

A Recessed Meeting of the County Board of Arlington County, Virginia, held in Room 307 of 2100 Clarendon Boulevard thereof on Tuesday, November 17, 2009 at 3:01 p.m.

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

ALSO PRESENT: BARBARA M. DONNELLAN, Acting County Manager
STEPHEN MacISAAC, County Attorney
HOPE L. HALLECK, Clerk
and other staff

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COUNTY BOARD RECESSED MEETING

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COUNTY BOARD BUSINESS AND REPORTS

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I. COUNTY BOARD REPORTS

The Chairman announced the People's Choice ABBIES – Arlington's Best Businesses Awards. The People's Choice ABBIES helps recognize the very best of all Arlington business, with participation from the entire community. It is one of the ways that Arlington supports its business community, especially the small businesses that help shape the character of Arlington's urban villages. The Chairman invited Kelly Rindfusz from Arlington Economic Development to announce the following ABBIES winners:

- Arlington's Best Boutique – ShoeFly
- Arlington's Best Brunch – Carlyle
- Arlington's Best Community-Based Nonprofit (AFAC) – Arlington Food Assistance Center
- Arlington's Best Customer Service – Pacers Running Stores
- Arlington's Best Dessert – Heidelberg Pastry Shoppe
- Arlington's Best Late Night Spot – Bob & Edith's Diner
- Arlington's Best Performing Arts Organization – Signature Theatre
- Arlington's Best Place to Care for Your Pet – Ballston Animal Hospital
- Arlington's Best Place to Dance the Night Away – Clarendon Ballroom
- Arlington's Best Place to Learn Something New – Arlington Public Library
- Arlington's Best Happy Hour – Whitlow's on Wilson Bar & Grill
- Arlington's Best Neighborhood Bar – Whitlow's on Wilson Bar & Grill
- Arlington's Best "Bargain" Restaurant – The Lost Dog Café
- Arlington's Best Family Friendly Restaurant – The Lost Dog Café
- Arlington's Best New Business – The Lost Dog Café, South Arlington

The Chairman announced the Long-Term Care Employee Service Recognition Awards. Erica Wood, Chair of the Arlington Commission on Long-Term Care Residences was invited to announce the following award recipients:

- Eunice Clervo, Certified Nursing Assistant, Cherrydale Health and Rehabilitation
- Hamid Saeed, Physical Therapy Assistant, Cherrydale Health and Rehabilitation
- Neal Vando, Licensed Practical Nurse, Cherrydale Health and Rehabilitation
- Demetrice Jones, Rehabilitation Technician, Manor Care
- Nicole Briggs, Nurse's Aide, Manor Care
- Deborah Johnson, Restorative Aide, Genesis Health Care – Potomac Center
- Amadou Sy, Certified Nursing Assistant, Jefferson Rehab and Recovery Center

- Yosaida Rojas de Mercedes, Certified Nursing Assistant, Jefferson's Reminiscence Neighborhood
- Fantaye Bisete, Certified Nursing Assistant and Medical Technician, Culpepper Garden Assisted Living
- Elizabeth Bailey, Certified Nursing Assistant and Medical Technician, Culpepper Garden Assisted Living
- Contessa Proctor, Lead Care Manager, Sunrise at Bluemont Park
- Cassandra Brown, Lead Care Manager, Sunrise at Bluemont Park
- Catherine Brew, Medication Aide, Emeritus of Arlington
- Paula Powell, Lead Care Manager, Emeritus at Arlington

The Chairman announced the Inter-Service Club Council Week, November 15 – 21, 2009. The Inter-Service Club Council of Arlington has for 69 years served as the liaison between its member service clubs and community organizations. The Council encourages all citizens to recognize the services provided by the Inter-Service Club Council and its member organizations that help make Arlington County a better place to work, live and play.

