

A Regular Meeting of the County Board of Arlington County, Virginia, held in Room 307 of 2100 Clarendon Boulevard thereof on Saturday, April 24, 2010 at 8:31 a.m.

PRESENT: Jay Fiset, Chairman  
Christopher Zimmerman, Vice Chairman  
Barbara A. Favola, Member  
Mary Hynes, Member  
\*J. Walter Tejada, Member

ALSO PRESENT: Barbara Donnellan, Acting County Manager  
Stephen A. MacIsaac, County Attorney  
Hope L. Halleck, Clerk

\*Arrived at 8:36 a.m.

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**\* PUBLIC COMMENT**

Mike Nardililli spoke about the National Capital Region Land Conservation Act. Mr. Nardililli shared that the Northern Virginia Conservation Trust (NVCVT) has been working with Congressman Jim Moran on this issue and the legislation is set for a congressional hearing on Tuesday, April 27, 2010.

John Sither, speaking on behalf of a group of parents and students of HB Woodlawn, addressed the Board about the group's efforts to have synthetic turf installed at the school's main athletic field. They seek funding for this improvement as part of the next County bond issue.

Robert Atkins questioned the Board's silence regarding President Barack Obama's signing of an Executive Order that took away a woman's freedom to choose.

Rebecca Mead expressed to the Board her difficulty in connecting with the appropriate County staff to obtain a copy of the most recent water quality report. She requested that the Board reply to her in writing about where she can locate the report and provide information about the sources of the water that was tested.

Wayne Kubicki commented that the Board is not demonstrating fiscal restraint as they will be rejecting the County Manager's proposed budget tax rate increase of 6.7% for a rate of 8.3% instead. The latter will increase a homeowner's bill an estimated \$270/yr, the largest increase in four years.

Jim Hurysz remarked that he opposes the Board's budget priorities. He stated that programs and services that all County residents use or can use (e.g. police, fire, EMS, and libraries) have been significantly cut while the Board's pet projects and special interests have hardly been touched.

John Swallow noted that he has been increasingly impressed with how well the County is being managed and thank the Board Members.

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**\* CONSENT ITEMS (ITEMS 1-36) CITIZENS INTERESTED IN REMOVING AN ITEM FROM THE CONSENT AGENDA MUST SUBMIT A SPEAKER SLIP TO THE CLERK AT THE SATURDAY, 24, 2010, MEETING BEFORE 9 A.M. PUBLIC TESTIMONY ON REMOVED ITEMS WILL OCCUR AT THE RECESSED MEETING ON TUESDAY, APRIL 27, 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: JAY FISETTE, Chairman - Aye, CHRISTOPHER ZIMMERMAN, Vice Chairman - Aye, BARBARA A FAVOLA, Member - Aye, MARY HYNES, Member - Aye, J. WALTER TEJADA, Member - Aye, approved the County Manager’s recommendation for all consent items #1 through #4, #6 through #20, #25 and #26, #28 through #30, and #32, #34, and #36. Requests for full hearing were submitted for items #5, #21, #22, #23, #24, #27 #31, #33, and #35, and are scheduled for hearing at the April 27, 2010 County Board Recessed Meeting.

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**SITE PLANS/AMENDMENTS/REVIEWS**

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**1. SP #80 SITE PLAN AMENDMENT FOR PUBLIC UTILITY/TELECOMMUNICATIONS LOCATED AT 5055 S. CHESTERFIELD ROAD (RPC #28-018-001).**

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 #80 on file in the Office of the Zoning Administrator for an amendment to a special exception for a site plan for the installation of a new telecommunications facility for the parcel of real property known as 5055 South Chesterfield Road (RPC #28-018-001) approval is granted and the parcel so described shall be used according to the approval requested by the application, subject to the following conditions:

Conditions:

1. The applicant agrees that the two (2) Clearwire dish antennas, three (3) panel antennas and one (1) radio cabinet on the existing building at 5055 South Chesterfield Road will be installed as shown on plans dated February 3, 2010. Any additional antennas on the site will require a use permit amendment. [Clerk’s note: as set forth in the document entitled “Addendum 4-24-10-A – SP#80” attached for the public record to these minutes.]
2. The applicant shall identify a community liaison who shall be available to address any concerns regarding the facility operation. The name and telephone number of the liaison shall be provided to the Claremont Civic Association 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 #1](#)

[Board Report #1 - Supplemental](#)

[Addendum 4-24-10-A – SP#80](#)

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**2. SP #346 SITE PLAN AMENDMENT FOR A COMPREHENSIVE SIGN PLAN AMENDMENT AT LAND BAY E-WEST IN POTOMAC YARD; LOCATED AT 3500 AND 3550 S. CLARK ST (RPC #34-027-046).**

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 #346 on file in the Office of the Zoning Administrator for an amendment to a special exception for a site plan for a comprehensive sign plan amendment at Land Bay E-West in Potomac Yard for the parcel of real property known as 3500 and 3550 S. Clark St (RPC #34-027-046) approval is granted and the parcel so described shall be used according to the approval requested by the application, subject to revised condition #79. [Clerk's note: as set forth in the document entitled "Addendum 4-24-10-B – SP#346" attached for the public record to these minutes.]

Revised Condition # 79:

79. The developer agrees that the project signs, including building identification, directional, retail, and rooftop signs, shall be consistent with the comprehensive sign plan titled, "Comprehensive Sign Plan Land Bay E-West" dated November 5, 2008, as approved by the County Board on November 15, 2008, and as revised and approved by the County Board on April 24, 2010.

Minor changes to the approved signs may be approved administratively by the Zoning Administrator. For the purposes of the preceding sentence, minor changes shall include only the following: (i) a minor adjustment in the location of the sign to meet field conditions (less than 1 foot in any direction); or (ii) either a minor change in the area of the sign (less than 5%) or the total sign area does not exceed 932 square feet. All other changes to the approved signs will require site plan approval or amendment.

Retail tenant signs shall be permitted for the new construction as follows:

- a. Minor modifications to this approval of signs shall be subject to review and approval by the Zoning Administrator prior to the issuance of all sign permits to determine that they are consistent with the purpose and intent of the approval.
- b. The retail tenant signs shall conform to the standards of Section 34 of the Zoning Ordinance, except to the extent those ordinance standards are modified by it, the adopted comprehensive sign plan titled, "Comprehensive Sign Plan Land Bay E-West" dated November 5, 2008, and as revised and approved by the County Board on April 24, 2010 and the following criteria, in which case the signs shall conform to the adopted comprehensive sign plan:
  - 1) For each space occupied by a tenant, the tenant is permitted up to three (3) retail signs along South Clark Street, which may consist of a combination of awning, facade, and blade signs. The retail space on the corner of South Clark Street and South 35th Street (as labeled on the plan) is permitted flexibility in moving some of the signs approved for that space to the South 35th Street side of the building, so long as neither the height above average site elevation, nor the materials, nor the type of signs changes.

Additional retail tenant signs for the South Clark Street retail are permitted in the form of banners along Route 1, entrance window signs, or retail signs located in the interior plaza area between the two (2) buildings of Land Bay E-West, and along South Glebe Road, so long as the maximum total sign area does not exceed one (1) square foot per linear foot of the tenant's frontage, and so long as the number, general location, and size of signs are consistent with what is shown on the Comprehensive Sign Plan Land Bay E-West, dated November 5,2008, and revised and approved by the County Board on April 24, 2010.

The retailer along Route 1 is permitted either a facade sign on the north building of Land Bay E-West, as approved in the comprehensive sign plan, or the second of two (2) awning signs on the south building, but not both.

- 2) The applicant agrees that the banners will be limited to seven (7) retail banners, and five (5) decorative banners, with a total of twelve (12) total banners. Eleven (11) of those banners will be placed along Route 1, and one (1) retail banner will be placed on South 35th Street, as depicted on the Comprehensive Sign Plan Land Bay E-West, dated November 5,2008. The applicant agrees that the number of retail banners permitted on Land Bay E-West is limited to seven (7), and that the number of decorative banners is five (5), and that at no time will additional retail or decorative banners be approved for Land Bay E-West.
  - 3) The colors and materials of retail tenant signs shall harmonize with and complement the exterior materials and design of the individual retail storefronts and be consistently treated so as to present a unified design approach for the individual retail unit.
  - 4) Retail signs shall be illuminated only during the hours of operation of the corresponding retail establishment.
  - 5) Maintenance of the banners shall be the sole responsibility of the applicant. The banners shall be maintained in good condition.
- c. The developer agrees that the twelve (12), twenty-one square foot (21' sq. ft.) decorative and retail banner signs located along U.S. Route 1 and South 35th Street, and the freestanding directory sign located along South Clark Street in the internal plaza area, have been approved in order to encourage economic development of new retail areas, and that they will be reviewed in ten (10) years to determine if the banner signs and freestanding signs should be permitted after November 2018, when the retail area is established. The developer agrees that such a review may include a determination that the banner signs and freestanding signs shall be permanently removed at that time, and the developer agrees to remove the signs within twenty-one days after such a determination.
  - d. The applicant agrees that the two (2) major tenant rooftop signs shall not be illuminated between the hours of 12:00 a.m. and 5:00 a.m., seven days per week. The applicant agrees that the two (2) major tenant rooftop signs will include dimmable lighting that will allow the applicant to adjust the rooftop sign's lighting intensity by

50%. The applicant further agrees that if the County Manager finds that the intensity of the rooftop sign's lighting has an adverse effect on the surrounding area, the applicant will, within 24 hours notice from the County Manager, reduce the intensity of the lights to a level that, in the county Manager's reasonable judgment, will no longer have such an adverse effect.

Approved comprehensive sign plan condition for the Potomac Yard PDSP:

46. The developer agrees to develop and submit a comprehensive sign plan and that all exterior signs except the two freestanding signs approved by the County Board on October 18, 2008, and the banner signs above 35', but placed no higher than 47' above finished grade, approved on November 15, 2008 for Land Bay E West, shall be consistent with the guidelines contained in the *Sign Guidelines for Site Plan Buildings* and with Section 34 of the Zoning Ordinance. The Zoning Administrator shall determine whether the signs meet the standards of the guidelines and the Ordinance. No sign permits will be issued until a comprehensive sign plan is approved. The comprehensive sign plan shall be approved before the issuance of the first Certificate of Occupancy. All proposed rooftop signs, defined as all signs that are 35 feet or more above the ground, shall require a site plan approval or amendment.

