**ADJOURNMENT**

Without objection, at 3:41 p.m., the Board recessed until the December 14, 2010 Recessed Meeting.

---

JAY FISETTE, Chairman

ATTEST:

---

HOPE L. HALLECK, Clerk  
Approved: January 22, 2011