

A Regular Meeting of the County Board of Arlington County, Virginia, held in Room 307 of 2100 Clarendon Boulevard thereof on Saturday, February 21, 2009 at 8:30 a.m.

PRESENT: BARABARA A. FAVOLA, Chairman
JAY FIESTTE, Vice Chairman
MARY HUGHES HYNES, Member
J. WALTER TEJADA, Member
CHRISTOPHER ZIMMERMAN, Member

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

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*** PUBLIC COMMENT**

Steve Young spoke about nature in Arlington and the invasive program.

Douglas Watson spoke about traffic calming and street lights.

Robert Atkins spoke about potholes and other issues in the Bluemont Civic Association.

Wayne Kabicki recognized Gus Vega who will be retiring from the Department of Management and Finance.

Jim Pebley spoke about building heights in Rosslyn and Crystal City.

Doug Ross, Chairman of the Aquatics Committee of the Sports Commission, spoke about swimming pools in Arlington.

Janet Nuzum spoke about the Gulf Branch Nature Center.

Jim Hurysz spoke about transportation issues.

Susan Philp, Chairman of the Commission on Aging, spoke about the upcoming Commission on Aging public hearing scheduled for March 16 at 9:00 a.m. at 3033 Wilson Boulevard, 7th Floor.

June O'Connell spoke about I-66 and expressed her appreciation for Mr. Zimmerman's work on the issue.

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*** CONSENT ITEMS (ITEMS 1-21) CITIZENS INTERESTED IN REMOVING AN ITEM FROM THE CONSENT AGENDA MUST SUBMIT A SPEAKER SLIP TO THE CLERK AT THE SATURDAY, FEBRUARY 21, 2009, MEETING BEFORE 9 A.M. PUBLIC TESTIMONY ON REMOVED ITEMS WILL OCCUR AT THE RECESSED MEETING ON TUESDAY, FEBRUARY 24, 2009, AT 6:30 P.M. (NO TESTIMONY TAKEN ON SATURDAY).**

On motion by CHRISTOPHER ZIMMERMAN, Member, seconded by JAY FIESTTE, Vice Chairman and carried by a vote of 5 to 0, the voting recorded as follows: BARABARA A. FAVOLA, Chairman - Aye, JAY FIESTTE, Vice Chairman - Aye, MARY HUGHES HYNES, Member - Aye, J. WALTER TEJADA, Member - Aye, CHRISTOPHER ZIMMERMAN, Member - Aye, the County Board approved all consent items except for items #15, #18, and #19 which were pulled from the consent agenda and scheduled for hearing at the February 24, 2009 County Board Recessed Meeting.

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SITE PLANS/AMENDMENTS/REVIEWS

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1. SP #219 SITE PLAN AMENDMENT: JACK CHESTER, ARGOSY UNIVERSITY, ROOF TOP SIGN; 1550 WILSON BLVD. (RPC #17-004-015, -016).

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

BE IT ORDAINED that, pursuant to application SP #219 on file in the Office of the Zoning Administrator for an amendment to a special exception for a site plan for one (1) rooftop sign for the parcel of real property known as 1550 Wilson Boulevard (Argosy University) (RPC #17-004-015, -016), approval is granted and the parcel so described shall be used according to the approval requested by the application, subject to all previously approved conditions, and the following amended condition #21:

- 21. All signs shall be part of a coordinated sign treatment and shall conform to the adopted "Sign Standards for Site Plan Buildings" and be approved by the County Manager or his designee.
 - a. The applicant agrees for the building at 1550 Wilson Boulevard to limit the rooftop signs to one (1) tenant identification sign, to be placed on the east façade at a height of sixty-nine feet (69') from the ground, consistent with the location and design as shown on the drawings submitted to the County from Royal Sign Co., Drawing #09-3245, and approved by the County Board on February 21, 2009. The total area of the one (1) rooftop sign shall not exceed 26 square feet.
 - b. The applicant agrees for the building at 1550 Wilson Boulevard, that the rooftop sign shall be illuminated only as shown on the plans from Royal Sign Co., Drawing #09-3245. The applicant agrees that the rooftop sign shall not be illuminated between the hours of Midnight and 6 a.m., seven days per week. 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.
 - c. Minor changes to the approved rooftop sign 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) a minor change in the area of the sign (less than 5%). All other changes to the approved rooftop signs will require site plan approval or amendment.

[Board Report #1](#)

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2. SP #350 SITE PLAN AMENDMENT: ALFREDO FRAGA, LIVE ENTERTAINMENT AND DANCING; 2001 N. 15TH ST. (RPC #17-012-022).

On the consent agenda vote, after a duly advertised public hearing, the Board deferred consideration of the subject site plan amendment to the March 14, 2009, County Board meeting.

[Board Report #2](#)

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USE PERMITS REQUEST/REVIEWS/AMENDMENTS

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3. U-2732-92-3 USE PERMIT REVIEW: LIVE ENTERTAINMENT; 1836 WILSON BLVD., (RHODESIDE GRILLE, RPC #17-011-023).

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-2732-92-3 on file in the Office of the Zoning Administrator for renewal of a special exception for a use permit for live entertainment for the parcel of real property known as 1836 Wilson Boulevard (Rhodeside Grill) (RPC #17-011-023), approval is granted and the parcel so described shall be used according to the use permit approval requested by the application, subject to all previously approved conditions with a County Board review in three (3) years (February 2012).

[Board Report #3](#)

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4. U-3124-05-1 USE PERMIT AMENDMENT: TOM KENNEY; MODIFICATION OF CONDITION #10 OF ORIGINAL USE PERMIT APPROVAL; 4357 AND 4359 LEE HIGHWAY, (RPC #07-001-017).

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

BE IT ORDAINED that, pursuant to application U-3124-05-1 on file in the Office of the Zoning Administrator for a special exception for a use permit to modify condition #10 of the original use permit approval for the parcel of real property known as 4357, 4359 Lee Highway (RPC #07-001-017), approval is granted and the parcel so described shall be used according to the use permit approval requested by the application, subject to all previously approved conditions, and the following one (1) modified condition #10:

- 10. The developer agrees that the final sidewalk pattern/design and final selection of materials and colors to be used shall be as determined by the County Manager or his designee on the final site development and landscape plan and final engineering plan. The developer further agrees to construct the sidewalk improvements detailed below within 60 days of written notice from the Department of Environmental Services. The sidewalks along the street frontages of this development shall be paved with poured concrete and shall be placed on a properly-engineered base approved as such by the Department of Environmental Services. The sidewalks shall contain street trees placed in either tree pits, tree grates or planting strips, consistent with the Standards for Planting and Preservation of Trees in Site Plan Projects, and as specified below. Placement, planting and root enhancement options shall be consistent with the Standards for Planting and Preservation of Trees in Site Plan Projects, and as specified below. Street trees shall not be placed within the vision obstruction area. All public walkways shall be constructed to County Standard. The sidewalk sections and street tree species for Lee Highway and North Thomas Street shall be as follows:
 - a. The developer agrees to construct a curb extension (parking lane nub) on the Lee Highway frontage, a minimum four-foot wide planting strip located adjacent to the back of curb and a minimum six-foot-wide concrete sidewalk as shown on the final engineering plan approved by the County Manager or his designee.
 - b. The developer agrees that all improvements to streets for pedestrians and/or vehicular access or circulation shall be in full compliance with the Americans with Disabilities Act and any regulations adopted thereunder.

[Board Report #4](#)

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5. U-3149-06-1 USE PERMIT REVIEW: ARLINGTON CINEMA, INC., LIVE ENTERTAINMENT; 2903, 2911 COLUMBIA PIKE (RPC #25-013-002).