[Board Report #2](#)

[Addendum 4-24-10-B – SP#346](#)

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- 3. SP #346 SITE PLAN AMENDMENT FOR A COMPREHENSIVE SIGN PLAN INCLUDING ROOFTOP SIGNS FOR POTOMAC YARD RENAISSANCE & RESIDENCE INN, ALSO KNOWN AS LAND BAY B, LOCATED AT 2800, 2850 POTOMAC AVENUE (RPC #34-027-066).**

On the consent agenda vote, after a duly advertised public hearing, the Board deferred consideration of the site plan amendment request for a comprehensive sign plan including rooftop signs to the May 22, 2010 County Board meeting.

[Board Report #3](#)

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- 4. SP #346 SITE PLAN AMENDMENT RENEWAL FOR LIVE ENTERTAINMENT AND DANCING AT MCGINTY'S PUBLIC HOUSE LOCATED AT 3650 S. GLEBE ROAD (THE ECLIPSE AT POTOMAC YARD, RPC: 34-027-322).**

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 #346 on file in the Office of the Zoning Administrator for an amendment to a special exception for a site plan renewal for live entertainment and Dancing at McGinty's Public House for the parcel of real property known as 3650 S. Glebe Road (The Eclipse at Potomac Yard, RPC: 34-027-322),

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 with a County Board review in three (3) years (April 2013).

[Board Report #4](#)

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**USE PERMITS REQUEST/REVIEWS/AMENDMENTS**

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**6. U-1671-65-3 USE PERMIT AMENDMENT FOR MODIFICATION OF CONDITION #8.E OF APPROVAL TO ALLOW OFF-HOUR CONSTRUCTION ACTIVITY; LOCATED AT 4763 OLD DOMINION DRIVE, 2807 N. GLEBE ROAD, AND 4655 26TH ST. N. (RPC# 03-065-001).**

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-1671-65-3 on file in the Office of the Zoning Administrator for a special exception for a use permit for modification of Condition #8.e. of approval to allow off-hour construction activity for the parcel of real property known as 4763 Old Dominion Drive, 2807 N. Glebe Road, and 4655 26th St. N. (RPC# 03-065-001), approval is granted and the parcel so described shall be used according to the use permit approval requested by the application, subject to the following modified condition:

Modified Condition:

- 8.e. The developer agrees that construction activity, except for construction worker arrival to the construction site and indoor construction activity, will commence no earlier than 7 a.m. and end by 6:30 p.m. on weekdays and will commence no earlier than 10 a.m. and end by 6:30 p.m. on Saturdays, Sundays, and holidays. "Holidays" are defined as New Year's Day, Martin Luther King Day, Presidents' Day, Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans' Day, Thanksgiving, and Christmas. Construction activity related to the installation of the pedestrian bridge over Yorktown Boulevard may be allowed between the hours of 10 pm and 5 am for the duration of said construction. Indoor construction activity defined as activity occurring entirely within a structure fully enclosed on all sides by installed exterior walls, windows, and/or doors shall end at midnight each day, and any such activity that occurs after 6:30 p.m. shall not annoy or disturb reasonable persons of normal sensitivities. The developer agrees to place a minimum of one sign per street front around the construction site, indicating the permissible hours of construction, to place one additional sign within the construction trailer containing the same information, to provide a written copy of the permissible hours of construction to all subcontractors, and to require its subcontractors to observe such hours.

[Board Report #6](#)

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**7. U-3085-04-3 USE PERMIT RENEWAL FOR A NURSERY SCHOOL FOR ST. CHARLES CATHOLIC CHURCH AND SCHOOL LOCATED AT 3299 N. FAIRFAX DR., 3304 WASHINGTON BLVD. (RPC #15-088-002, -003, -004).**

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-3085-04-3 on file in the Office of the Zoning Administrator for a special exception for a use permit renewal for a nursery school for St. Charles Catholic Church and School for the parcel of real property known as 3299 N. Fairfax Dr., 3304 Washington Blvd. (RPC #15-088-002, -003, -004), approval is granted and the parcel so described shall be used according to the use permit approval requested by the application, subject to all previous conditions, and with a County Board review in three (3) years (April 2013):

[Board Report #7](#)

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**8. U-3092-04-2 USE PERMIT RENEWAL TO RENEW AN EXISTING USE PERMIT FOR CHILDREN'S TUMBLING, FITNESS, AND ACTIVITY CENTER; LOCATED IN THE LEE-HARRISON SHOPPING CENTER, 2425, 2499, 2503, 2509 NORTH HARRISON STREET. (RPC #02-073-084).**

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-3092-04-2 on file in the Office of the Zoning Administrator for a special exception for a use permit renewal for a children's tumbling, fitness and activity center in the Lee-Harrison Shopping Center for the parcel of real property known as 2425, 2499, 2503, 2509 North Harrison Street. (RPC #02-073-084), approval is granted and the parcel so described shall be used according to the use permit approval requested by the application, subject to all previous conditions and with County Board review in three and one-half (3 1/2) years (October 2013).

[Board Report #8](#)

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**9. U-3113-04-3 USE PERMIT RENEWAL TO RENEW AN EXISTING USE PERMIT FOR A MARTIAL ARTS STUDIO; LOCATED IN THE LEE-HARRISON SHOPPING CENTER, 2425, 2499, 2503, 2509 NORTH HARRISON STREET. (RPC #02-073-084).**

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-3113-04-3 on file in the Office of the Zoning Administrator for a special exception for a use permit renewal for a martial arts studio in the Lee-Harrison Shopping Center for the parcel of real property known as 2425, 2499, 2503, 2509 North Harrison Street. (RPC #02-073-084), approval is granted and the parcel so described shall be used according to the use permit approval requested by the application, subject to all previous conditions and with County Board review in three and one-half (3 1/2) years (October 2013).

[Board Report #9](#)

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**10. U-3151-06-1 USE PERMIT RENEWAL FOR A FAMILY DAY CARE LOCATED AT 5204 NORTH CARLIN SPRINGS ROAD (RPC #13-051-010).**

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-3151-06-1 on file in the Office of the Zoning Administrator for a special exception for a use permit renewal for family day care for the parcel of real property known as 5204 North Carlin Springs Road (RPC #13-051-010), approval is granted and the parcel so described shall be used according to the use permit approval requested by the application, subject to all previous conditions, with a review by the County Board in five (5) years (April 2015).

[Board Report #10](#)

[Board Report #10-Supplemental](#)

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**11. U-3184-07-1 USE PERMIT RENEWAL FOR A DRIVE-THROUGH FOR A BANK LOCATED AT 5510 LEE HIGHWAY (RPC #10-001-007).**

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-3184-07-1 on file in the Office of the Zoning Administrator for a special exception for a use permit renewal for a drive-through for a bank for the parcel of real property known as 5510 Lee Highway (RPC #10-001-007), approval is granted and the parcel so described shall be used according to the use permit approval requested by the application, with an administrative review, October 2010, and no further scheduled County Board review.

[Board Report #11](#)

[Board Report #11-Supplemental](#)

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

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

BE IT ORDAINED that, pursuant to application U-3202-08-2 on file in the Office of the Zoning Administrator for a special exception for a use permit renewal for telecommunications facility, antennas and ground equipment for the parcel of real property known as 2305 S. Walter Reed Drive (RPC #29-002-029), approval is granted and the parcel so described shall be used according to the use permit approval requested by the application, subject to all previous conditions and with an administrative review in one (1) year (April 2011) and no further County Board review.

[Board Report #12](#)

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**13. U-3218-09-1 USE PERMIT RENEWAL FOR A FAMILY DAY CARE HOME LOCATED AT 1201 SOUTH COLUMBUS STREET (RPC #28-030-062).**

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-3218-09-1 on file in the Office of the Zoning Administrator for a special exception for a use permit renewal for a family day care home for the parcel of real property known as 1201 South Columbus Street (RPC #28-030-062), 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 of the staff report, and with a County Board review in three (3) years (April 2013).

[Board Report #13](#)

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

**14. CENTRAL PLACE**

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

1. Enacted the vacations amendment and reenactment of an ordinance to vacate: A) two portions of an easement for public sidewalk purposes: 1) One portion running south from the shared property line with RPC No.16038002 parallel to North Lynn Street toward its intersection with Wilson Boulevard; and 2) Another portion located in the southwestern corner of RPC No.16038001, near the intersection of Wilson Boulevard and North Moore Street; and B) Two portions of an easement for public street and utilities purposes: 1) one portion running south from the shared property line with RPC No.16038002, parallel to North Lynn Street, toward its intersection with Wilson Boulevard; and 2) another portion located in the southwestern corner of RPC No.16038001, near the intersection of Wilson Boulevard and N. Moore Street; both easements located on a parcel known as 1213 Wilson Boulevard, Rosslyn (RPC No. 16038001), with conditions. [Clerk's note: as set forth in the document entitled "Addendum 4-24-10-C-Central Place Vacations" attached for the public record to these minutes.]
2. Enact the attached amendment and reenactment of an ordinance to vacate: A) one portion running north to south, parallel to N. Lynn Street; and B) another portion running north to south, parallel to N. Moore Street; of a permanent right-of-way and easement for public street and utilities purposes on a parcel known as 1801 N. Moore Street, Rosslyn (RPC No. 16038005), with conditions, to be hereinafter entitled, an ordinance to vacate: a) one portion running north to south, parallel to North Lynn Street; and B) another portion running north to south, parallel to N. Moore Street; of a permanent right-of-way and easement for public street and utilities purposes on parcels known as Parcels O and R, Central Place (RPC Nos. 16038014 and 16038015), with conditions. [Clerk's note: as set forth in the document entitled "Addendum 4-24-10-C-Central Place Vacations" attached for the public record to these minutes.]
3. Authorize the Real Estate Bureau Chief, Engineering and Capital Projects Division, Department of Environmental Services, to execute, on behalf of the County Board, all Deeds of Vacation and other documents necessary to effectuate the Ordinances of Vacation set forth in Attachments 1 and 2 hereto, subject to approval as to form by the County Attorney. [Clerk's note: as set forth in the

document entitled "Addendum 4-24-10-C-Central Place Vacations" attached for the public record to these minutes.]