The Chairman announced John Lyon Veterans of Foreign Wars Post #3150 Day, November 20, 2009. The Chairman read the following proclamation and presented it to members of the Post:

JOHN LYON VFW POST #3150 DAY

WHEREAS, John Lyon Veterans of Foreign Wars Post #3150 was chartered in the town of Clarendon, Virginia, on November 20, 1934; and

WHEREAS, the John Lyon VFW Post #3150 was named in honor of Lt. John Lyon, an Arlingtonian who heroically gave his life during World War I and has remained in Arlington County for seventy-five years; and

WHEREAS, by providing assistance to veterans, widows, widowers, and orphans of deceased veterans, the Veterans of Foreign Wars continues its practice of "Honor the Dead by Helping the Living;" and

WHEREAS, the John Lyon VFW Post #3150, consistently promotes patriotism, love of country and service to the community throughout Arlington County, to include relief work at the Pentagon after 9/11; and

WHEREAS, the John Lyon Post #3150 continually recognizes the service of community servants such as Teachers, Law Enforcement Officers, Firefighters, and Emergency Medical Technicians, and provides monetary and materiel support to schools and youth organizations within Arlington County;

NOW, THEREFORE, I, Barbara Favola, Chairman of the County Board of Arlington Virginia, do hereby proclaim **November 20, 2009**, as

JOHN LYON VFW POST #3150 DAY

in Arlington County, in recognition of the Diamond Anniversary of a Veterans of Foreign Wars Post in our community and its activities in improving the lives of American veterans and their families, as well as the community at large, and I urge all Arlingtonians to support their worthwhile efforts.

The Chairman announced the Arlington Food Drive. Hunger is present in the Arlington community. More than 1,200 families reach out for food assistance in Arlington each week and the number is growing. November 30 through December 7 is "Arlington Takes a Bite Out of Hunger Week." Most major County facilities will have donation boxes for food donations to support the Arlington Food Assistance Center (AFAC). AFAC is looking for donations of the following non-perishable items:

- soups
- cereals
- canned goods
- pastas
- peanut butter

For more information visit the County website www.arlingtonva.us and search for "food."

Mr. Tejada announced the Citizen Information Event which provides information on the citizenship eligibility requirements, an overview of the citizen test, information about the United States Citizen and Immigration Services Resources, and a role play mock interview. The event will take place in the County Board Room, 2100 Clarendon Boulevard on Tuesday, December 8 from 6:00 p.m. to 8:00 p.m. For more information individuals can call 703-285-6025 or visit the website at <http://www.uscis.gov/communityrelations>.

Mr. Fisette announced that the Potomac Harmony Chorus will hold a concert and sing along on Sunday, December 13, 2009 at Thomas Jefferson Theater beginning at 3:00 p.m. Potomac Harmony Chorus is an award winning 80 women community chorus based in Arlington that sings a wide range of music in an a cappella harmony style. The event on the 13th will benefit Doorways for Women and Families.

Mr. Fisette brought forth an update to the Memorandum of Understanding between the Public Schools and the County.

On motion by JAY FISETTE, Vice Chairman, seconded by CHRISTOPHER ZIMMERMAN, Member and carried by a vote of 5 to 0, the voting recorded as follows: BARBARA A FAVOLA, Chairman - Aye, JAY FISETTE, Vice Chairman - Aye, MARY HYNES, Member - Aye, J. WALTER TEJADA, Member - Aye, CHRISTOPHER ZIMMERMAN, Member - Aye, the Board adopted the following Memorandum of Understanding:

**Memorandum of Understanding
Arlington Public Schools and Arlington County**

This Memorandum of Understanding is made between the County Board of Arlington County (hereafter identified as "the County") and the Arlington County School Board (hereafter identified as "APS"). The purpose of this agreement is to promote collaboration between the County and APS to pursue our shared vision of the community.

RECITALS

Whereas, the County and APS desire to reaffirm their policies on collaboration to help implement their shared vision for creating a diverse, inclusive, world-class, urban community where each person is important; where all students have the opportunity to maximize their strengths so that they become self-confident, well-rounded, responsible and productive citizens; and where eliminating achievement gaps is a priority; and

Whereas, the County and APS share a commitment to building an environmentally and economically sustainable community that promotes social equity; and

Whereas, the County and APS recognize that their respective facilities and services are important community resources that contribute to the overall quality of life of the community and facilitate a variety of educational, cultural, recreational, and health/fitness programs for students and citizens of all ages; and

Whereas, the County and APS are committed to finding budget savings wherever possible to achieve optimal use of all community resources for the benefit of all those who live, learn, work and play in Arlington; and

Whereas, the County and APS adopted policies in 1997, updated in 2001, to collaborate systematically to maximize the efficient use of community resources and building space and to help provide all residents of Arlington access to efficient services and community-based programs;