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-3149-06-1 on file in the Office of the Zoning Administrator for renewal of a special exception for a use permit for restaurant live entertainment for the parcel of real property known as 2903, 2911 Columbia Pike (Arlington Cinema & Draffhouse) (RPC #25-013-002), approval is granted and the parcel so described shall be used according to the use permit approval requested by the application, subject to all previously approved conditions, with a County Board review in three (3) years (February 2012).

[Board Report #5](#)

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6. U-3192-08-2 USE PERMIT REVIEW: ARLINGTON FOREST UNITED METHODIST CHURCH, PRE-

SCHOOL PROGRAM FOR UP TO 100 STUDENTS; 4701 ARLINGTON BLVD. (RPC #20-025-001).

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-3192-08-2 on file in the Office of the Zoning Administrator for renewal of a special exception for a use permit for a private preschool for up to 65 children for the parcel of real property known as 4701 Arlington Boulevard (RPC #20-025-001), approval is granted and the parcel so described shall be used according to the use permit approval requested by the application, subject to all previously approved conditions, with a County Board review in three (3) years (February 2012).

[Board Report #6](#)

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7. U-3193-08-1 USE PERMIT REVIEW: COMBAT SPORTS INTERNATIONAL, INC., MARTIAL ARTS ACADEMY; 2407, 2411 WILSON BLVD. (RPC #15-060-002).

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-3193-08-1 on file in the Office of the Zoning Administrator for renewal of a special exception for a use permit for a martial arts academy for the parcel of real property known as 2407, 2411 Wilson Boulevard (RPC #15-060-002), approval is granted and the parcel so described shall be used according to the use permit approval requested by the application, subject to all previously approved conditions, with a County Board review in three (3) years (February 2012).

[Board Report #7](#)

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8. U-3207-08-1 USE PERMIT APPLICATION: GULSHAN K. AND HARPAL S. PHOUL, FOR BED AND BREAKFAST, LOCATED AT 1407 N. GLEBE ROAD (RPC #07-042-006).

On the consent agenda vote, after a duly advertised public hearing, the Board deferred consideration of the subject use permit request to the September 26, 2009, County Board meeting.

[Board Report #8](#)

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9. THE APPLICATION FOR THIS ITEM WAS WITHDRAWN. U-3212-09-01 APPLICATION OF LIBERTY TAVERN FOR SPECIAL EXCEPTION USE PERMIT FOR OUTDOOR SEATING IN C-3 ZONING DISTRICT UNDER SECTION 31.A.11. PROPERTY IS APPROXIMATELY 5463 SQUARE FEET, LOCATED AT 3195 WILSON BOULEVARD, LEGALLY DESCRIBED AS LOT 155 AND PART OF LOT 154 CLARENDON AND IDENTIFIED AS RPC #15-075-004. APPLICABLE POLICIES: GENERAL LAND USE PLAN MEDIUM DENSITY MIXED USE.

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10. U-3213-09-1 USE PERMIT APPLICATION: RENU KUMAR; FAMILY DAYCARE HOME FOR 9 CHILDREN, LOCATED AT 1523 N. RANDOLPH STREET, (RPC #06-014-108).

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-3213-09-1 on file in the Office of the Zoning Administrator for a special exception for a use permit for a family day care home for nine (9) children for the parcel of real property known as 1523 N. Randolph Street (RPC #06-014-108), 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 conditions, and with a County Board review in one (1) year (February 2010):

1. The applicant agrees to meet the requirements of the Childcare Ordinance, Community Code Enforcement Office, Environmental Health Bureau and the Fire Marshal's Office, including securing the appropriate assembly permit prior to the issuance of a Certificate of Occupancy.
2. The applicant agrees that children shall be escorted by adults to and from the building at all times including during pickup and drop-off.
3. The applicant agrees that the hours of operation would be Mondays through Fridays from 8 a.m. to 6 p.m. for a maximum of nine (9) children.

[Board Report #10](#)

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VACATIONS, EASEMENTS, RIGHTS OF WAY, ENCROACHMENTS & LEASES

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- 11. FIRST AMENDMENT TO THE DEED OF LEASE BETWEEN THE COUNTY BOARD OF ARLINGTON COUNTY, VIRGINIA, LANDLORD, AND ARLINGTON VIRGINIA FEDERAL CREDIT UNION, TENANT, FOR SUITE 11, IN A BUILDING ON THE COUNTY'S REAL PROPERTY LOCATED AT 1435 NORTH COURTHOUSE ROAD, ARLINGTON, VA (RPC #17015006, 17015007, 17015008, 17015009 AND 17015010).**

On the consent agenda vote, after a duly advertised public hearing, the Board approved the First Amendment to the Deed of Lease, attached to the County Manager's January 16, 2009 report, between the County Board of Arlington County, Virginia, Landlord, and Arlington Virginia Federal Credit Union, Tenant, in Suite 11, in a Building on the County's real property located at 1435 North Courthouse Road, Arlington, VA (RPC #17015006, 17015007, 17015008, 17015009 and 17015010); and authorized the Real Estate Bureau Chief, or his designee, to execute, on behalf of the County Board, the First Amendment to the Deed of Lease and all related documents, subject to approval as to form by the County Attorney.

[Board Report #11](#)

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CAPITAL PROJECTS

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- 12. AWARD OF A CONTRACT FOR PROFESSIONAL ENGINEERING SERVICES FOR VARIOUS CURB GUTTER, SIDEWALK, STREETScape, BIKE TRAIL, STORM DRAINAGE, TRAFFIC ENGINEERING, WATER AND SANITARY SEWER PROJECTS AND TECHNICAL CONSULTATION, AS PER RFP 358-08.**

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

1. Approved the award of contract No. 358-08 to the following firms for professional engineering services for various curb, gutter, sidewalk, streetscape, bike trail, storm drainage, traffic engineering projects, and technical consultation for up to a three year period, each award in an amount not to exceed \$200,000.00 per project: Kimley-Horn and Associates, Inc.; Earth Tech, Inc; and STV Incorporated.
2. Approved the award of contract No. 358-08 to the following firms for professional engineering services for various water and sanitary sewer projects and technical consultation for up to a three year period, each award in an amount not to exceed \$200,000.00 per project: Whitman; Requardt and Associates (WRA); and Camp, Dresser, and McKee, Inc. (CDM).
3. Authorized the Purchasing Agent to execute the contract documents, subject to review by the County Attorney.

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13. AWARD OF A CONTRACT TO DOMINION VIRGINIA POWER FOR THE CONSTRUCTION OF AN ARLINGTON COUNTY GOVERNMENT AND ARLINGTON PUBLIC SCHOOLS FIBER OPTICS COMMUNICATION NETWORK FROM 16TH STREET AND KIRKWOOD TO LEE HIGHWAY CONTINUING ALONG LEE HIGHWAY TO 1850 N. MOORE STREET IN ROSSLYN, CONTRACT NO. 50-09.

On the consent agenda vote, the Board approved the award of Contract No. 50-09 to Dominion Virginia Power for construction of an Arlington County Government and Arlington Public Schools fiber optics communication network from 16th Street and Kirkwood, Lee Highway to 1850 N. Moore Street in Rosslyn, in the amount of \$392,082; authorized an allocation of \$39,208 as a contingency for change orders and increased quantities, for a total authorization of \$431,290; and authorized the Purchasing Agent to execute the contract documents, subject to review by the County Attorney.

[Board Report #13](#)

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14. AWARD OF A CONTRACT TO A&M CONCRETE CORPORATION FOR THE CONSTRUCTION OF OLD DOMINION DRIVE (ROUTE 309) ROADWAY AND STORM DRAIN IMPROVEMENTS- PHASE I, CONTRACT NO. 440-08.