[Board Report #14.A.](#)

[Addendum 4-24-10-C-Central Place Vacations](#)

- B. On the consent agenda vote, after a duly advertised public hearing, the Board took the following actions:
1. Enacted the amendment and reenactment of an ordinance to permit the encroachment of a portion of a below grade electrical vault into the County right-of-way of North Moore Street, abutting the western boundary of the parcel known as 1213 Wilson Boulevard, Rosslyn (RPC No. 16038001), with conditions. [Clerk's note: as set forth in the document entitled "Addendum 4-24-10-C-Central Place Vacations" attached for the public record to these minutes.]
  2. Enacted the amendment and reenactment of an ordinance to permit the encroachment of: A) below grade parking garage and mechanical room structure; and B) an above grade parking structure, both into the County Right-of-Way of North Lynn Street; both abutting the eastern boundary of the parcel known as 1213 Wilson Boulevard, Rosslyn (RPC #16038001), with conditions. [Clerk's note: as set forth in the document entitled "Addendum 4-24-10-C-Central Place Vacations" attached for the public record to these minutes.]

[Board Report #14.B.](#)

[Addendum 4-24-10-C-Central Place Vacations](#)

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**15. AMENDMENT AND REENACTMENT OF AN ORDINANCE TO VACATE A 5' WATER DISTRIBUTION EASEMENT AND A PORTION OF A 5' SANITARY SEWER EASEMENT, ON BUCKINGHAM SECTION NINE, SAID EASEMENTS RUNNING GENERALLY ALONG THE WESTERLY SIDE OF THE PROPERTY AT 4406 HENDERSON ROAD, SOUTHWARD AND EASTWARD TOWARDS NORTH PERSHING DRIVE, (RPC #20024004), WITH CONDITIONS, ENACTED ON JUNE 9, 2007, TO BE HEREAFTER ENTITLED AN "ORDINANCE TO VACATE A 5' WATER DISTRIBUTION EASEMENT AND A PORTION OF A 5' SANITARY SEWER EASEMENT ON PARCEL A (RPC #20024240), AND ON PARCEL D (RPC #20024243), BUCKINGHAM COMMONS VILLAGE 1, ARLINGTON, VIRGINIA, WITH CONDITIONS."**

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

1. Enacted the ordinance to amend and re-enact an "ordinance to vacate a 5' water distribution easement and a portion of a 5' sanitary sewer easement, on Buckingham Section Nine, said easements running generally along the westerly side of the property at 4406 Henderson Road, southward and eastward towards North Pershing Drive, RPC #20024004, with Conditions," Enacted on June 9, 2007, to be hereafter entitled an "ordinance to vacate a 5' water distribution easement and a portion of a 5' sanitary sewer easement on Parcel A (RPC #20024240) and on Parcel D (RPC #20024243), Buckingham Commons Village 1, Arlington, Virginia, with conditions." [Clerk's note: as set forth in the document entitled "Addendum 4-24-10- D- Buckingham Vacation" attached for the public record to these minutes.]
2. Authorize the Real Estate Bureau Chief, Engineering and Capital Projects Division, Department of Environmental Services, or his designee, to execute, on behalf of the County Board, the deed(s) of

vacation, and to accept on behalf of the County Board all dedications required by conditions of the ordinance, subject to approval as to form by the County Attorney.

[Board Report #15](#)

[Addendum 4-24-10- D- Buckingham Vacation](#)

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**16. APPROVAL AND ACCEPTANCE OF DEEDS OF EASEMENT ("DEEDS") FOR RELOCATION OF WATER METERS ASSOCIATED WITH A DEPARTMENT OF ENVIRONMENTAL SERVICES STORM DRAINAGE PROJECT ("PROJECT") ON PROPERTIES LOCATED AT 3914 17TH STREET NORTH (RPC 06024012) AND 3910 17TH ST. N. (RPC 06024013).**

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

1. Approved the Deed of Easement from Cathy L. Berlow, Trustee, to the County Board of Arlington County, Virginia, for a permanent easement for water meter purposes on a portion of the property located at 3914 17th Street North, RPC 06024012; and
2. Approved the Deed of Easement from Steven J. Schamberger and Jill W. Schamberger to the County Board of Arlington County, Virginia, for a permanent easement for water meter purposes on a portion of the property located at 3910 17th Street North, RPC 06024013.
3. Authorized the Real Estate Bureau Chief, Engineer and Capital Projects Division, Department of Environmental Services, or his designee, to accept on behalf of the County Board, the deeds of easement attached (to the staff report) hereto as Attachments 1 and 2, for permanent easements on portions of the properties located at 3914 17th Street North and 3910 17th Street North, subject to approval as to form by the County Attorney. [Clerk's note: as set forth in the document entitled "Addendum 4-24-10-E – Water Meters" attached for the public record to these minutes.]

[Board Report #16](#)

[Addendum 4-24-10-E – Water Meters](#)

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**17. APPROVAL OF A DEED OF TEMPORARY EASEMENT AND CONSTRUCTION AGREEMENT FOR A DEPARTMENT OF ENVIRONMENTAL SERVICES PROJECT ON THE PROPERTY LOCATED AT 3401 N. GEORGE MASON DRIVE, RPC # 02019010.**

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

1. Approve the Deed of Temporary Easement and Construction Agreement between Dwight H. O'Donnell and Rosalie A. O'Donnell, husband and wife (the "Owner"), and the County Board of Arlington County, Virginia, for the acquisition of additional temporary easement on a portion of the property located at 3401 North George Mason Drive (the "Property"), RPC # 02019010.
2. Authorized the Real Estate Bureau Chief, or his designee, to accept, on behalf of the County Board, a Deed of Temporary Easement and Construction Agreement, attached hereto as Exhibit 1, for the

acquisition of additional temporary easement on a portion of the property known as 3401 North George Mason Drive, subject to approval as to form of all documents by the County Attorney. .  
[Clerk's note: as set forth in the document entitled "Addendum 4-24-10-F – Easement at N. George Mason Drive" attached for the public record to these minutes.]

[Board Report #17](#)

[Addendum 4-24-10-F – Easement at N. George Mason Drive](#)

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**18. APPROVAL OF FIRST EXTENSION TO A DEED OF LEASE, BETWEEN CESC SQUARE L.L.C., LANDLORD, AND THE COUNTY BOARD OF ARLINGTON COUNTY, VIRGINIA, TENANT, FOR A PERIOD OF ONE YEAR, FOR THE BRAC TRANSITION OFFICE AT 1638 B CRYSTAL SQUARE ARCADE, ARLINGTON, VA (RPC NUMBER 34020249).**

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

1. Approved the First Extension of a Deed of Lease, between CESC Square L.L.C., Landlord, and the County Board of Arlington County, Virginia, Tenant, for a period of one year, for the first extended term, for the BRAC Transition Office at 1638 B Crystal Square Arcade, Arlington, VA (RPC Number 34020249).
2. Authorize the Real Estate Bureau Chief, or his designee, to execute and deliver to the Landlord on behalf of the County Board, a Renewal Option Notice, for a period of one year, for the first extended term, for the BRAC Transition Office to Deed of Lease dated August 23, 2007, between CESC Square L.L.C., and The County Board of Arlington County, Virginia, and to execute all related documents, subject to approval as to form by the County Attorney.

[Board Report #18](#)

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**ORDINANCES, PLANS AND POLICIES**

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**19. PROPOSED LOCAL DESIGNATION AND HISTORIC DISTRICT ZONING OVERLAY OF THE WASHINGTON/TORREYSON FARM HOUSE, LOCATED AT 1600 N. LEXINGTON ST. (RPC # 10-026-029).**

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

1. Adopt ordinance Z-2548-10-1 approving the local designation and historic district zoning overlay of the Washington/Torreyson Farm House.
2. Approve the Design Guidelines for a Certificate of Appropriateness and an Administrative Certificate of Appropriateness for the Washington/Torreyson Farm House Historic District. [Clerk's note: as set

forth in the document entitled "Addendum 4-24-10-G – Washington-Torreyson Farm House" attached for the public record to these minutes.]

[Board Report #19](#)

[Addendum 4-24-10-G – Washington-Torreyson Farm House](#)

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**20. AMENDMENTS TO THE COUNTY'S MOTOR VEHICLE CODE, CHAPTER 14.2, ARTICLE 1 OF THE ARLINGTON COUNTY CODE.**

On the consent agenda vote, after a duly advertised public hearing, the Board adopted the amendments to the County's Motor Vehicle Code, Chapter 14.2, Article 1 of the Arlington County Code to establish parking meter fees for tour buses and fines for parking inappropriately in tour bus zones. [Clerk's note: as set forth in the document entitled "Addendum 4-24-10- H – Motor Vehicle Code Amendments" attached for the public record to these minutes.]

[Board Report #20](#)

[Addendum 4-24-10- H – Motor Vehicle Code Amendments](#)

**APPROPRIATIONS, GRANT APPLICATIONS & OTHER CONTRACTS**

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**25. AUTHORIZATION AND APPROPRIATION OF AN FY 2009 STATE HOMELAND SECURITY PROGRAM (SHSP) GRANT AWARD.**

On the consent agenda vote, after a duly advertised public hearing, the Board authorized the County Manager to accept \$285,000 in non-competitive grant funds from the Virginia Department of Emergency Management (VDEM). and appropriate \$285,000 in grant funds from the Virginia Department of Emergency Management to the Police Department for costs associated with the purchase of equipment related to this grant.

[Board Report #25](#)

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**26. RESOLUTION ENDORSING THE FY 2010 LOCAL PLAN-DEPARTMENT OF JUVENILE JUSTICE (DJJ) VIRGINIA JUVENILE COMMUNITY CRIME CONTROL ACT FUNDS (VJCCCA)**

On the consent agenda vote, after a duly advertised public hearing, the Board approved the following resolution endorsing the VJCCCA FY 2010 Local Expenditure Plan for the Juvenile & Domestic Relations District Court.

RESOLUTION ENDORSING  
Arlington County's Juvenile and Domestic Relations District Court's

Plan of Program Services for Fiscal Year 2010

WHEREAS, the Virginia General Assembly enacted the Virginia Juvenile Community Crime Control Act to replace the Block Grant system of funding; and

WHEREAS, Arlington County has participated in implementation of the Virginia Juvenile Community Crime Control Act since FY 1995; and

WHEREAS, localities wishing to continue to receive funding for Juvenile and Domestic Relation's District Court's programs are required to develop and submit a local plan; and

WHEREAS, the Arlington County Board has developed a local plan in the adopted budget for FY 2010,

NOW, THEREFORE, BE IT RESOLVED by the County Board of Arlington County, Virginia, that the County Board will participate in implementation of the Virginia Juvenile Community Crime Control Act and accept funds appropriate for the purposes set forth in the Act until it notifies the Virginia Department of Juvenile Justice, in writing, that it no longer wishes to participate, and

BE IT FURTHER RESOLVED that the Arlington County Manager is hereby authorized to execute a local plan on behalf of the County Board of Arlington County.