Therefore, in consideration of these premises, the County and APS agree to the following:

1. As a policy, the County and APS will continue to collaborate proactively and systematically in the interests of maximizing the efficient use of community resources and building space and helping to provide all residents of Arlington access to efficient services and community-based programs. The County and APS endorse the joint development and use of environmentally sustainable facilities whenever it is in the best interests of both entities and of the community.
2. The County and APS will develop memoranda of understanding detailing specific use guidelines and procedures for sharing costs for each joint-use project.
3. The County and APS Boards direct their staffs to:

- A. Develop and maintain cross-agency structures that support discussion of ongoing collaboration, including alternatives that reduce costs through consolidation, mergers, contracting and partnerships, in the following areas:
 - Long-range capital planning,
 - Operations and maintenance in joint-use buildings,
 - Governmental operations; and
- B. Include the following elements in all collaboration efforts:
 - Clear lines of authority and accountability,
 - A timeline for implementation that includes full and effective communication with the affected communities and stakeholders,
 - Budget implications,
 - Measurement of any increased efficiency or savings; and
- C. Develop a biennial collaboration work plan, and schedule, at a minimum, an annual meeting of the Boards to discuss collaboration opportunities, challenges and successes.

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II. APPOINTMENTS

On motion by BARBARA A FAVOLA, Chairman, and carried by a vote of 5 to 0, the voting recorded as follows: BARBARA A FAVOLA, Chairman - Aye, JAY FISETTE, Vice Chairman - Aye, MARY HYNES, Member - Aye, J. WALTER TEJADA, Member - Aye, CHRISTOPHER ZIMMERMAN, Member - Aye, the Board made the following appointments:

Joint Arlington County-Arlington Public Schools Working Group on Out-of-School Programs

Appoint Courtney Reeves as Greenbrier Learning Center representative
Jennifer Endo as AHC, Inc. representative
Yvana Cordova as Arlington County Department of Parks and Recreation representative

Public Facilities Review Committee

Appoint Betty Siegel

Reappoint Inta Malis and designate as Chairman
John Miller as At-Large representative

Deputy Animal Control Officer

Appoint Laura Oliver

Advisory Board on Police Contract Towing

Reappoint David Clenace
Charles R. Clohan
Antonio Cooksey
Matthew Owens
Gregory C. Raines
Mary Skocz
Sharon Toney as Tow Administrator

[Board Report - Appointment of Deputy Animal Control Officer](#)

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III. REGIONAL REPORTS

Ms. Hynes reported on Greater Washington 2050 Report. The Metropolitan Washington Council of Governments is taking comments from around the region through November 30 regarding the report. Individuals can visit www.greaterwashington2050.org, read the Greater Washington 2050 Report and provide comments and feedback. The goal will be some kind of regional agreement. The site outlines nine regional goals for 2050 and there are indicators for all of the goals. These indicators include being accessible,

sustainable, livable and prosperous. There are targets for each of the indicators. Ms. Hynes encouraged Arlingtonians to take a look at the report and make comments.

The Chairman, with the support of the other Board members, announced that she would send a letter to the Chair of the Council of Governments in support of the potential regional agreement.

Mr. Tejada reported on the Virginia Association of County's (VACo's) position statement on immigration. Mr. Tejada serves on the VACo's Administration of Government Committee. Mr. Tejada introduced language before VACo that was then adopted by the association as their position on immigration. VACo's position statement on immigration reads as follows:

VACo maintains a strong commitment to ensuring the security and safety of our communities. Legislative reforms must recognize the contributions of immigrants to a complex economy as well as the costs associated with welcoming immigrants into our communities. The U.S. Congress must enact comprehensive immigration reform that provides a funding stream sufficient to address the fiscal impact on state and local governments for any guest worker program and earned legalization program. The states and local governments require a national immigration system that is fully funded at the federal level, recognizes the realities of the marketplace, eases the fiscal stress on states and localities, and properly secures our borders. It is important that the federal government establish a clear and understandable path to citizenship for those who are eligible.

The Chairman announced that Arlington won a platinum "Go Green" award from the Virginia Association of County's.

Mr. Zimmerman announced that the 30 year anniversary of the opening of the Rosslyn Ballston Corridor will be on December 1.