On the consent agenda vote, the Board approved the award of Contract No. 440-08 to A&M Concrete Corporation for the construction of Old Dominion Drive (Route 309) roadway and storm drain improvements- Phase I in the amount of \$1,092,222; authorized an allocation of \$100,000 as a contingency for change orders and increased quantities, and \$50,000 in stipulated price items for a total authorization of \$1,242,222; and authorized the Purchasing Agent to execute the contract documents, subject to review by the County Attorney.

[Board Report #14](#)

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APPROPRIATIONS, GRANT APPLICATIONS & OTHER CONTRACTS

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15. FUNDING REQUEST FOR NEIGHBORHOOD CONSERVATION (NC) PROGRAM PROJECTS.

This item was removed from the consent agenda and will be heard at the February 24, 2009 County Board Recessed Meeting.

[Board Report #15](#)

[Board Report #15-Attachment 1](#)

[Board Report #15-Attachment 2](#)

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16. APPROPRIATION OF STATE FUNDS AND AUTHORIZATION OF STATE-FUNDED POSITIONS FOR THE DEPARTMENT OF HUMAN SERVICES.

On the consent agenda vote, the Board appropriated \$136,500 in FY 2009 from the Virginia Department of Mental Health, Mental Retardation and Substance Abuse Services (DMHMRSAS) (101.364501) to the Department of Human Services (DHS) (101.52139) for new positions to support ongoing post-magistrate booking project to divert persons with serious mental illness from the criminal justice system; and authorized 3.5 FTE permanent grant-funded positions in DHS to provide mental health case management, peer support and administrative assistance in accordance with state grant requirements.

[Board Report #16](#)

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17. APPROPRIATION OF FUNDS FROM TWO TRUST AND AGENCY ACCOUNTS, RECEIPTED LOAN REPAYMENTS, AND RECEIPTED CONDO NET PROCEEDS TO THE AFFORDABLE HOUSING INVESTMENT FUND (AHIF) ACCOUNT.

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

1. Appropriated \$4,600,000 from the Housing Reserve Fund (HRF) (799.359910) to the AHIF account (101.91102) for future use in affordable housing development projects.
2. Appropriated \$1,066,666 from the Rosslyn Fund (799.359910) to the AHIF account (101.91102) for future use in affordable housing development projects.
3. Appropriated \$1,013,203 from loan repayments received in FY09 (101.357000) to the AHIF account (101.91102) for future use in affordable housing development projects.
4. Appropriated \$3,773,698 from the sale of affordable housing units in the Monroe and Hawthorne properties received in FY09 (101.357000) to the AHIF account (101.91102) for future use in affordable housing development projects.

[Board Report #17](#)

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18. APPROVAL OF PROJECT AGREEMENTS BETWEEN THE COUNTY BOARD AND COMMONWEALTH OF VIRGINIA, DEPARTMENT OF RAIL AND PUBLIC TRANSPORTATION, FOR ARLINGTON COUNTY COMMUTER SERVICES PROGRAM GRANT CONTRACTS AND APPROPRIATION OF GRANT FUNDS FOR SUCH PURPOSES.

This item was removed from the consent agenda and will be heard at the February 24, 2009 County Board Recessed Meeting.

[Board Report #18](#)

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OTHER

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19. ESTABLISHMENT OF AN OTHER POST-EMPLOYMENT BENEFITS (OPEB) TRUST.

This item was removed from the consent agenda and will be heard at the February 24, 2009 County Board Recessed Meeting.

[Board Report #19](#)

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20. AUTHORIZATION FOR THE COUNTY MANAGER TO ENTER INTO RECIPROCAL AGREEMENTS WITH FEDERAL, STATE, AND LOCAL JURISDICTIONS AS WELL AS PRIVATE AND NON-PROFIT ORGANIZATIONS FOR EMERGENCY MANAGEMENT PURPOSES.

On the consent agenda vote, the Board authorized the County Manager or his designee to enter into reciprocal emergency management agreements to the extent provided for in Virginia Code Sections 15.2-1724, 15.2-1726 through 15.2-1729, and 44.146.19, through 44.146.20 and 44.146.27 and to ratify any such existing agreements.

[Board Report #20](#)

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21. MINUTES.

On the consent agenda vote, the Board approved the minutes from the August 19, 2008 Work Session; September 9, 2008 Closed Meeting; September 9, 2008 Work Session for Walking Town Meeting; September 12, 2008 Work Session; September 25, 2008 Closed Meeting; October 2, 2008 Closed Meeting; October 14, 2008 Closed Meeting; October 28, 2008 Closed Meeting; October 30, 2008 Closed Meeting; November 3, 2008 Closed Meeting; November 6, 2008 Closed Meeting; November 13, 2008 Closed Meeting; November 18, 2008 Recessed Meeting; December 2, 2008 Work Session; December 13, 2008 Regular Meeting; and January 1, 2009 Organizational Meeting.

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REGULAR HEARING ITEMS

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22. RECEIPT OF THE COUNTY MANAGER'S PROPOSED BUDGET AND REQUEST TO ADVERTISE FISCAL YEAR 2010 BUDGET ITEMS:

- A. Request to advertise the CY 2009 real estate tax rate, sanitary district tax rate, and the commercial real estate tax rate.

After a public hearing, at which the public spoke, JAY FIESTTE, Vice Chairman, made a motion, which was seconded by MARY HUGHES HYNES, Member, to advertise a Calendar Year (CY) 2009 real estate rate of an additional \$3.0 cents of assessed value for public hearing on March 26, 2009, using the following advertisement:

Arlington County
2100 Clarendon Boulevard
Arlington, Virginia 22201

NOTICE OF PROPOSED REAL PROPERTY TAX INCREASE

The County of Arlington, Virginia, proposes to increase property tax levies.

1. **Assessment Increase:** Total assessed value of real property, excluding additional assessments due to new construction or improvements to property, exceeds last year's total assessed value of real property by negative 0.6%.
2. **Lowered Rate Necessary to Offset Increased Assessment:** The tax rate which would levy the same amount of real estate tax as last year, when multiplied by the new total assessed value of real estate with the exclusions mentioned above, would be \$0.843 per \$100 of assessed value. This rate will be known as the "lowered tax rate."
3. **Effective Rate Increase:** The County of Arlington, Virginia proposes to adopt a tax rate of \$0.868 per \$100 of assessed value. The difference between the lowered tax rate and the proposed rate would be \$0.025 per \$100, or 2.9%. This difference will be known as the "effective tax rate increase."
Individual property taxes may, however, increase at a percentage greater than or less than the above percentage.
4. **Proposed Total Budget Increase:** Based on the proposed real property tax rate and changes in other revenues, the total budget of Arlington County will exceed last year's revised budget by negative 1.2%.
5. In addition to the base tax rate, the County proposes to maintain the sanitary district tax at the current rate of \$.01 per \$100 of assessed value. Revenue from this tax is dedicated for stormwater management purposes.
6. The County also proposes to maintain the real estate tax for properties used for or zoned

to permit commercial and industrial uses at the current rate of \$.125 per \$100. Revenue from this tax is dedicated for transportation initiatives.

A PUBLIC HEARING ON THE INCREASE WILL BE HELD ON MARCH 26, 2009, AT 7:00 P.M. OR AS SOON THEREAFTER AS POSSIBLE AT THE COUNTY BOARD ROOM, 2100 CLARENDON BLVD, ARLINGTON COUNTY, VIRGINIA. AFTER THE HEARING, THE COUNTY BOARD MAY ADOPT A TAX RATE LOWER THAN \$0.868 PER \$100 OF ASSESSED VALUE, BUT IT CANNOT ADOPT A HIGHER RATE.