[Board Report #26](#)

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**28. AMERICAN RECOVERY AND REINVESTMENT ACT (ARRA) IMMUNIZATION FUNDING.**

On the consent agenda vote, after a duly advertised public hearing, the Board appropriated \$54,782 in Virginia Department of Health ARRA immunization funds in FY 2010 to the Department of Human Services' Immunization Program.

[Board Report #28](#)

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**29. APPROPRIATION OF OFFICE OF ECONOMIC ADJUSTMENT (OEA) GRANT FUNDS.**

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

1. Accepted a grant award from the Department of Defense Office of Economic Adjustment and appropriated \$274,322 to the Arlington Economic Development operating expenses.
2. Re-authorized 2.0 FTEs (Full time, grant funded) positions

[Board Report #29](#)

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**30. NATIONAL ASSOCIATION OF COUNTY AND CITY HEALTH OFFICIALS (NACCHO) GRANT FOR MEDICAL RESERVE CORPS (MRC).**

On the consent agenda vote, after a duly advertised public hearing, the Board appropriated \$5,000 in NACCHO funds to the Department of Human Services in FY 2010 for MRC items.

[Board Report #30](#)

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**REQUESTS TO ADVERTISE**

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**32. REQUEST TO ADVERTISE "ON THE COUNTY BOARD'S OWN MOTION" PUBLIC HEARINGS FOR CONSIDERATION OF SITE PLAN #414, A SITE PLAN FOR A MEDICAL OR DENTAL OFFICE, WITH MODIFICATIONS OF USE REGULATIONS FOR SETBACKS, PARKING, AND SIGNS ON PREMISES KNOWN AS 6011 WILSON BLVD. (RPC# 12-024-013).**

On the consent agenda vote, after a duly advertised public hearing, the Board adopted the following resolution authorizing advertisement of public hearings by the Planning Commission on May 10, 2010, and by the County Board on May 22, 2010, to consider a site plan for SP #414, a site plan for a medical or dental office, with modifications of use regulations for setbacks, parking, and signs on premises known as 6011 Wilson Blvd. (RPC# 12-024-013).

**RESOLUTION TO AUTHORIZE ADVERTISEMENT OF PUBLIC HEARINGS AT THE MAY 10, 2010 PLANNING COMMISSION MEETING AND THE MAY 22, 2010 COUNTY BOARD MEETING:**

*Whereas, an application for a site plan pursuant to Arlington County Zoning Ordinance Section 9.A.2.b. has been filed by Dominion Hills Centre, L.L.C; and*

*Whereas, because little new construction will be needed, and there are limited issues associated with this use on this site; and*

*Whereas, because the scope of the remaining outstanding issues is limited, this site plan does not require the 120-day minimum review cycle stated in Administrative Regulation 4.1.*

*Therefore, The County Board of Arlington County hereby resolves that public hearings should be advertised on the County Board's own motion to be heard at the May 10, 2010 Planning Commission meeting and the May 22, 2010 County Board meeting to consider the following:*

*A site plan for SP #414 for a medical or dental office with modifications of use regulations for setbacks, parking, and signs on premises known as 6011 Wilson Blvd. (RPC# 12-024-013).*

[Board Report #32](#)

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**34. REQUEST TO ADVERTISE PUBLIC HEARINGS ON A PROPOSED ZONING ORDINANCE AMENDMENT TO SECTION 5 "R-20" ONE-FAMILY DWELLING DISTRICTS TO ENABLE THE COUNTY BOARD TO APPROVE BY USE PERMIT ONE (1) BUILDING OF UP TO 55 FEET IN HEIGHT ON A SITE OF 100 ACRES OR MORE.**

On the consent agenda vote, after a duly advertised public hearing, the Board adopted the following resolution to authorize advertisement of public hearings by the Planning Commission on June 1, 2010, and the County Board on June 12, 2010, on the ordinance to amend, reenact, and recodify the provisions in Section 5 of the Arlington County Zoning Ordinance.

**RESOLUTION TO AUTHORIZE THE ADVERTISEMENT OF PUBLIC HEARINGS TO CONSIDER THE PROPOSED AMENDMENT TO SECTION 5 OF THE ARLINGTON COUNTY ZONING ORDINANCE AT THE JUNE 1, 2010, PLANNING COMMISSION AND THE JUNE 12, 2010, COUNTY BOARD MEETINGS TO ALLOW ONE (1) BUILDING A HEIGHT OF UP TO 55 FEET ON LOTS OF 100 ACRES OR MORE SUBJECT TO USE PERMIT APPROVAL; AND IN ORDER TO FACILITATE THE CREATION OF A CONVENIENT, ATTRACTIVE AND HARMONIOUS COMMUNITY; TO FACILITATE ECONOMIC DEVELOPMENT; AND FOR OTHER REASONS REQUIRED BY THE PUBLIC NECESSITY, CONVENIENCE AND GENERAL WELFARE AND GOOD ZONING PRACTICE.**

The County Board of Arlington County hereby resolves to authorize advertisement of the following amendments to Section 5 of the Arlington County Zoning Ordinance for public hearings at the June 1, 2010, Planning Commission and the June 12, 2010, County Board meetings. The amendment would amend, reenact and recodify the Zoning Ordinance provisions in order to allow one (1) building a height of up to 55 feet on lots of 100 acres or more subject to use permit approval; and in order to facilitate the creation of a convenient, attractive and harmonious community; to encourage economic development; and for other reasons required by the public necessity, convenience and general welfare and good zoning practice:

\* \* \*

**SECTION 5. "R-20" ONE-FAMILY DWELLING DISTRICTS**

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**B. Height Limit.**

No building nor the enlargement or any building shall be hereafter erected to exceed thirty-five (35) feet. Provided, however, that the County Board may, on lots of 100 acres or more, by use

permit approval in accordance with Section 36.G, approve an increase in the height of one main building to 55 feet. Notwithstanding the provisions of subsection 31.B. of this ordinance, when a use permit is approved with such a height increase, the County Board may approve non-occupiable architectural features such as cupolas, flagpoles and chimneys that are no more than 15 feet in height above the height of the main building. Height increases allowed under this subsection 35.B may only be approved where the main building is set back a minimum of 150 feet from all lot lines and public rights-of-way.

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[Board Report #34](#)

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**OTHER**

**36. MINUTES.**

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

|                    |  |
|--------------------|--|
| June 16, 2009      | Closed Meeting                                     |
| September 26, 2009 | Regular Meeting                                    |
| October 6, 2009    | Special Meeting for Consideration of Sale of Bonds |
| December 12, 2009  | Regular Meeting                                    |
| December 15, 2009  | Recessed Meeting                                   |
| December 22, 2009  | Closed Meeting                                     |

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**REGULAR HEARING ITEMS**

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**37. APPROVAL OF THE FISCAL YEAR 2011 BUDGET (PUBLIC HEARINGS FOR THESE ITEMS HAVE CONCLUDED.)**

A. [Adopt the Fiscal Year \(FY\) 2011 County Budget and Appropriations Resolution](#)

After a duly advertised public hearing at which there were speakers, on a 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 took the following actions:

1. Adopted the FY 2011 County Board Resolution. [Clerk's note: as set forth in the document entitled "Addendum 4-24-10- I – FY 2011 Budget and Appropriations Resolutions" attached for the public record to these minutes.]
2. Adopted the FY 2011 County Appropriations Resolution. [Clerk's note: as set forth in the document entitled "Addendum 4-24-10- I – FY 2011 Budget and Appropriations Resolutions" attached for the public record to these minutes.]
3. Allocated \$2,389,649 to fund balance to increase the County's General Fund Operating Reserve to 3.5% from 3.25%
4. Authorized the County Manager to negotiate and sign grant agreements with non-profits that result from FY 2011 budget appropriations, with the approval of the County Attorney.

[Board Report #37.A.](#)

[Addendum 4-24-10- I – FY 2011 Budget and Appropriations Resolutions](#)

B. [Adopt the CY 2010 real estate tax rate and the commercial real estate tax rate.](#)

After a duly advertised public hearing at which there were speakers, on a 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 took the following actions:

1. Adopted a Calendar Year (CY) 2010 real estate tax rate of \$0.945 per \$100 of assessed value using the following resolution.
2. Ratified the commercial real estate tax for transportation initiatives at the existing rate of \$.125 per \$100 using the following resolution.

**RESOLUTION FIXING COUNTY REAL ESTATE LEVY**

**BE IT RESOLVED AND ORDERED** by the County Board of Arlington County, Virginia, that there is hereby levied for the tax year (CY) 2010, a tax of \$0.945 per one hundred dollars of assessed valuation of all taxable real estate located in this County for County and School purposes. The levy hereby ordered is also applicable to real estate of the public service corporations based upon the assessment thereof by Arlington County, the State Corporation Commission, and the State Department of Taxation, and duly certified.

**IT IS FURTHER ORDERED** that such taxes, when and if appropriated by the County Board of this County, shall be used to defray the County and School charges and expenses and all necessary charges incident to or arising from the execution of the lawful authority of the County Board of Arlington, and

**IT IS FURTHER ORDERED** that such taxes for County and School purposes appropriated or unappropriated and unused to defray County and School charges and expenses shall return to the General Fund of the County to be used to defray County and School charges and expenses and all necessary charges incident to or arising from the execution of the lawful authority of the County Board of Arlington County for the next fiscal year.

**IT IS FURTHER ORDERED** that the real estate tax on properties used for or zoned to permit

commercial and industrial purposes codified in § 20-6(c) of the Arlington County Code be maintained at the existing rate \$.125 per one hundred dollars of assessed value.

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[Board Report #37 B](#)

- C. [Adopt the personal property tax rate and the allocation method of the State's vehicle tax relief provided to Arlington County.](#)

After a duly advertised public hearing at which there were speakers, on a motion by Jay Fiset, Chairman, seconded by J. Walter Tejada, Member and carried by a vote of 5 to 0, the voting recorded as follows: Jay Fiset, Chairman – Aye, Christopher Zimmerman, Vice Chairman – Aye, Barbara A. Favola, Member - Aye, Mary Hynes, Member - Aye, J. Walter Tejada, Member - Aye, the Board took the following actions:

1. Adopted a Calendar Year 2010 personal property tax rate of \$5.00 per \$100 of assessed value using the following resolution \$0.945 per \$100 of assessed value for public service corporations.