Mr. Zimmerman announced there are now more ways to purchase and reload SmarTrip cards. Giant Foods joins CVS and the Commuter Stores in offering this service. There is a complete list of locations where individuals can purchase and add value to their SmarTrip cards on the WMATA web site. Mr. Zimmerman asked the Manager and transportation staff to include information regarding SmarTrip retail outlets on the Arlington Commuter Page.

Mr. Zimmerman announced that there was a report that the Tri-State Oversight Committee was denied access to Metro track to conduct inspections. Mr. Zimmerman and other Metro leadership were unaware that there was a dispute until the publishing of the report. It is now unclear what the Committee asked for and if they were actually denied access to the track. As part of the effort to sort the situation out, the Metro Board, and specifically the Committee on Customer Service of which Mr. Zimmerman is the Chair, will meet this Thursday with the Chairman of the Tri-State Oversight Committee. It is in the best interest of Metro if there is an outside independent look at the system to make sure it is functioning properly.

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IV. COUNTY MANAGER REPORT

The Acting County Manager reported that Arlington County launched a new home page on November 9. Jennifer Smith and Jonathan Distler gave a brief presentation on the new home page.

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CLOSED MEETING; CERTIFICATION OF CLOSED MEETING DISCUSSIONS

On motion by BARBARA A. FAVOLA, Chairman, seconded by JAY FISETTE, Vice Chairman and carried by a vote of 5 to 0, the voting recorded as follows: BARBARA A. FAVOLA, Chairman - Aye, JAY FISETTE, Vice Chairman - Aye, MARY HUGHES HYNES, Member - Aye, J. WALTER TEJADA, Member - Aye, CHRISTOPHER ZIMMERMAN, Member - Aye, the Board met in a closed meeting from 4:21 p.m. to 6:32 p.m., as authorized by §§2.2-3711.A.3 and 7 of the Virginia Code, for the purposes of discussing one matter involving the disposition of publicly held real property where discussion in public would adversely affect the County's bargaining position, and for consultation with the County Attorney concerning the County's authority to designate and regulate historic properties and districts; the terms of the Pre-Development Agreement between the County and Public Private Alliances, LLC; and the establishment of service districts, community development authorities, and tax increment financing districts,

and the powers each of them possess to construct, operate, maintain, and finance capital improvements and other facilities.

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

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

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

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

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

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4. SP #269 SITE PLAN AMENDMENT RENEWAL, RESTAURANT WITH LIVE ENTERTAINMENT AND DANCING FOR CARIBBEAN BREEZE, LOCATED AT 4100 N. FAIRFAX DRIVE (RPC# 14-046-025).

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

BE IT ORDAINED that, pursuant to application SP #269 on file in the Office of the Zoning Administrator for a renewal of an amendment to a special exception for a site plan for live entertainment and dancing for the parcel of real property known as 4100 N. Fairfax Drive (Caribbean Breeze) (RPC #14-046-025), 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, the following amended condition #6 and with a County Board review in one (1) year (November 2010):

- 6. The applicant agrees to designate a neighborhood liaison to communicate with nearby residents and neighbors to address concerns which may be related to the live entertainment and an onsite liaison that shall be available during the hours of the business operation to receive and respond to community concerns regarding the live entertainment. The name and telephone number shall be submitted to the Zoning Administrator and a copy sent to the President of the Ballston-Virginia Square Civic Association and the Presidents of the Berkeley Condominium Association and the Alta Vista Condominium.

[Board Report #4](#)

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7. SP #397 SITE PLAN AMENDMENT FOR LIVE ENTERTAINMENT AND DANCING AT HARD TIMES CAFÉ, LOCATED AT 3028 WILSON BOULEVARD (RPC# 18-012-003).