A copy of the proposed resolution fixing the real estate tax rate for CY 2009 is on file and available for review in the Office of the Clerk to the County Board, Room 300, #1 Courthouse Plaza, 2100 Clarendon Boulevard, weekdays between the hours of 8:00 a.m. and 5:00 p.m.
Hope Halleck, Clerk to County Board

J. WALTER TEJADA, Member, then offered an amendment to the motion, to advertise a Calendar Year (CY) 2009 real estate rate of an additional \$3.5 cents of assessed value for public hearing on March 26, 2009. The motion was denied for lack of a second.

The original motion made by JAY FIESTTE, Vice Chairman, seconded by MARY HUGHES HYNES, Member, carried by a vote of 5 to 0, the voting record as follows: : BARABARA A. FAVOLA, Chairman - Aye, JAY FIESTTE, Vice Chairman - Aye, MARY HUGHES HYNES, Member - Aye, J. WALTER TEJADA, Member - Aye, CHRISTOPHER ZIMMERMAN, Member - Aye, the Board authorized advertisement of a Calendar Year (CY) 2009 real estate rate of an additional \$3.0 cents of assessed value for public hearing on March 26, 2009, using the following advertisement:

Arlington County
2100 Clarendon Boulevard
Arlington, Virginia 22201

NOTICE OF PROPOSED REAL PROPERTY TAX INCREASE

The County of Arlington, Virginia, proposes to increase property tax levies.

1. **Assessment Increase:** Total assessed value of real property, excluding additional assessments due to new construction or improvements to property, exceeds last year's total assessed value of real property by negative 0.6%.
2. **Lowered Rate Necessary to Offset Increased Assessment:** The tax rate which would levy the same amount of real estate tax as last year, when multiplied by the new total assessed value of real estate with the exclusions mentioned above, would be \$0.843 per \$100 of assessed value. This rate will be known as the "lowered tax rate."
7. **Effective Rate Increase:** The County of Arlington, Virginia proposes to adopt a tax rate of \$0.868 per \$100 of assessed value. The difference between the lowered tax rate and the proposed rate would be \$0.025 per \$100, or 2.9%. This difference will be known as the "effective tax rate increase."
Individual property taxes may, however, increase at a percentage greater than or less than the above percentage.
8. **Proposed Total Budget Increase:** Based on the proposed real property tax rate and changes in other revenues, the total budget of Arlington County will exceed last year's revised budget by negative 1.2%.
9. In addition to the base tax rate, the County proposes to maintain the sanitary district tax at the current rate of \$.01 per \$100 of assessed value. Revenue from this tax is dedicated for stormwater management purposes.
10. The County also proposes to maintain the real estate tax for properties used for or zoned to permit commercial and industrial uses at the current rate of \$.125 per \$100. Revenue from this tax is dedicated for transportation initiatives.

A PUBLIC HEARING ON THE INCREASE WILL BE HELD ON MARCH 26, 2009, AT 7:00 P.M. OR AS SOON THEREAFTER AS POSSIBLE AT THE COUNTY BOARD ROOM, 2100 CLARENDON BLVD, ARLINGTON COUNTY, VIRGINIA. AFTER THE HEARING, THE COUNTY BOARD MAY ADOPT A TAX RATE LOWER THAN \$0.868 PER \$100 OF ASSESSED VALUE, BUT IT CANNOT ADOPT A HIGHER RATE.

A copy of the proposed resolution fixing the real estate tax rate for CY 2009 is on file and available for review in the Office of the Clerk to the County Board, Room 300, #1 Courthouse Plaza, 2100 Clarendon Boulevard, weekdays between the hours of 8:00 a.m. and 5:00 p.m.
Hope Halleck, Clerk to County Board

On motion by CHRISTOPHER ZIMMERMAN, Member, seconded by J. WALTER TEJADA, Member and

carried by a vote of 5 to 0, the voting recorded as follows: BARABARA A. FAVOLA, Chairman - Aye, JAY FIESTTE, Vice Chairman - Aye, MARY HUGHES HYNES, Member - Aye, J. WALTER TEJADA, Member - Aye, CHRISTOPHER ZIMMERMAN, Member - Aye, the Board authorized the advertisement of the sanitary district tax rate for stormwater management at the current rate of \$0.01 per \$100 for public hearing on March 26, 2009, using the following advertisement; and authorized the advertisement of the commercial real estate tax for transportation initiatives at the current rate of \$0.125 per \$100 for public hearing on March 26, 2009, using the following advertisement:

Arlington County
2100 Clarendon Boulevard
Arlington, Virginia 22201

NOTICE OF PROPOSED REAL PROPERTY TAX INCREASE

The County of Arlington, Virginia, proposes to increase property tax levies.

1. **Assessment Increase:** Total assessed value of real property, excluding additional assessments due to new construction or improvements to property, exceeds last year's total assessed value of real property by negative 0.6%.
2. **Lowered Rate Necessary to Offset Increased Assessment:** The tax rate which would levy the same amount of real estate tax as last year, when multiplied by the new total assessed value of real estate with the exclusions mentioned above, would be \$0.843 per \$100 of assessed value. This rate will be known as the "lowered tax rate."
11. **Effective Rate Increase:** The County of Arlington, Virginia proposes to adopt a tax rate of \$0.868 per \$100 of assessed value. The difference between the lowered tax rate and the proposed rate would be \$0.025 per \$100, or 2.9%. This difference will be known as the "effective tax rate increase."
Individual property taxes may, however, increase at a percentage greater than or less than the above percentage.
12. **Proposed Total Budget Increase:** Based on the proposed real property tax rate and changes in other revenues, the total budget of Arlington County will exceed last year's revised budget by negative 1.2%.
13. In addition to the base tax rate, the County proposes to maintain the sanitary district tax at the current rate of \$.01 per \$100 of assessed value. Revenue from this tax is dedicated for stormwater management purposes.
14. The County also proposes to maintain the real estate tax for properties used for or zoned to permit commercial and industrial uses at the current rate of \$.125 per \$100. Revenue from this tax is dedicated for transportation initiatives.

A PUBLIC HEARING ON THE INCREASE WILL BE HELD ON MARCH 26, 2009, AT 7:00 P.M. OR AS SOON THEREAFTER AS POSSIBLE AT THE COUNTY BOARD ROOM, 2100 CLARENDON BLVD, ARLINGTON COUNTY, VIRGINIA. AFTER THE HEARING, THE COUNTY BOARD MAY ADOPT A TAX RATE LOWER THAN \$0.868 PER \$100 OF ASSESSED VALUE, BUT IT CANNOT ADOPT A HIGHER RATE.

A copy of the proposed resolution fixing the real estate tax rate for CY 2009 is on file and available for review in the Office of the Clerk to the County Board, Room 300, #1 Courthouse Plaza, 2100 Clarendon Boulevard, weekdays between the hours of 8:00 a.m. and 5:00 p.m.
Hope Halleck, Clerk to County Board

[Board Report #22A](#)

[Attachment 1 to Board Report #22A](#)

[Attachment 2 to Board Report #22A](#)

[Attachment 3 to Board Report #22A](#)

- B. Request to advertise personal property tax rate and the allocation method of the State's vehicle tax relief provided to Arlington County.

On motion by J. WALTER TEJADA, Member, seconded by BARABARA A. FAVOLA, Chairman and carried by a vote of 5 to 0, the voting recorded as follows: BARABARA A. FAVOLA, Chairman - Aye, JAY FIESTTE, Vice Chairman - Aye, MARY HUGHES HYNES, Member - Aye, J. WALTER TEJADA, Member -

Aye, CHRISTOPHER ZIMMERMAN, Member – Aye, after a public hearing, at which the public spoke, the Board authorized the advertisement of a public hearing on March 26, 2009, on the proposed Calendar Year 2009 personal property tax rate of \$5.00 per \$100 of assessed value, using the following resolution, and for public service corporations the real state tax rate as requested to be advertised in Item 22.A. of this agenda:

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 2009 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 2009 a tax as outlined in the prior agenda item (26.A) 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.