**RESOLUTION FIXING COUNTY PERSONAL PROPERTY LEVY**

**IT IS HEREBY RESOLVED AND ORDERED** by the County Board of Arlington County, Virginia, as follows:

1. That there be levied for the year 2010 a tax of \$5.00 per one hundred dollars of assessed valuation on all taxable tangible personal property as defined in Sections 58.1-3500, 58.1-3501, 58.1-3502, 58.1-3503, 58.1-3506 and on machinery and tools as defined by Section 58.1-3507 of the Code of Virginia, except as otherwise provided in this paragraph. Without any limitation on the foregoing provisions, such property shall be considered to include all automobiles and trucks of public service corporations based upon the duly certified assessment thereof by the State Corporation Commission. Excluded from the levy of this paragraph (1) are the following:

- (a) All other personal property of public service corporations;
- (b) All classes of household goods and personal effects as classified by Section 58.1-3504 of the Code of Virginia; and
- (c) Manufactured homes as defined in Section 36-85.3 of the Code of Virginia.

2. That pursuant to Section 58.1-3506.A.10. there be levied for the calendar year 2010 a tax of \$0.945 per one hundred dollars of assessed valuation on all manufactured homes as defined in Section 36-85.3 of the Code of Virginia and pursuant to Section 58.1-2606 on all other tangible personal property of public service corporations based upon the duly certified assessment of the State Corporation Commission.

**IT IS FURTHER ORDERED** hereby that such taxes are levied for County and School purposes, and, when and if appropriated by the County Board of this County, shall be used to defray the County and School charges and expenses and all necessary

charges incident to or arising from the execution of the lawful authority of the County Board of Arlington; and

**IT IS FURTHER ORDERED** that such taxes for County purposes appropriated or unappropriated and unused to defray County and School charges and expenses shall return to the General Fund of the County to be used to defray County charges and expenses on all necessary charges incident to or arising from the execution of the lawful authority of the County Board of Arlington County for the next fiscal year.

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2. Adopted the following Calendar Year 2010 resolution fixing the methodology that shall be utilized in distributing the State's fixed block grant, including additional relief provided to qualifying clean fuel vehicles of 80% of the tax bill between \$3,000 and \$20,000.

**RESOLUTION ALLOCATING STATE PERSONAL PROPERTY  
TAX RELIEF MONIES**

**IT IS HEREBY RESOLVED AND ORDERED** by the County Board of Arlington County, Virginia, as follows:

1. In accordance with the requirements set forth in Section 58.1-3524(c)(2) and Section 58.1-3912(E) of the Code of Virginia, as amended by Chapter 1 of the Acts of Assembly (2004 Special Session 1) and as set forth in Item 503.E (Personal Property Tax Relief Program) of Chapter 951 of the 2005 Acts of Assembly any qualifying vehicle having situs within the County commencing January 1, 2010, shall receive personal property tax relief in the following manner:

- Qualifying vehicles shall receive 100% tax relief on the first \$3,000 of value, and the balance of relief then being equally distributed for each dollar of value up to \$20,000 in value. For any value of a qualifying vehicle in excess of \$20,000, there shall be no tax relief. The relief to be equally "distributed" shall mean the funds provided by the Commonwealth specifically for such tax relief.
- All other vehicles which do not meet the definition of "qualifying" will not be eligible for any form of tax relief under this program.
- Qualifying vehicles defined by the State's Department of Motor Vehicles as clean special fuel vehicles shall receive 100% tax relief on the first \$3,000 of value. These vehicles shall also receive 80% tax relief for each dollar of value between \$3,000 and \$20,000. For any value of a qualifying vehicle in excess of \$20,000, there shall be no tax relief.

2. In accordance with Item 503.0.1, the entitlement to personal property tax relief for qualifying vehicles for tax year 2005 and all prior tax years shall expire on September 1, 2006. Supplemental assessments for tax years 2005 and prior that are made on or after September 1, 2006 shall be deemed "non-qualifying" for purposes of state tax relief and the local share due from the taxpayer shall represent 100% of the tax assessable.

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[Board Report #37 C](#)

On a motion by Jay Fiset, Chairman, seconded by Christopher Zimmerman, Vice Chairman and carried by a vote of 5 to 0, the voting recorded as follows: Jay Fiset, Chairman – Aye, Christopher Zimmerman, Vice Chairman – Aye, Barbara A. Favola, Member - Aye, Mary Hynes, Member - Aye, J. Walter Tejada, Member - Aye, the Board approved items 37 D-S in a block vote, excluding items #37 K and #37 N. Item #37 P was removed from the agenda.

D. [Adopt the 2nd Road North Service District tax rate as part of the real estate tax rate.](#)

On a block vote, after a duly advertised public hearing at which there were speakers, the Board adopted the calendar year tax the Calendar Year 2010 tax rate for the 2nd Road North Service District of \$0.153 that is in addition to the current real estate rate using the following resolution:

**RESOLUTION FIXING 2nd ROAD NORTH SERVICE DISTRICT TAX LEVY**

**BE IT RESOLVED AND ORDERED** by the County Board of Arlington County, Virginia, acting as the governing body of the 2nd Road North Service District, that there is hereby levied for the tax year (CY) 2010, a tax of \$0.153 per one hundred dollars of assessed valuation of all taxable real estate located in the 2nd Road North Service District.

**IT IS FURTHER ORDERED** that such taxes, when and if appropriated by the County Board acting as the governing body of the 2nd Road North Service District, shall be used to defray the Cost of the Project as incurred by the County during construction of the sanitary sewer line in 2nd Road North.

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[Board Report #37 D](#)

E. [Adopt the Rosslyn Business Improvement Service District \("Rosslyn BID"\) tax rate as part of the overall real estate tax rate.](#)

On a block vote, after a duly advertised public hearing at which there were speakers, the Board adopted the proposed Calendar Year (CY) 2010 tax rate for the Rosslyn Business Improvement Service District ("Rosslyn BID") of \$0.080 that is in addition to the current real estate rate, using the following resolution:

**RESOLUTION ESTABLISHING A 2010 TAX LEVY RATE FOR THE ROSSLYN BUSINESS IMPROVEMENT DISTRICT ("ROSSLYN BID")**

RESOLVED, that the County Board of Arlington County, acting as the governing body of the Rosslyn Business Improvement Service District ("Rosslyn BID"), does hereby establish a calendar year 2010 tax levy for the District in the amount of \$0.080 per one hundred dollars of

assessed value of all taxable real estate located within the boundaries of the Rosslyn Business Improvement Service District (“Rosslyn BID”), and;

BE IT FURTHER RESOLVED, that such taxes, when and if appropriated by the County Board, acting as the governing body of the Rosslyn Business Improvement Service District (“Rosslyn BID”), shall be used solely to fund the Budget and Work Program of the District as adopted by the County Board for the purposes of the District.

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[Board Report #37 E](#)

- F. [Adopt the Crystal City Business Improvement District \("Crystal City BID"\) tax rate as part of the overall real estate tax rate.](#)

On a block vote, after a duly advertised public hearing at which there were speakers, the Board adopted the proposed Calendar Year (CY) 2010 tax rate for the Crystal City Business Improvement Service District (“Crystal City BID”) of \$0.043, which is in addition to the current real estate rate, using the following resolution.

**RESOLUTION ESTABLISHING A 2010 TAX LEVY RATE FOR THE CRYSTAL CITY BUSINESS IMPROVEMENT DISTRICT (“CRYSTAL CITY BID”)**

RESOLVED, that the County Board of Arlington County, acting as the governing body of the Crystal City Business Improvement Service District (“Crystal City BID”), does hereby establish a calendar year 2010 tax levy for the District in the amount of \$0.043 per one hundred dollars of assessed value of all taxable real estate located within the boundaries of the Crystal City Business Improvement Service District (“Crystal City BID”), and;

BE IT FURTHER RESOLVED, that such taxes, when and if appropriated by the County Board, acting as the governing body of the Crystal City Business Improvement Service District (“Crystal City BID”), shall be used solely to fund the Budget and Work Program of the District as adopted by the County Board for the purposes of the District.

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[Board Report #37 F](#)

- G. [Adopt the proposed amendments to the Utilities Ordinance related to water/sewer rates.](#)

On a block vote, after a duly advertised public hearing at which there were speakers, the Board adopted the following proposed amendments to Chapter 26, Article I (Utilities Ordinance) of the County Code to increase the water rate by \$0.08, from \$3.42 to \$3.50 per thousand gallons, and the sewer rate by \$0.46, from \$7.78 to \$8.24

per thousand gallons, to be effective May 1, 2010.

**AN ORDINANCE TO AMEND, REENACT, AND RECODIFY CHAPTER 26, ARTICLE I, SECTION 26-7, OF THE ARLINGTON COUNTY CODE, RELATING TO AN INCREASE IN THE WATER/SEWER RATES AND FEES EFFECTIVE MAY 1,2010.**

**BE IT ORDAINED** that Chapter 26, Article I of the Arlington County Code is amended, reenacted, and recodified as follows, effective May 1,2010.

**Chapter 26**

**UTILITIES**

**ARTICLE 1. IN GENERAL**

\* \* \*

**§ 26-7. Water/sewer rates and fees.**

**BASE:** The charge for water/sewer service shall be based on the consumption of water as reflected by periodic readings of water meters serving the property.

**RATES:** (a) The rate for properties which use both shall be ~~\$11.20~~ \$11.74 per thousand (1,000) gallons of water furnished. The rate for these services is set forth as follows:

- (1) Water Services ~~\$3.42~~ \$3.50 per one thousand (1,000) gallons of water furnished.
- (2) Sewer services - ~~\$7.78~~ \$8.24 per one thousand (1,000) gallons of water furnished.

(b) The rate for properties which are served by the County water system only shall be ~~\$3.42~~ \$3.50 per one thousand (1,000) gallons of water furnished.

(c) The rate for properties which are served by the County sewer system only shall be ~~\$7.78~~ \$8.24 per one thousand (1,000) gallons of water furnished based on the periodic water or sewer meter reading by the utility serving the property.

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The rates for water and sewer service become effective with water used on May 1, 2009 2010. The rates for the late charge and the water service activation/reactivation became effective July 1, 1992. The charges for drainage fixture unit inspections and fire flow tests became effective July 1, 2008.