On motion by MARY HYNES, Member, seconded by CHISTOPHER ZIMMERMAN, Member and carried by a vote of 5 to 0, the voting recorded as follows: BARBARA A FAVOLA, Chairman - Aye, JAY FISETTE, Vice Chairman - Aye, MARY HYNES, Member - Aye, J. WALTER TEJADA, Member - Aye, CHISTOPHER 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 #397 on file in the Office of the Zoning Administrator for an amendment to a special exception for a site plan for live entertainment and dancing for the parcel of real property known as 3028 Wilson Boulevard (Hard Times Café) (RPC #18-012-003), approval is granted and the parcel so described shall be used according to the approval requested by the application, subject to the following conditions and with a County Board review in one (1) year (November 2010), consistent with the County Board review schedule of other Clarendon live entertainment uses:

Conditions to be applied to the live entertainment and dancing use only:

1. Live entertainment shall be permitted only between the hours of 11:00 a.m. to 1:30 a.m., seven (7) days a week, with the restriction that bands and deejays are permitted only from 6:00 pm to 1:30 am on Thursday, Friday, and Saturday evenings, and on the eve of all Federal Holidays.
2. Live entertainment is permitted only on the second floor of the building. The windows and doors to the outside shall remain closed during the times of live entertainment, and the applicant shall comply with the Arlington County noise ordinance. No live entertainment shall be broadcast over loudspeakers outside of the building, and under no circumstances shall live entertainment be permitted outside of the building.
3. The applicant agrees to comply with all requirements of County and State Ordinances, the Environmental Health Bureau, and the Fire Marshal, the Police Department and the Alcohol Beverage Control Board.
4. The applicant agrees that dancing is not permitted until the applicant obtains a Dance Hall Permit from the Zoning Office.
5. The applicant agrees to participate in the established Neighborhood Advisory Group consisting of representatives of the Clarendon live entertainment establishments, the Clarendon Alliance, the Clarendon-Courthouse Civic Association, the Lyon Village Civic Association, the Lyon Park Civic Association, and representatives of various County staff including Police, Code Enforcement, and Planning. The advisory group meets quarterly as required to work through issues associated with the live entertainment uses.
6. The applicant shall designate a neighborhood liaison to communicate with nearby residents and neighbors to address concerns which may be related to the live entertainment and an onsite liaison that shall be available during the hours of the business operation to receive and respond to community concerns regarding the live entertainment. The name and telephone number shall be submitted to the Zoning Administrator and a copy sent to the Clarendon-Courthouse Civic Association, the Lyon Village Civic Association, the Lyon Park Civic Association, and the Clarendon Alliance.
7. The applicant shall make customers aware of proximity to Metro, available parking and any special parking arrangements through postings in the restaurant and on their website.
8. The approval for live entertainment at 3028 Wilson Blvd. is only valid for Hard Times Cafe. Any other tenant/owner occupying the premises shall not be permitted to have live entertainment without prior approval of the County Board.
9. The applicant agrees that on-site, dedicated security shall be provided from 9:00 p.m. until closing on nights that have bands or deejays. The on-site security may consist of "in-house" staff, so long as that staff is dedicated to security only.
10. All staff serving alcohol to customers shall have TIPS (Training for Intervention Procedures) certification.

[Board Report #7](#)

[Board Report #7 - Supplemental](#)

9. U-2833-95-4 USE PERMIT RENEWAL FOR A RECYCLING CENTER AND LEAF STORAGE SITE LOCATED AT 4634 AND 4712 NORTH 26TH STREET (RPC# 03-063-006, -008).

On motion by JAY FISETTE, Vice Chairman, seconded by MARY 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 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 took the following actions:

1. Adopted the following ordinance:

BE IT ORDAINED that, pursuant to application U-2833-95-4 on file in the Office of the Zoning Administrator for renewal of a special exception for a use permit for a recycling center and leaf storage site for the parcel of real property known as 4634 and 4712 North 26th Street (RPC #03-063-006, -008), 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 review by the County Board in five (5) years (November 2014).

2. Directed staff to further explore options for modifications to the existing use permit provisions particularly as it relates to the two churches in the area that have requested accessory parking at the site.

[Board Report #9](#)

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18. APPROVAL AND ACCEPTANCE OF A LICENSE AGREEMENT BY AND AMONG JBG/COURTHOUSE METRO, L.L.C., THE COUNTY BOARD OF ARLINGTON COUNTY, VIRGINIA AND ARLINGTON STREET PEOPLE'S ASSISTANCE NETWORK, INC. TO PERMIT EMERGENCY EGRESS ACROSS PROPERTY LOCATED AT 2055 15TH STREET NORTH AND 2050 WILSON BOULEVARD IN ARLINGTON COUNTY, VIRGINIA (RPC NO. 18001004) FROM THE EMERGENCY WINTER SHELTER LOCATED AT 2049 15TH ST. N. IN ARLINGTON COUNTY, VIRGINIA (RPC# 18-001-003).