Hope Halleck, Clerk
Arlington County Board

[Board Report #22B](#)

[Attachment 3 to Board Report #22B](#)

[Attachment 4 to Board Report #22B](#)

C. Request to advertise the 2nd Road North Service District tax rate as part of the real estate tax rate.

On motion by CHRISTOPHER ZIMMERMAN, Member, seconded by MARY HUGHES HYNES, Member and carried by a vote of 5 to 0, the voting recorded as follows: BARABARA A. FAVOLA, Chairman - Aye, JAY FIESTTE, Vice Chairman - Aye, MARY HUGHES HYNES, Member - Aye, J. WALTER TEJADA, Member - Aye, CHRISTOPHER ZIMMERMAN, Member – Aye, after a public hearing, at which the public spoke, the Board authorized the advertisement of a public hearing on March 26, 2009, on the proposed Calendar Year 2009 tax rate for the 2nd Road North Service District of \$0.148 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) 2009, a tax of \$0.148 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.

Hope Halleck, Clerk
Arlington County Board

[Board Report #22C](#)

- D. Request to advertise the Rosslyn Business Improvement Service District ("Rosslyn BID") tax rate as part of the overall real estate tax rate.

On motion by CHRISTOPHER ZIMMERMAN, Member, seconded by MARY HUGHES HYNES, Member and carried by a vote of 5 to 0, the voting recorded as follows: BARABARA A. FAVOLA, Chairman - Aye, JAY FIESTTE, Vice Chairman - Aye, MARY HUGHES HYNES, Member - Aye, J. WALTER TEJADA, Member - Aye, CHRISTOPHER ZIMMERMAN, Member - Aye, after a public hearing, at which the public spoke, the Board authorized the advertisement of a public hearing on March 26, 2009, on the proposed Calendar Year 2009 tax rate for the Rosslyn Business Improvement Service District of \$0.080 that is in addition to the current real estate rate, using the following resolution:

RESOLUTION ESTABLISHING A 2009 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 2009 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.

Hope Halleck, Clerk
Arlington County Board

[Board Report #22D](#)

- E. Request to advertise the Crystal City Business Improvement Service District ("Crystal City BID") tax rate as part of the overall real estate tax rate.

On motion by CHRISTOPHER ZIMMERMAN, Member, seconded by MARY HUGHES HYNES, Member and carried by a vote of 5 to 0, the voting recorded as follows: BARABARA A. FAVOLA, Chairman - Aye, JAY FIESTTE, Vice Chairman - Aye, MARY HUGHES HYNES, Member - Aye, J. WALTER TEJADA, Member - Aye, CHRISTOPHER ZIMMERMAN, Member - Aye, after a public hearing, at which the public spoke, the Board authorized the advertisement of a public hearing on March 26, 2009, on the proposed Calendar Year 2009 tax rate for the Crystal City Business Improvement Service District of \$0.043 that is in addition to the current real estate rate, using the following resolution:

RESOLUTION ESTABLISHING A 2009 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 2009 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.

Hope Halleck, Clerk
Arlington County Board

[Board Report #22E](#)

- F. Request to advertise a proposed Fiscal Year 2010 water/sewer rate increase.

On motion by CHRISTOPHER ZIMMERMAN, Member, seconded by MARY HUGHES HYNES, Member and carried by a vote of 5 to 0, the voting recorded as follows: BARABARA A. FAVOLA, Chairman - Aye, JAY FIESTTE, Vice Chairman - Aye, MARY HUGHES HYNES, Member - Aye, J. WALTER TEJADA, Member - Aye, CHRISTOPHER ZIMMERMAN, Member - Aye, after a public hearing, at which the public spoke, the Board authorized the advertisement of a public hearing on March 26, 2009, on the proposed amendment to Chapter 26, Article 1 of the Arlington County Code (Utilities Ordinance) and proposed rate increases in the Water Sewer services, as shown in Attachment A of the County Manager's February 4, 2009 report. This proposed amendment would increase the water rate by no more than \$0.07, from \$3.35 to \$3.42 per thousand gallons and the sewer rate by no more than \$0.59, from \$7.19 to \$7.78 per thousand gallons.

[Board Report #22F](#)

- G. Request to advertise a proposed FY 2010 household solid waste rate increase.

On motion by CHRISTOPHER ZIMMERMAN, Member, seconded by BARBARA A. FAVOLA, Chairman and carried by a vote of 5 to 0, the voting recorded as follows: BARABARA A. FAVOLA, Chairman - Aye, JAY FIESTTE, Vice Chairman - Aye, MARY HUGHES HYNES, Member - Aye, J. WALTER TEJADA, Member - Aye, CHRISTOPHER ZIMMERMAN, Member - Aye, after a public hearing, at which the public spoke, the Board authorize the advertisement of a public hearing on March 26, 2009, on the proposed amendment to Chapter 10, Article 1 (Refuse) of the Code of Arlington County, Virginia, as shown in Attachment A of the County Manager's February 1, 2009 report. The amendment, if approved, would increase the annual household solid waste rate from \$306.56 to a maximum of \$325.68.

[Board Report #22G](#)

- H. Request to advertise proposed 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 \$24 to \$25 per year.

On motion by JAY FIESTTE, Vice Chairman, seconded by CHRISTOPHER ZIMMERMAN, Member and carried by a vote of 5 to 0, the voting recorded as follows: BARABARA A. FAVOLA, Chairman - Aye, JAY FIESTTE, Vice Chairman - Aye, MARY HUGHES HYNES, Member - Aye, J. WALTER TEJADA, Member - Aye, CHRISTOPHER ZIMMERMAN, Member - Aye, after a public hearing, at which the public spoke, the Board authorized the advertisement of a public hearing on March 26, 2009 on the proposed amendments to 14.2 (Motor Vehicles & Traffic) of the Arlington County Code, Section 14.2-73, as shown in Attachment I of the County Manager's February 1, 2009 report, allowing for a \$1 increase to the motor vehicle license fee from \$24 to \$25 per year.

[Board Report #22H](#)

- I. Request to advertise proposed amendments to Chapter 27 (Miscellaneous Ordinances) of the Arlington County Code, Section 27-3, to increase the interest rate on delinquent taxes and other debts owed to Arlington County to ten percent per year.

On motion by CHRISTOPHER ZIMMERMAN, Member, seconded by MARY HUGHES HYNES, Member and carried by a vote of 5 to 0, the voting recorded as follows: BARABARA A. FAVOLA, Chairman - Aye, JAY FIESTTE, Vice Chairman - Aye, MARY HUGHES HYNES, Member - Aye, J. WALTER TEJADA, Member - Aye, CHRISTOPHER ZIMMERMAN, Member - Aye, after a public hearing, at which the public spoke, the Board authorized the advertisement of a public hearing on March 26, 2009, on the proposed amendments to Chapter 27 (Miscellaneous Ordinances) of the Arlington County Code, Section 27-3, as shown in Attachment A of the County Manager's February 1, 2009 report, allowing for an increase in the interest rate on delinquent taxes and charges to ten percent per year.

[Board Report #22I](#)

- J. Request to advertise proposed revisions to the County Code to remove inconsistencies in Chapter 11 (Licenses), Chapter 32 (Bank Franchise Tax), Chapter 63 (Utility Tax) and Chapter 64 (Short Term Rental Tax) and to streamline the late filing penalty procedure for the local bank franchise tax to make it consistent with the late filing penalty procedure for the state bank franchise tax.