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H. [Adopt the proposed amendments to the Utilities Ordinance related to the infrastructure availability fee \(IAF\).](#)

On a block vote, after a duly advertised public hearing at which there were speakers, the Board adopted the following proposed amendments to Chapter 26, Article I of the County Code (Utilities Ordinance – Attachment A of the staff report) to increase the Infrastructure Availability Fees for water service by \$3, from \$69 to \$72 per drainage fixture unit (DFU), and the IAF for sewer service by \$15, from \$95 to \$110 per DFU, to be effective July 1, 2010.

**AN ORDINANCE TO AMEND, REENACT, AND RECODIFY CHAPTER 26, ARTICLE I, SECTION 26-10, OF THE ARLINGTON COUNTY CODE, RELATING TO THE INFRASTRUCTURE AVAILABILITY FEE, EFFECTIVE JULY 1, 2010.**

**BE IT ORDAINED** that Chapter 26, Article I of the Arlington County Code is amended, reenacted, and re-codified as follows, effective July 1, 2010.

**Chapter 26**

**UTILITIES**

**ARTICLE 1. IN GENERAL**

\* \* \*

**§ 26-10. Infrastructure availability fees.**

(d) The infrastructure availability fee rate shall be one hundred ~~sixty-four~~ eighty-two dollars (~~\$164.00~~-\$182.00) per drainage fixture unit (DFU). For structures that are provided for water service only or sewer service only, the infrastructure availability fee shall be as follows:

Water Service only--~~\$69~~-72.00 per DFU

Sewer Service only--~~\$95~~-110.00 per DFU

\* \* \*

[Board Report #37 H](#)

I. [Adopt the FY 2011 household solid waste rate increase.](#)

On a block vote, after a duly advertised public hearing at which there were speakers, the Board adopted the amendment to Chapter 10, Article 1 (Refuse) of the Code of Arlington County, Virginia. The amendment, if approved, would increase the annual household solid waste rate from \$325.68 to \$344.24.

**AN ORDINANCE TO AMEND, REENACT, AND RECODIFY CHAPTER 10 (GARBAGE, REFUSE AND WEEDS) OF ARLINGTON COUNTY CODE RELATING TO INCREASE IN HOUSEHOLD SOLID WASTE RATE, EFFECTIVE JULY 1, 2010 BE IT ORDAINED** that Chapter 10, Article 1 of the Arlington County Code is amended, reenacted, and recodified as follows, effective July 1, 2010:

**Chapter 10**  
**Garbage, Refuse and Weeds**  
**Article I. Refuse**

\* \* \*

**10-8. Refuse collection and disposal charges; relief from such charges.**

(a) There is hereby imposed for each single-family residential dwelling and each unit of duplex residential dwelling an annual charge of ~~three hundred and twenty-five dollars and sixty-eight cents (\$325.68)~~ three hundred forty-four dollars and twenty-four cents (\$344.24) billed quarterly, beginning with the quarter of July 1, ~~2009~~ 2010, through September 30, ~~2009~~ 2010, for refuse collection and disposal and recycling by Arlington County.

\* \* \*

[Board Report #37 I](#)

- J. [An ordinance to adopt a schedule of zoning fees for Fiscal Year \(FY\) 2011 that would implement an inflationary increase of 1 percent over fees previously set forth in the Zoning Fee Schedule for FY 2010.](#)

On a block vote, after a duly advertised public hearing at which there were speakers, the Board adopted the ordinance to adopt a schedule of zoning fees for Fiscal Year 2011 that would implement a 1 percent inflationary increase over the Fiscal Year 2010 fees, in order to provide for efficient administration of the County's review process. [Clerk's note: as set forth in the document entitled "Addendum 4-24-10- J – FY 2011 Zoning Fee Schedule" attached for the public record to these minutes.]

[Board Report #37 J](#)

[Addendum 4-24-10- J – FY 2011 Zoning Fee Schedule](#)

- K. [Adopt the Department of Parks, Recreation and Cultural Resources' fees for Fiscal Year \(FY\) 2011.](#)
1. After a duly advertised public hearing at which there were speakers, on a motion by Jay Fiset, Chairman, seconded by Christopher Zimmerman, Vice Chairman and carried by a vote of 5 to 0, the voting recorded as follows: Jay Fiset, Chairman – Aye, Christopher Zimmerman, Vice Chairman – Aye, Barbara A. Favola, Member - Aye, Mary Hynes, Member - Aye, J. Walter Tejada, Member - Aye, the Board adopted the resolution setting the FY 2011 Department of Parks, Recreation and Cultural Resources (DPRCR) program fees. [Clerk's note: as set forth in the document entitled "Addendum 4-24-10- K – FY 2011 PRRCR Program Fees" attached for the public record to these minutes.]
  2. After a duly advertised public hearing at which there were speakers, on a motion by Mary Hynes, Member, seconded by Barbara A. Favola, Member and carried by a vote of 3 to 1, the voting recorded as follows: Jay Fiset, Chairman - Aye, Christopher Zimmerman, Vice Chairman - Abstain, Barbara A. Favola, Member - Aye, Mary Hynes, Member - Aye, J. Walter Tejada, Member - No, the Board adopted amendments to Attachment I of the resolution setting the FY 2011 Department of Parks, Recreation and Cultural Resources (DPRCR) program fees. [Clerk's note: as set forth in the document entitled "Addendum 4-24-10- K – FY 2011 PRRCR Program Fees" attached for the public record to these minutes.]
  3. After a duly advertised public hearing at which there were speakers, on a motion by Mary Hynes, Member, seconded by Barbara A. Favola, Member and carried by a vote of 4 to 1, the voting recorded as follows: Jay Fiset, Chairman – Aye, Christopher Zimmerman, Vice Chairman – Aye, Barbara A.

Favola, Member - Aye, Mary Hynes, Member - Aye, J. Walter Tejada, Member - No, the Board provided the following direction to the County Manager regarding user fees for affiliated youth sports leagues.

**Direction to the County Manager regarding Assessments for Affiliated Youth Sports Leagues**

The Manager and staff are directed to work with the Sports Commission, the Parks and Recreation Commission, the Affiliated Youth Sports Leagues, other stakeholder groups and interested parents over the next four months to develop fair, understandable processes and procedures to accomplish the following objectives:

**1. Recovery of 65% of the County's direct costs of supporting affiliate youth leagues and their exclusive use of County fields (\$130,000 in FY11)**

The Manager will create a list of direct costs to be used in calculating the field use fee. Each year, the costs will be updated and shared with the affiliated youth sports leagues as part of the budget process.

**2. A collaborative program with the Leagues of enhanced outreach to young people and their families**

If possible, the Commissions, Leagues and staff should involve the Arlington Public Schools in the discussion as well, since most young people can be reached through APS mechanisms. Special attention should be paid to schools/communities that have not participated in large numbers in the past and/or who have students from families of lesser means. Staff will develop performance measures related to outreach and participation from around the county for the Supplemental Fee program in the budget.

**3. Creation of a joint Leagues-County approach to providing scholarship support to young people who would have difficulty paying the fees associated with Youth Sports**

Working together, the Leagues and the County shall develop a shared system of providing scholarships that allows all young people who wish to participate in sports the financial means to do so. Performance measures related to the scholarship program will be included in the budget in the Supplemental Fee program.

**4. Funds collected from cost recovery of youth affiliated sports assessments shall be used in PAYGO for the upkeep and replacement of Arlington County's athletic fields or not in PAYGO for scholarships for youth sports as determined by the County Manager in consultation with the Board.**

[Board Report #37 K](#)

[Addendum 4-24-10- K – FY 2011 PRCR Program Fees](#)

- L. [Adoption of an increase in the Sanitary District tax to \\$0.013 per \\$100 of assessed real property value to pay for the full operating costs related to the existing Stormwater Management Program.](#)

On a block vote, after a duly advertised public hearing at which there were speakers, the Board adopted the following amendment to Chapter 26 of the Code of Arlington County, Virginia, to impose an increase to the Sanitary District tax rate of \$0.003 of assessed real property value. This will bring the Sanitary District tax rate to \$0.013 per \$100 of assessed real property value.

AN ORDINANCE TO AMEND CHAPTER 26 (UTILITIES) OF THE ARLINGTON COUNTY CODE RELATING TO ESTABLISHMENT OF A SANITARY DISTRICT TAX FOR THE PURPOSES OF FUNDING IMPROVEMENTS TO THE STORMWATER DRAINAGE SYSTEM, EFFECTIVE JANUARY 1, 2010,

BE IT ORDAINED that Chapter 26 of the Arlington County Code is amended as follows:

\*\*\*

§ 26-13. Sanitary District Tax

- (a) There is hereby imposed a sanitary district tax of \$0.010~~3~~ per one hundred dollars of assessed valuation of all taxable real estate not otherwise exempt from taxation located in the sanitary district for operating and capital expenses necessary to expand and upgrade the storm drainage (storm sewer) system. Such tax shall be effective as of January 1, ~~2008~~ 2010, and payable at the same time and in the same manner as real estate taxes are paid.
- (b) Any person assessed who fails to pay the tax installments on or before the respective payment date shall incur a penalty thereon often (10) percent or ten dollars (\$10.00), whichever shall be greater, but not to exceed the amount of the tax, which shall be added to the amount of taxes due from such person assessed.
- (c) Interest shall accrue on any amount past due at the same rate as real property taxes under section 27.3.1.
- (d) The Treasurer of Arlington County is authorized to collect any and all delinquent sanitary district taxes under this chapter.

BE IT FURTHER ORDAINED that the foregoing amendments shall be effective January 1, 2010.