On motion by J. WALTER TEJADA, Member, seconded by BARBARA A FAVOLA, Chairman and carried by a vote of 5 to 0, the voting recorded as follows: BARBARA A FAVOLA, Chairman - Aye, JAY FISETTE, Vice Chairman - Aye, MARY 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. Approved the License Agreement ("Agreement"), attached to the County Manager's October 29, 2009 report as Exhibit A, by and among JBG/Courthouse Metro, L.L.C. ("JBG"), the County Board of Arlington County, Virginia ("County") and Arlington Street People's Assistance Network, Inc. ("A-SPAN" or "Operator") to Permit Emergency Egress Across Property Located at 2055 15th Street North and 2050 Wilson Boulevard in Arlington County, Virginia (RPC No. 18001004) ("JBG Parcel") From the Emergency Winter Shelter Located at 2049 15th Street North in Arlington County, Virginia (RPC No. 18001003) ("County Parcel").
2. Authorized the Real Estate Bureau Chief, or his designee, Engineering and Capital Projects Division, Department of Environmental Services, to execute on behalf of the County Board, the Agreement and all related documents, including but not limited to a letter of acknowledgement of the License Agreement with the ground lessors, subject to approval as to form of such documents by the County Attorney.

[Board Report #18](#)

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19. ADOPTION OF PROPOSED AMENDMENTS TO CHAPTER 27 (MISCELLANEOUS ORDINANCES) OF THE CODE OF ARLINGTON COUNTY, SECTION 27-11 TO CHANGE THE PAYMENT DUE DATE ON BUSINESS TANGIBLE PROPERTY TAX FROM SEPTEMBER 15 TO SEPTEMBER 5.

On motion by CHRISTOPHER ZIMMERMAN, Member, seconded by JAY FISETTE, Vice Chairman and carried by a vote of 5 to 0, the voting recorded as follows: BARBARA A FAVOLA, Chairman - Aye, JAY FISETTE, Vice Chairman - Aye, MARY HYNES, Member - Aye, J. WALTER TEJADA, Member - Aye, CHRISTOPHER ZIMMERMAN, Member - Aye, after a duly advertised public hearing, at which the public spoke, the Board adopted the proposed amendments to Chapter 27 (Miscellaneous Ordinances) of the Code of Arlington County, Section 27-11, as set forth in the document entitled "Addendum 11-17-09-A – Chapter 27" attached for the public record to these minutes, changing the payment due date on business tangible property tax from September 15 to September 5.

[Addendum 11-17-09-A – Chapter 27](#)

[Board Report #19](#)

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20. [ADOPT AMENDMENTS TO CHAPTERS 21, 35 AND 46 \(RETIREMENT SYSTEM\) OF THE CODE OF ARLINGTON COUNTY.](#)

On motion by BARBARA A FAVOLA, Chairman, seconded by JAY FISETTE, Vice Chairman and carried by a vote of 5 to 0, the voting recorded as follows: BARBARA A FAVOLA, Chairman - Aye, JAY FISETTE, Vice Chairman - Aye, MARY HYNES, Member - Aye, J. WALTER TEJADA, Member - Aye, CHRISTOPHER ZIMMERMAN, Member - Aye, after a duly advertised public hearing, at which the public spoke, the Board adopted the proposed amendments, as set forth in the in the document entitled "Addendum 11-17-09-B – Chapters 21, 35 and 46" attached for the public record to these minutes with the exception of the proposed amendments to sections 46-27(a) and (b).

[Addendum 11-17-09-B – Chapters 21, 35 and 46](#)

Mr. Tejada made a motion to defer amendments to Chapter 46-27(a) (Item #2 under the summary section of the County Manager's October 27, 2009 report) and Chapter 46-27(b) (Item #5 under the summary section of they County Manager's October 27, 2009 report). Mr. Tejada then withdrew his motion so that the Board could discuss the two items separately.