On motion by CHRISTOPHER ZIMMERMAN, Member, seconded by MARY HUGHES HYNES, Member and carried by a vote of 5 to 0, the voting recorded as follows: BARABARA A. FAVOLA, Chairman - Aye, JAY FIESTTE, Vice Chairman - Aye, MARY HUGHES HYNES, Member - Aye, J. WALTER TEJADA, Member - Aye, CHRISTOPHER ZIMMERMAN, Member - Aye, after a public hearing, at which the public spoke, the Board authorized the advertisement of a public hearing on March 26, 2009, on the proposed revisions to Chapters 11, 32, 63 and 64 of the County Code, as shown in Attachments A-D of the County Manager's February 1, 2009 report, to remove internal inconsistencies and/or erroneous references to the State Code; and authorized a public hearing on March 26, 2009, on proposed revisions to Chapter 32 of the County Code, as shown in Attachment B of the County Manager's February 1, 2009 report, to streamline the late filing penalty procedure for the local bank franchise tax.

[Board Report #22J](#)

- K. Request to advertise proposed revisions to the County Code to exempt businesses grossing less than \$10,000 per year and not owning significant business personal property from the requirement to file for a business license.

On motion by CHRISTOPHER ZIMMERMAN, Member, seconded by MARY HUGHES HYNES, Member and carried by a vote of 5 to 0, the voting recorded as follows: BARABARA A. FAVOLA, Chairman - Aye, JAY FIESTTE, Vice Chairman - Aye, MARY HUGHES HYNES, Member - Aye, J. WALTER TEJADA, Member - Aye, CHRISTOPHER ZIMMERMAN, Member - Aye, after a public hearing, at which the public spoke, the Board authorized the advertisement of a public hearing on March 26, 2009, on the proposed revisions to Chapter 11 of the County Code, as shown in Attachment A of the County Manager's February 1, 2009 report, to exempt businesses grossing less than \$10,000 per year and not owning significant business personal property from the requirement to file for a business license.

[Board Report #22K](#)

- L. Request to advertise a proposed amendment to §11-72 of the Arlington County Code (Lodging) to eliminate the current \$8,000 exemption from gross receipts for calculating the lodging license tax.

On motion by CHRISTOPHER ZIMMERMAN, Member, seconded by MARY HUGHES HYNES, Member and carried by a vote of 5 to 0, the voting recorded as follows: BARABARA A. FAVOLA, Chairman - Aye, JAY FIESTTE, Vice Chairman - Aye, MARY HUGHES HYNES, Member - Aye, J. WALTER TEJADA, Member - Aye, CHRISTOPHER ZIMMERMAN, Member - Aye, after a public hearing, at which the public spoke, the Board authorized the advertisement of a public hearing on March 26, 2009, on the proposed removal of the exemption of \$8,000 in gross revenues in calculating the amount of the lodging license tax found in Chapter 11-72 (Lodging) of the Arlington County Code, as shown in Attachment 1 of the County Manager's February 1, 2009 report.

[Board Report #22L](#)

M. Zoning Fees

1. Ratification and authorization of advertisement of public hearings on proposed amendments to Section 1. Definitions, Section 31. Special Provisions, Section 34. Nameplates, Signs, and Other Displays or Devices to Direct, Identify, and Inform and to Section 36. Administration and Procedures of the Arlington County Zoning Ordinance to remove the zoning fee schedule from the Zoning Ordinance and replace it with a reference to indicate that fees will be charged according to a schedule adopted by the County Board; and
2. Authorization of advertisement of public hearings on a proposed schedule of fees for Fiscal Year 2010 that would implement a 4.7% inflationary increase over Fiscal Year 2009 fees.

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

1. Adopt the resolution, as set forth in the document entitled "Addendum 2-21-09-A – Resolution Advertisement Proposed Amendments Sections 1, 31, 34 and 36" attached for the public record to these minutes, to ratify advertisement of public hearings on the proposed amendments to Sections 1, 31, 34 and 36 of the Arlington County Zoning Ordinance, placed on February 21, 2009, and February 24, 2009, as notification of public hearing by the Planning Commission on March 2, 2009, and to authorized advertisement of public hearings by the County Board on March 26, 2009, to consider amending, reenacting, and recodifying the Arlington County Zoning Ordinance provisions in Sections 31, 34 and 36 to remove the zoning fee schedule from the Zoning Ordinance and replace it with a reference to indicate that fees will be charged according to a schedule adopted by the County Board.
2. Adopted the resolution, as set forth in the document entitled "Addendum 2-21-09-B – Resolution Advertisement Proposed Zoning Fee Schedule" attached for the public record to these minutes, to authorize advertisement of public hearings by the County Board on March 26, 2009, on a schedule of zoning fees for Fiscal Year 2010 that would implement a 4.7% inflationary increase over the Fiscal Year 2009 fees, in order to provide for efficient administration of the County's review process, to encourage economic development, and to promote the health, safety, and general welfare of the public.

[Addendum 2-21-09-A – Resolution Advertisement Proposed Amendments Sections 1, 31, 34 and 36](#)

[Addendum 2-21-09-B – Resolution Advertisement Proposed Zoning Fee Schedule](#)

[Board Report #22M](#)

- N. Request to advertise an ordinance to 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: 1) increase the fees charged for construction and related permits to adjust for inflation; 2) reflect that fees for electrical inspections are charged to the County and the Arlington Public Schools; 3) change fees for building repair to .008 times the cost of repair and re-roofing to \$217 per 10,000 square feet; 4) clarify that interior demolitions are a flat fee; 5) remove the fee for parking lots; 6) eliminate requirements and fees for driveway permits and outdated maintenance inspections; 7) add fees for overtime inspections;

On motion by CHRISTOPHER ZIMMERMAN, Member, seconded by MARY HUGHES HYNES, Member and carried by a vote of 5 to 0, the voting recorded as follows: BARABARA A. FAVOLA, Chairman - Aye, JAY FIESTTE, Vice Chairman - Aye, MARY HUGHES HYNES, Member - Aye, J. WALTER TEJADA, Member - Aye, CHRISTOPHER ZIMMERMAN, Member – Aye, after a public hearing, at which the public spoke, the Board authorized the advertisement of a public hearing on March 26, 2009 for an Ordinance to 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, concerning the fees charged for construction and related permits, as shown in Attachment B of the County Manager's February 8, 2009 report.

[Board Report #22N](#)

- O. Request to advertise a public hearing for a proposed increase in mulch delivery fees and establish a new fee for spring yard waste and brush deliveries to the Earth Products Recycling Yard.

On motion by CHRISTOPHER ZIMMERMAN, Member, seconded by MARY HUGHES HYNES, Member and carried by a vote of 5 to 0, the voting recorded as follows: BARABARA A. FAVOLA, Chairman - Aye, JAY FIESTTE, Vice Chairman - Aye, MARY HUGHES HYNES, Member - Aye, J. WALTER TEJADA, Member - Aye, CHRISTOPHER ZIMMERMAN, Member - Aye, after a public hearing, at which the public spoke, the Board authorized the advertisement of a public hearing on March 26, 2009, on the proposed increases to mulch delivery fees and the fee for curbside appliance pick-up, and the proposed establishment of a new fee for brush and leaf deliveries by multi-family communities, as shown in Attachment A of the County Manager's February 9, 2009 report.

[Board Report #22O](#)

- P. Request to advertise a public hearing to impose an annual \$66 fee on all business and multi-family properties located in Arlington County to pay for the costs of recycling compliance inspections.

On motion by JAY FIESTTE, Vice Chairman, seconded by MARY HUGHES HYNES, Member and carried by a vote of 5 to 0, the voting recorded as follows: BARABARA A. FAVOLA, Chairman - Aye, JAY FIESTTE, Vice Chairman - Aye, MARY HUGHES HYNES, Member - Aye, J. WALTER TEJADA, Member - Aye, CHRISTOPHER ZIMMERMAN, Member - Aye, after a public hearing, at which the public spoke, the Board authorized the advertisement of a public hearing on March 26, 2009, on the proposed amendment to Chapter 10, Section 36 of the County Code, as shown in Attachment A of the County Manager's February 1, 2009 report. The amendment, if approved, would create an annual \$66 fee on all business and multi-family properties located in Arlington County to pay for the costs of recycling compliance inspections.