[Board Report #37 L](#)

- M. [Adopt an ordinance to amend Section 14.2-7.1\(a\), Chapter 14.2, Division 1, Article I \(Motor Vehicles and Traffic\), of the Arlington County Code to increase the fines for certain parking and nonmoving violations, to be effective on July 1, 2010.](#)

On a block vote, after a duly advertised public hearing at which there were speakers, the Board adopted an ordinance to amend Section 14.2-7.1(a), Chapter 14.2, Division 1, Article I (Motor Vehicles and Traffic), of the Arlington County Code to increase the fines for certain parking and nonmoving violations, to be effective on July 1, 2010,

**AN ORDINANCE TO AMEND SECTION 14.2-7.1(a), CHAPTER 14.2, DIVISION 1, ARTICLE I (MOTOR VEHICLES AND TRAFFIC), OF THE ARLINGTON COUNTY CODE TO INCREASE THE FINES FOR CERTAIN PARKING AND NONMOVING VIOLATIONS, TO BE EFFECTIVE ON JULY 1, 2010.**

**I. BE IT ORDAINED** that Section 14.2-7.1(a), Chapter 14.2, Division 1, Article I (Motor Vehicles and Traffic), of the Arlington County Code is amended to read in pertinent part, as follows:

**§ 14.2-7.1 Fines for nonmoving violations.**

Each law enforcement officer or other employee charged with the duty of enforcing violations shall attach to each vehicle whose operator is in violation of sections 14.2-1, 14.2-2, 14.2-3, 14.2-3.1, 14.2-32, 14.2-33, 14.2-34, 14.2-38, 14.2-38.1, 14.2-40, 14.2-41, 14.2-42, 14.2-43, 14.2-44, 14.2-45, 14.2-85, 14.2-87, 14.2-96 and 14.2-106 of the County Code, a notice to the operator thereof that such vehicle has been parked in violation of one (1) or more of these sections.

(a) The fines to be paid prior to issuance of a warrant for violation of Arlington County parking ordinances, except as otherwise provided in section 14.2-7.1(b), shall be the following:

- (1) ~~Twenty-five dollars (\$25.00)~~ Thirty-five dollars (\$35.00) for exceeding the time limit on meter (sections 14.2-42, 14.2-43, 14.2-44, and 14.2-45);
- (2) ~~Forty dollars (\$40.00)~~ Fifty dollars (\$50.00) for parking in restricted zone (section 14.2-33 and 14.2-40); ~~forty dollars (\$40.00)~~ fifty dollars (\$50.00) for parking, without consent, on private property (section 14.2-3.2); and ~~fifty dollars (\$50.00)~~ sixty dollars (\$60.00) for unlawful parking on a weather emergency street (section 14.2-87);
- (3) ~~Forty dollars (\$40.00)~~ Fifty dollars (\$50.00) for not parking on the right side of two-way street (section 14.2-2 and Section 46.2-889 of the Code of Virginia);
- (4) ~~Forty dollars (\$40.00)~~ Fifty dollars (\$50.00) for parking on an interstate highway continuously for more than twenty-four (24) hours (section 14.2-2); ~~forty dollars (\$40.00)~~ fifty dollars (\$50.00) for leaving a motor vehicle unattended for a period of ten (10) days (section 14.2-3); and ~~forty dollars (\$40.00)~~ fifty dollars (\$50.00) for abandoned vehicle (section 14.2-3);
- (5) ~~Forty dollars (\$40.00)~~ Fifty dollars (\$50.00) for parking commercial vehicle in residential zone (section 14.2-33 and 14.2-34);
- (6) ~~Forty dollars (\$40.00)~~ Fifty dollars (\$50.00) for parking outside designated space (section 14.2-38);

- (7) ~~Forty dollars (\$40.00)~~ Fifty dollars (\$50.00) for parking within twenty (20) feet of corner (section 14.2-38);
- (8) ~~Forty dollars (\$40.00)~~ Fifty dollars (\$50.00) for parking with fifteen (15) feet of fire hydrant (section 14.2-38);
- (9) ~~Forty dollars (\$40.00)~~ Fifty dollars (\$50.00) for obstructing traffic, violating temporary “No Parking” zone, or creating a hazard (sections 14.2-2, 14.2-3, 14.2-32, 14.2-38, and 14.2-86, and Section 46.2-888 of the Code of Virginia);
- (10) ~~Forty dollars (\$40.00)~~ Fifty dollars (\$50.00) for leaving vehicle unattended with motor running (Section 46.2-1071 of the Code of Virginia);
- (11) ~~Forty dollars (\$40.00)~~ Fifty dollars (\$50.00) for failure to display valid Virginia license tags (section 14.2-2 and Section 46.2-715 of the Code of Virginia);
- (12) ~~Forty dollars (\$40.00)~~ Fifty dollars (\$50.00) for failure to display valid Arlington license tag (section 14.2-2);
- (13) ~~Forty dollars (\$40.00)~~ Fifty dollars (\$50.00) for failure to display any valid license tag (section 14.2-2);
- (14) ~~Forty dollars (\$40.00)~~ Fifty dollars (\$50.00) for failure to display valid Virginia inspection sticker (section 14.2-2);
- (15) ~~Forty dollars (\$40.00)~~ Fifty dollars (\$50.00) for parking in a fire lane (section 14.2-38);
- (16) ~~Forty dollars (\$40.00)~~ Fifty dollars (\$50.00) for double parking (section 14.2-38);
- (17) Five hundred dollars (\$500.00) for unlawful parking in a space restricted for use by disabled persons (section 14.2-38.1); and
- (18) ~~Forty dollars (\$40.00)~~ Fifty dollars (\$50.00) for parking in a residential restricted zone (Section 14.2-106);
- (19) ~~Forty dollars (\$40.00)~~ Fifty dollars (\$50.00) for any nonmoving violation for which a fine is not specifically provided elsewhere in this chapter;
- (20) ~~Forty dollars (\$40.00)~~ Fifty dollars (\$50.00) for parking or placing any automobile, truck, trailer or other vehicle upon or in any street, alley or parkway for the purpose of selling or offering the same for sale or rent.

\* \* \*

II. The remaining subsections of section 14.2-7.1 not amended hereby shall remain as previously enacted.

III. This ordinance shall be effective on July 1, 2010.

\* \* \*

[Board Report #37 M](#)

- N. [Adopt amendments to Chapter 14.2 \(Motor Vehicles & Traffic\) of the Arlington County Code, Section 14.2-73, to increase the fee on motor vehicle licenses from \\$25 to \\$33 per year.](#)

Board Member Barbara A. Favola read the following comments into the record:

*After much thought, I reached the conclusion that I must vote NO on increasing the decal fee from \$25 to \$33. To the anti-tax folks-- don't applaud just yet, my rejection is based more on the proposal to dedicate the \$1M raised by this increase for a specific purpose not necessarily on raising the fee itself.*

*Based on conversations with the Chair and my other colleagues, I believe it is the intent of the majority of the Board to dedicate, on an ongoing basis, the \$1M raised by this increase to the Pay Go account for "transportation with a priority on pedestrian and bicycle safety."*

*What this means exactly and how the \$1M will be apportioned was never discussed with me privately or more importantly publicly. In fact, the Bicycle Plan which is likely to guide the allocation of this earmark is not included in the current CIP. I am troubled that one of the largest earmarks in the County Board's budget mark did not merit a public conversation or even a work-session. FAAC and other citizen bodies were not asked to review this proposed earmark. I would have been very interested to hear the community's views on the tradeoffs this proposal represents.*

*We usually hold ourselves to a higher standard of transparency.*

*For those avid bicyclists and pedestrian, you may rest assured that I am not debating the value of pedestrian and bicycle safety. Designing travel ways that help to ensure the safety of pedestrians and bicyclists is a legitimate and important function of government. However, the funding of this important function must be considered in a broader fiscal context.*

*This is the tightest budget year that any CB member or senior staff person can remember. This is a time when core functions of government—police and fire, human services, parks and library hours and other Pay Go projects – more commonly referred to as maintenance and repair projects must compete for scarce dollars. Many legitimate and important functions of government were simply not funded this year. Other programs could not be restored even to a reduced FY 2010 level.*

*Consequently, I had to ask myself if this is the time to fund new projects—no matter how worthy they might be. I concluded that it is not. We are all very aware that funding the bicycle plan would be at the expense of other Pay Go programs such as facilities maintenance, field replacement, park repairs and technology.*

*Moreover, the proposed increase in the decal fee will bring Arlington to the statutory limit on this revenue source.*

*Finally, let us not forget that \$1M is 18% of \$5.4M—the amount raised through a penny increase on the real estate tax. This is not an insignificant amount under any scenario but I certainly do not think it is wise to encumber that much money at a time when fiscal uncertainty is still on the horizon and new demands on the budget will be forthcoming such as the \$2M needed to open and operate the Mary Marshall Assisted Living Facility to give just one example.*

*The one thing that gives me solace is the fact that each year is a new budget year and my colleagues have demonstrated, in the past, a willingness to make necessary adjustments that honor the community's values.*

*Barbara A. Favola*

After a duly advertised public hearing at which there were speakers, on a motion by Jay Fiset, Chairman, seconded by Christopher Zimmerman, Vice Chairman and carried by a vote of 3 to 2, the voting recorded as follows: Jay Fiset, Chairman - Aye, Christopher Zimmerman, Vice Chairman - Aye, J. Barbara A. Favola, Member - No, Mary Hynes, Member - No, Walter Tejada, Member - Aye, the Board adopted the following amendments to Chapter 14.2 (Motor Vehicles & Traffic) of the Arlington County Code, Section 14.2-73, as shown in Attachment I, allowing for a \$8 increase to the motor vehicle license fee from \$25 to \$33 per year.

**AN ORDINANCE TO AMEND CHAPTER 14.2 (MOTOR VEHICLES AND TRAFFIC)**

**OF THE ARLINGTON COUNTY CODE RELATING TO THE FEE CHARGED FOR MOTOR VEHICLE LICENSES**

**BE IT ORDAINED** that Chapter 14.2 of the Arlington County Code is amended as follows:

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**§ 14.2-73 Motor vehicle license fee.**

The motor vehicle license fee shall be the same as what is charged by the Commonwealth ~~twenty five dollars (\$25.00)~~ for all motor vehicles designed and used for the transportation of passengers as specified in Virginia Code Section 46.2-694 (A) (1--4),(9--11), as amended. However, this amount shall not exceed \$33. The fee shall be payable prior to the issuance of a license for the first year or any portion thereof, until such time as the initial license expires. Licenses shall thereafter be renewed annually as provided for in section 14.2-71. ~~There shall be a renewal fee twenty five dollars (\$25.00)~~ The renewal fee for subsequent licensing periods shall be the same amount as is charged for the initial license fee.

This section shall not apply to motor vehicle carriers which pay a privilege tax pursuant to section 11-70 of this Code.