[Board Report #22P](#)

- Q. Request to advertise a proposed FY 2010 increase in the annual permit fee for refuse disposal equipment and a related change to the Arlington County Code, Chapter 10, Section 8e.

On motion by CHRISTOPHER ZIMMERMAN, Member, seconded by MARY HUGHES HYNES, Member and carried by a vote of 5 to 0, the voting recorded as follows: BARABARA A. FAVOLA, Chairman - Aye, JAY FIESTTE, Vice Chairman - Aye, MARY HUGHES HYNES, Member - Aye, J. WALTER TEJADA, Member - Aye, CHRISTOPHER ZIMMERMAN, Member - Aye, after a public hearing, at which the public spoke, the Board authorized the advertisement of a public hearing on March 26, 2009, on the proposed amendment to Chapter 10, Article 1 (Refuse) of the Code of Arlington County, Virginia, as shown in Attachment A of the County Manager's February 10, 2009 report. The amendment, if approved, would increase the annual refuse disposal equipment permit fee from sixty dollars (\$60) to seventy-five dollars (\$75).

[Board Report #22Q](#)

- R. Request to advertise amendments to the Street Development & Construction Ordinance, Chapter 22, of the Code of Arlington County, Virginia, the Subdivision Ordinance, Chapter 23, of the Code of Arlington County, Virginia, and the Erosion and Sediment Control Ordinance, Chapter 57, of the Code of Arlington County, Virginia, concerning engineering review and inspection service, plat review and approval, public improvement bond administration, and erosion and sediment control plan review and inspection fees.

On motion by CHRISTOPHER ZIMMERMAN, Member, seconded by MARY HUGHES HYNES, Member and carried by a vote of 5 to 0, the voting recorded as follows: BARABARA A. FAVOLA, Chairman - Aye, JAY FIESTTE, Vice Chairman - Aye, MARY HUGHES HYNES, Member - Aye, J. WALTER TEJADA, Member - Aye, CHRISTOPHER ZIMMERMAN, Member - Aye, after a public hearing, at which the public spoke, the Board authorized the advertisement of a public hearing on March 26, 2009, for the County Board to

enact an Ordinance to amend, reenact, and recodify Chapter 22 (Street Development and Construction) Section 22-7, Chapter 23 (Subdivision) Section 23-11, and Chapter 57 (Erosion & Sediment Control) Section 57-8 of the Code of Arlington County, Virginia concerning charges for engineering review and inspection service, plat review and approval, public improvement bond administration, and erosion and sediment control plan review and inspection, to become effective on July 1, 2009, as shown in the County Manager's January 30, 2009 report.

[Board Report #22R](#)

- S. Request to advertise proposed increases to Library fees and fines.

On motion by CHRISTOPHER ZIMMERMAN, Member, seconded by MARY HUGHES HYNES, Member and carried by a vote of 5 to 0, the voting recorded as follows: BARABARA A. FAVOLA, Chairman - Aye, JAY FIESTTE, Vice Chairman - Aye, MARY HUGHES HYNES, Member - Aye, J. WALTER TEJADA, Member - Aye, CHRISTOPHER ZIMMERMAN, Member - Aye, after a public hearing, at which the public spoke, the Board authorized the advertisement of a public hearing on March 26, 2009, on the proposed increases to Library fees and fines, as shown as Attachment I of the County Manager's February 3, 2009 report.

[Board Report #22S](#)

- T. Request to advertise the repeal of the ordinance creating the Chain Bridge Road Service District.

On motion by CHRISTOPHER ZIMMERMAN, Member, seconded by MARY HUGHES HYNES, Member and carried by a vote of 5 to 0, the voting recorded as follows: BARABARA A. FAVOLA, Chairman - Aye, JAY FIESTTE, Vice Chairman - Aye, MARY HUGHES HYNES, Member - Aye, J. WALTER TEJADA, Member - Aye, CHRISTOPHER ZIMMERMAN, Member - Aye, after a public hearing, at which the public spoke, the Board authorized advertisement of a March 26, 2009, public hearing on whether to repeal the ordinance creating the Chain Bridge Road Service District.

[Board Report #22 T-Revised](#)

- U. Request to advertise the Department of Parks, Recreation and Cultural Resources' fees for Fiscal Year 2010.

On motion by CHRISTOPHER ZIMMERMAN, Member, seconded by MARY HUGHES HYNES, Member and carried by a vote of 5 to 0, the voting recorded as follows: BARABARA A. FAVOLA, Chairman - Aye, JAY FIESTTE, Vice Chairman - Aye, MARY HUGHES HYNES, Member - Aye, J. WALTER TEJADA, Member - Aye, CHRISTOPHER ZIMMERMAN, Member - Aye, after a public hearing, at which the public spoke, the Board authorized the advertisement of a public hearing on March 26, 2009, for the setting of the FY2010 Department of Parks, Recreation and Cultural Resources program fees as recommended, as shown in Attachment I of the County Manager's January 30, 2009 report.

[Board Report #22U](#)

- V. Request to advertise a \$3 fee for parking at the 3033 Wilson Boulevard parking garage during nights and weekends.

On motion by CHRISTOPHER ZIMMERMAN, Member, seconded by MARY HUGHES HYNES, Member and carried by a vote of 5 to 0, the voting recorded as follows: BARABARA A. FAVOLA, Chairman - Aye, JAY FIESTTE, Vice Chairman - Aye, MARY HUGHES HYNES, Member - Aye, J. WALTER TEJADA, Member - Aye, CHRISTOPHER ZIMMERMAN, Member - Aye, after a public hearing, at which the public spoke, the Board authorized the advertisement of a public hearing on March 26, 2009, on a new \$3.00 flat parking fee at 3033 Wilson Blvd. on evenings and weekends effective July 1, 2009.

[Board Report #22V](#)

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- A. SP #105 Pentagon City Phased Development Site Plan Amendment: "On the County Board's Own Motion," amendment to Pentagon City Phased Development Site Plan (PDSP) to permit up to 100,000 square feet of retail density on Parcel 3, known as Metropolitan Park development, which is the block bounded by South Fern Street, 15th Street South, South Eads Street, and future 12th Street South. (RCP #35-003-001, -002, -003, 004, -005, -006, -007, -008, -009, -010, -011, -015, -016, -017, -018, -019, -020, -021).

On motion by CHRISTOPHER ZIMMERMAN, Member, seconded by MARY HUGHES HYNES, Member and carried by a vote of 5 to 0, the voting recorded as follows: BARABARA A. FAVOLA, Chairman - Aye, JAY FIESTTE, Vice Chairman - Aye, MARY HUGHES HYNES, Member - Aye, J. WALTER TEJADA, Member - Aye, CHRISTOPHER ZIMMERMAN, Member - Aye, after a duly advertised public hearing, at which there were no speakers, the Board adopted the following ordinance:

BE IT ORDAINED that, pursuant to application SP #105 on file in the Office of the Zoning Administrator for an amendment to a special exception for a phased development site plan to permit up to 100,000 square feet of retail density on Parcel 3, known as Metropolitan Park development, which is the block bounded by South Fern Street, 12th Street South, South Eads Street, and future 12th Street South (RPC #35-003-001, -002, -003, -004, -005, -006, -007, -008, -009, -010, -011, -015, -016, -017, -018, -019, -020, -021), approval is granted and the parcel so described shall be used according to the approval requested by the application, subject to the following conditions #1 and #2 which address a polling place and a public park planning process in the future phases of the Metropolitan Park Development in Parcel 3:

Future Polling Location

1. The developer agrees to provide a polling space as part of the Phase 4 Metropolitan Park final site plan, that meets the requirements of the Electoral Board with respect to space requirements, dates of the year and times of day that it would be available, access, parking availability within existing on-street and retail/residential visitor parking facilities, ADA accessibility, and any other established criteria, for the life of the site plan or until such time as the Electoral Board notifies the developer and the County Manager in writing of its intention to permanently discontinue use of the building for a polling place. In the event that available space in Phase 4 is found not to be suitable by the Electoral Board or is not available because of repairs or rehabilitation or renovation, the County Manager may approve, if requested by the developer, an alternate location within previous or future phases of the Metropolitan Park development area that is acceptable to the developer and to the Electoral Board.

Public Planning Process for Future Park Phases

2. The developer of Metropolitan Park Phase 6 agrees to participate in a public planning process, including utilizing its resources and expertise to develop, as the process deems, alternative park designs and uses, for that portion of the central park associated with Metropolitan Park Phase 6. The goal of the process is for the developer to work with PRCR staff, the Park and Recreation Commission, SPRC members, and interested Metropolitan Park residents to identify and assess the community's recreational needs and interests at that time and make revisions to the park's design, or reaffirm the existing design through the data and feedback from the above interested parties. The process shall allow for changes to be made to the original design and uses prescribed for the park space in the *Metropolitan Park Design Guidelines (dated January 23, 2004 and approved by the County Board on February 10, 2004)*, including, if deemed appropriate by the public process, the inclusion of more active recreational uses and amenities in that portion of the park associated with Phase 6. The public planning process may be initiated upon filing of the Metropolitan Park Phase 6 final site plan and shall be completed prior to approval by the County Board of the Phase 6 final site plan. If, as a result of the public planning process, revisions are recommended to the park's design, the revisions shall be incorporated into a revised conceptual design for that portion of the central park associated with Metropolitan Park Phase 6, which shall be approved as part of the final site plan for Phase 6.

[Board Report #23 A](#)

- B. SP #105, SP-9 Final Site Plan Metropolitan Park Phase 3: CLPF – Metropolitan Three Venture, L.P., construct approx. 411 dwelling units, approximately 16,350 square feet retail; 1201, 1211 S. Fern St. (RPC #35-003-009, -010).

On motion by CHRISTOPHER ZIMMERMAN, Member, seconded by J. WALTER TEJADA, Member and carried by

a vote of 5 to 0, the voting recorded as follows: BARABARA A. FAVOLA, Chairman - Aye, JAY FIESTTE, Vice Chairman - Aye, MARY HUGHES HYNES, Member - Aye, J. WALTER TEJADA, Member - Aye, CHRISTOPHER ZIMMERMAN, Member - Aye, after a duly advertised public hearing, at which there were no speakers, the Board adopted the following ordinance:

BE IT ORDAINED that, pursuant to application SP #105 on file in the Office of the Zoning Administrator for an amendment to a special exception for a final site plan to construct approximately 411 dwelling units, and approximately 16,350 square feet of retail for the parcel of real property known as Metropolitan Park (RPC #35-003-009, -010), approval is granted and the parcel so described shall be used according to the approval requested by the application, subject to the conditions, as set forth in the document entitled "Addendum 2-21-09-C – SP #105 Metropolitan Park Phase 3 Final Site Plan" attached for the public record to these minutes.

[Addendum 2-21-09-C – SP #105 Metropolitan Park Phase 3 Final Site Plan](#)

[Board Report #23 B](#)

[Board Report #23 B-Supplemental](#)

- C. Enactment of an ordinance to allow an encroachment of an electric vault into portion of county public use access easement for street, sidewalk, utilities and related purposes, such portion located east of the northeast corner of the intersection of South Fern Street and the Proposed 13th Street South, Lot 6, Pentagon Industrial Center, RPC No. 35003008 and adjacent to Lot 7, Pentagon Industrial Center, RPC No. 35003009, with conditions.

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

- 1. Enacted the Ordinance ("Ordinance"), as set forth in the document entitled "Addendum 2-21-09-D - Encroachment Pentagon Industrial Center" attached for the public record to these minutes, to allow an Encroachment of an Electric Vault into a Portion of a County Public Use Access Easement for Street, Sidewalk, Utilities and Related Purposes ("County Easement"), Such Portion Located East of the Northeast Corner of the Intersection of South Fern Street and the Proposed 13th Street South, Lot 6, Pentagon Industrial Center, RPC No. 35003008 and Adjacent to Lot 7, Pentagon Industrial Center, RPC No. 35003009, with Conditions.
- 2. Authorized the Real Estate Bureau Chief, Engineering and Capital Projects Division, Department of Environmental Services, to execute, on behalf of the County Board, all documents necessary to effectuate the Ordinance, subject to approval as to form by the County Attorney.

[Addendum 2-21-09-D - Encroachment Pentagon Industrial Center](#)

[Board Report #23 C](#)

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CLOSED MEETING; CERTIFICATION OF CLOSED MEETING DISCUSSIONS.

On motion by BARBARA A. FAVOLA, Member, seconded by MARY HUGHES HYNES, Member and carried by a vote of 5 to 0, the voting recorded as follows: BARBARA A. FAVOLA, Chairman - Aye, JAY FISETTE, Vice Chairman - Aye, MARY HUGHES HYNES, Member - Aye, J. WALTER TEJADA, Member - Aye, CHRISTOPHER ZIMMERMAN, Member - Aye, the Board met in a closed meeting from 12:33 p.m. to 1:58 p.m., as authorized by §§2.2-3711.A.1 and 7 for the purpose of discussing three personnel matters, and for consultation with the County Attorney concerning Case Number 08-1213 pending in the Arlington County Circuit Court, the claim of Sigal Construction Corporation, a prospective personal injury claim against the County involving County owned equipment, and the public meeting requirements under the Freedom of Information Act as applied to events attended by County Board members.

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

Member & Vote

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

the Board certified that to the best of each member's knowledge that only public business matters lawfully exempted from open meeting requirements under Chapter 37, Title 2.2 of the Code of Virginia and only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed, or considered by the Board.

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24. THIS ITEM HAS BEEN REMOVED.

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25. [ADOPTION OF A PROPOSED AMENDMENT TO SECTION 37 VIOLATIONS AND PENALTIES AND SECTION 31A HISTORIC PRESERVATION DISTRICTS OF THE ARLINGTON COUNTY ZONING ORDINANCE.](#)

On motion by CHRISTOPHER ZIMMERMAN, Member, seconded by JAY FIESTTE, Vice Chairman and carried by a vote of 5 to 0, the voting recorded as follows: BARBARA A. FAVOLA, Chairman - Aye, JAY FISETTE, Vice Chairman - Aye, MARY HUGHES HYNES, Member - Aye, J. WALTER TEJADA, Member - Aye, CHRISTOPHER ZIMMERMAN, Member - Aye, after a duly advertised public hearing, at which there were no speakers, the Board adopt the ordinance, as set forth in the document entitled "Addendum 2-21-09-E – Section 37 and Section 31A" attached for the public record to these minutes, to amend, reenact and recodify Sections 31A and Section 37 of the Arlington County Zoning Ordinance to allow for the assessment of civil penalties for most zoning ordinance infractions.

[Addendum 2-21-09-E – Section 37 and Section 31A](#)

[Board Report #25](#)

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ADJOURNMENT

Without objection, at 2:09 p.m., the Board recessed until the February 24, 2009 Recessed Meeting.

BARBARA A. FAVOLA, Chairman

ATTEST:

HOPE L. HALLECK, Clerk
Approved: May 19, 2009