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[Board Report #37 N](#)

- O. [Enact amendments to the Street Development and Construction Ordinance, Chapter 22 of the Code of Arlington County, Virginia concerning the creation of various new charges for engineering services associated with plan review and approval, and a new traffic engineering service fee, to become effective on July 1, 2010.](#)

On a block vote, after a duly advertised public hearing at which there were speakers, the Board enacted the Ordinance to amend, reenact, and recodify Chapter 22 (Street Development and Construction), Section 22-7 of the Code of Arlington County, Virginia concerning the creation of various new charges for engineering services associated with plan review and approval, and a new traffic engineering service fee, to become effective on July 1, 2010. [Clerk's note: as set forth in the document entitled "Addendum 4-24-10- L – Chapter 22" attached for the public record to these minutes.]

[Board Report #37.O.](#)

[Addendum 4-24-10- L – Chapter 22](#)

- P. [This item was removed. Adopt an increase to special event fee charges for sworn staff from \\$50 to \\$60 an hour. These fees are charges to groups and individuals holding events within Arlington County that require the assistance of County staff.](#)
- Q. [Adopt the ordinances \(attached to the staff report\) to 1\) amend, reenact and recodify Chapter 3, Building Code; Chapter 7, Electrical Code; and Chapter 18 Plumbing and Gas Codes of the Code of Arlington County, Virginia, to remove the building, plumbing electrical, gas, and elevator fee schedule from the County Code](#)

[and replace it with a reference to indicate that fees will be charged according to a schedule adopted by the County Board.](#)

On a block vote, after a duly advertised public hearing at which there were speakers, the Board adopted the ordinances to:

- 1) amend, reenact and recodify Chapter 3, Building Code; Chapter 7, Electrical Code; and Chapter 18, Plumbing and Gas Codes of the Code of Arlington County, Virginia, to remove the building, plumbing, electrical, gas, and elevator fee schedule from the County Code and replace it with a reference to indicate that fees will be charged according to a schedule adopted by the County Board. [Clerk's note: as set forth in the document entitled "Addendum 4-24-10- M – Building Codes" attached for the public record to these minutes.]
- 2) adopt a schedule of fees to replace the ordinance fee provisions. [Clerk's note: as set forth in the document entitled "Addendum 4-24-10- N – Building Code Fees" attached for the public record to these minutes.]

[Board Report #37.Q.](#)

[Addendum 4-24-10- M – Building Codes](#)

[Addendum 4-24-10- N – Building Code Fees](#)

R. [Adopt a Fiscal Year 2011 School Transfer Resolution.](#)

Mr. Zimmerman announced his declaration of personal interest pursuant to Section 2.2-3115.G in the School Transfer Resolution (Item #37.R). Mr. Zimmerman's daughter is employed by the Arlington County Public Schools; however, under the State and Local Government Conflicts of Interest Act, because he is a member of a group who are all affected by the School Transfer Resolution, he was able to participate in the discussions and votes concerning this transaction, and can do so fairly, objectively, and in the public interest.

Mr. Tejada announced his declaration of personal interest pursuant to Section 2.2-3115.G in the School Transfer Resolution (Item #37.R). Mr. Tejada's wife is employed by the Arlington County Public Schools; however, under the State and Local Government Conflicts of Interest Act, because he is a member of a group who are all affected by the School Transfer Resolution, he was able to participate in the discussions and votes concerning this transaction, and can do so fairly, objectively, and in the public interest.

On a block vote, after a duly advertised public hearing at which there were speakers, the Board adopted the following Fiscal Year (FY) 2011 School Transfer Resolution.

## **SCHOOLS TRANSFER RESOLUTION**

WHEREAS, single tax rates of real and personal property for Fiscal Year 2011 budget year have been established; and

WHEREAS, all receipts from these sources are to be deposited in the General Fund of the County together with other sources;

NOW THEREFORE, BE IT RESOLVED that in July 2010 and each subsequent month thereafter, until rescinded, the County Treasurer will transfer monies from the County General

Fund in amounts as required to the School Operating Fund, the Community Activities Fund, the School Comprehensive Services Act Fund, the School Debt Service Fund, the Cafeteria Fund and the School Capital Projects Fund, the total amount for the year not to exceed \$360,346,286; and

BE IT RESOLVED that transfer shall be made from the sum appropriated for School purposes in a sufficient amount, when added to the School balances, to cover warrant requirements.

NOW THEREFORE, BE IT FURTHER RESOLVED that the County Board authorizes the carryover of surplus School funds from Fiscal Year 2010 to Fiscal Year 2011 in order to provide financing for the Fiscal Year 2011 adopted School budget.

[Board Report #37.R.](#)

S. [Adoption of the Community Development \(CD\) Program for Fiscal Year \(FY\) 2011, including allocation of Affordable Housing Investment Fund \(AHIF\) Housing Services funds.](#)

On a block vote, after a duly advertised public hearing at which there were speakers, the Board took the following actions:

1. Approve the Community Development Program for FY 2011 as described in the Proposed Budget for FY 2011, (Section C, Pages 319-328), and additional allocation of \$125,915 in Community Development Block Grant (CDBG) funds as follows:  
\$66,472 to Housing Development Fund  
\$10,000 to Housing Services Outreach  
\$5,000 to NSA Small Grants  
\$37,230 to Employment & Training Programs, and  
\$7,213 to City of Falls Church Community Development Program. [Clerk's note: as set forth in the document entitled "Addendum 4-24-10- O- FY 2011 CD Program" attached for the public record to these minutes.]
2. Authorize the County Manager to execute contracts and documents (1) to make grants in FY 2011 as shown in Attachment 2, and (2) as may be required by U.S. Department of Housing and Urban Development, including Community Development Block Grant certifications, and (3) as may be required by Virginia State Department of Social Services and the U. S. Department of Health and Human Services (HHS). [Clerk's note: as set forth in the document entitled "Addendum 4-24-10- O – FY 2011 CD Program" attached for the public record to these minutes.]
3. Approve the allocation of revolving loan program income received annually by AHC, Inc. and Enterprise Development Group, as required by CDBG regulations.
4. Allocate \$15,000 from FY 2010 and \$100,000 from FY 2011 AHIF Housing Services funds to four programs: \$45,000 for the Housing Locator by Arlington Street People's Assistance Network (A-SPAN); \$20,000 for Friends of Guest House; \$30,000 for Financial Independence Literacy by Doorways and APAH; \$12,500 for Susan's Place by New Hope Housing; and \$7,500 for Foreclosure Prevention by Arlington Home Ownership Made Easier (AHOME).
5. Authorize the County Manager to execute the required documents to convey the AHIF grant of up to \$115,000 in total to: A-SPAN, Doorways, Friends of Guest House, AHOME, and New Hope Housing.

[Board Report #37.S.](#)

[Addendum 4-24-10- O – FY 2011 CD Program](#)

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**38. [SP #255 SITE PLAN AMENDMENT TO RENEW LIVE ENTERTAINMENT AND DANCING FOR TARA TEMPLE, LOCATED AT 4001 FAIRFAX DRIVE \(RPC #14-029-014\).](#)**

After a duly advertised public hearing at which there were speakers, on a motion by Christopher Zimmerman, Vice Chairman, seconded by J. Walter Tejada, Member and carried by a vote of 5 to 0, the voting recorded as follows: Jay Fisetto, Chairman - Aye, Christopher Zimmerman, Vice Chairman - Aye, J. Barbara A. Favola, Member - Aye, Mary Hynes, Member - Aye, Walter Tejada, Member - Aye, the Board voted to not renew the subject site plan amendment for live entertainment and dancing located at 4001 Fairfax Drive (Tara Temple).

On a substitute motion by Barbara A. Favola, Member, seconded by Mary Hynes, Member, and carried by a vote of 5 to 0, the voting recorded as follows: Jay Fisetto, Chairman - Aye, Christopher Zimmerman, Vice Chairman - Aye, J. Barbara A. Favola, Member - Aye, Mary Hynes, Member - Aye, Walter Tejada, Member - Aye, the Board deferred the item to the recessed meeting on April 27, 2010.

[Board Report #38](#)

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**39. [REQUEST TO ADVERTISE A PUBLIC HEARING FOR A COUNTY ORDINANCE RELATING TO REMOVAL OF SNOW FROM PUBLIC SIDEWALKS.](#)**

After a duly advertised public hearing at which there were speakers, on a motion by Christopher Zimmerman, Vice Chairman, seconded by J. Walter Tejada, Member and carried by a vote of 5 to 0, the voting recorded as follows: Jay Fisetto, Chairman - Aye, Christopher Zimmerman, Vice Chairman - Aye, J. Barbara A. Favola, Member - Aye, Mary Hynes, Member - Aye, Walter Tejada, Member - Aye, the Board authorized the advertisement of a public hearing to be held on June 12, 2010, to consider an ordinance to amend, reenact and recodify Chapter 27 (Miscellaneous Ordinances) of the Code of Arlington County, Virginia, relating to the removal of snow from public sidewalks, to become effective upon enactment. [Clerk's note: as set forth in the document entitled "Addendum 4-24-10- P – Snow Removal Ordinance" attached for the public record to these minutes.]

[Board Report #39](#)

[Addendum 4-24-10- P – Snow Removal Ordinance](#)

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**40. [AUTHORIZE THE COUNTY MANAGER TO APPROVE BONDS TO FINANCE THE UPGRADE AND EXPANSION OF THE WATER POLLUTION CONTROL PLANT \("WPCP"\) IDENTIFIED IN THE DEPARTMENT OF ENVIRONMENTAL SERVICES MASTER PLAN 2001 UPDATE \("MP01"\).](#)**

After a duly advertised public hearing 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: Jay Fisetto, Chairman - Aye, Christopher Zimmerman, Vice Chairman - Aye, J. Barbara A. Favola, Member - Aye, Mary Hynes, Member - Aye, Walter Tejada, Member - Aye, the Board took the following actions:

1. Approved the resolution authorizing the County Manager to approve long-term fixed rate bonds of up to \$35.0 million to finance the improvements identified in MP01. [Clerk's note: as set forth in the document entitled "Addendum 4-24-10- Q – WPCP Bonds" attached for the public record to these minutes.]
2. Appropriated up to \$35.0 million to be received from bonds to provide funding for MP01.
3. Authorized the County Manager and the Director of Management and Finance to negotiate any changes to the bond agreements that are to the benefit of the County with the approval of the County Attorney.

[Board Report #40](#)

[Addendum 4-24-10- Q – WPCP Bonds](#)

\* ADDITIONAL ITEMS

#### **ADJOURNMENT**

Without objection, at 12:59 p.m., the Board recessed until the April 27, 2010 Recessed Meeting.

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JAY FISSETTE, Chairman

ATTEST:

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HOPE L. HALLECK, Clerk  
Approved: September 25, 2010