On motion by J. WALTER TEJADA, Member, seconded by CHRISTOPHER ZIMMERMAN, Member and carried by a vote of 4 to 1, the voting recorded as follows: BARBARA A FAVOLA, Chairman - Aye, JAY FISETTE, Vice Chairman - Aye, J. WALTER TEJADA, Member - Aye, CHRISTOPHER ZIMMERMAN, Member - Aye, MARY HYNES, Member - No, after a duly advertised public hearing, at which the public spoke, the Board deferred the amendment to Chapter 46-27(a) (Item #2 under the summary section of the County Manager's October 27, 2009 report) until a later date.

Mr. Zimmerman announced his declaration of personal interest pursuant to the State and Local Government Conflict of Interest Act in one of the proposed amendment to the County's retirement ordinance. This was item #20, and the specific amendment was to section 46-27(b). The personal interest exists because, as a member of the County Board, the amendment would provide an opportunity for Mr. Zimmerman to purchase retirement benefits. While, under the State and Local Government Conflict of Interest Act, Mr. Zimmerman was permitted to participate in the discussion and vote concerning the amendment, he nonetheless chose to disqualify himself and did not participate in the vote on the proposed amendment.

Mr. Fisette announced his declaration of personal interest pursuant to the State and Local Government Conflict of Interest Act in one of the proposed amendment to the County's retirement ordinance. This was item #20, and the specific amendment was to section 46-27(b). The personal interest exists because, as a member of the County Board, the amendment would provide an opportunity for Mr. Fisette to purchase retirement benefits. While, under the State and Local Government Conflict of Interest Act, Mr. Fisette was permitted to participate in the discussion and vote concerning the amendment, he nonetheless chose to disqualify himself and did not participate in the vote on the proposed amendment.

On motion by J. WALTER TEJADA, Member, seconded by BARBARA A FAVOLA, Chairman and carried by a vote of 2 to 1, the voting recorded as follows: BARBARA A FAVOLA, Chairman - Aye, J. WALTER TEJADA, Member - Aye, MARY HYNES, Member - No, after a duly advertised public hearing, at which the public spoke, the Board adopted the proposed amendments to Chapter 46-27(b) (Item #5 of the under the summary section of the County Manager's October 27, 2009 report), as set forth in the document entitled "Addendum 11-17-09-C – Chapter 46-27(b)" attached for the public record to these minutes.

[Addendum 11-17-09-C – Chapter 46-27\(b\)](#)

[Board Report #20](#)

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22. APPROVE THE AWARD OF CONTRACT FOR THE RENOVATION OF THE LOWER ATHLETIC FIELD AT THOMAS JEFFERSON COMMUNITY CENTER PER INVITATION TO BID NUMBER 441-09.

On motion by J. WALTER TEJADA, Member, seconded by CHRISTOPHER ZIMMERMAN, Member and carried by a vote of 5 to 0, the voting recorded as follows: BARBARA A FAVOLA, Chairman - Aye, JAY FISETTE, Vice Chairman - Aye, MARY 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. Approved the Award of Contract Number 441-09 in the amount of \$738,425.00 to ProGrass, LLC and approved an allocation of \$111,575.00 as a contingency for change orders for a total contract authorization of \$850,000.00.
2. Authorized the Purchasing Agent to execute the contract documents, subject to review of such documents by the County Attorney.

[Board Report #22](#)

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27. REQUEST TO ADVERTISE PUBLIC HEARINGS ON PROPOSED ZONING ORDINANCE AMENDMENTS TO SECTIONS 1, 2, AND 31A. THESE AMENDMENTS WOULD UPDATE SECTION 31A. HISTORIC PRESERVATION DISTRICTS, SECTION 1. DEFINITIONS, AND SECTION 2.B. GENERAL REGULATIONS. THE AMENDMENTS WOULD REVISE THE ZONING ORDINANCE TO IMPLEMENT THE GOALS AND POLICIES IN THE ADOPTED 2006 HISTORIC PRESERVATION MASTER PLAN.

CHRISTOPHER ZIMMERMAN, Member, made a motion, seconded by MARY HYNES, Member, to adopt the resolution (attached to the County Manager's November 6, 2009 report) to advertise public hearings by the Planning Commission on November 30, 2009, and the County Board on December 12, 2009, on the ordinance (attached to the County Manger's November 6, 2009 report) to (1) amend, reenact, and recodify the provisions in Sections 1, 2, and 31A of the Arlington County Zoning Ordinance, excluding the proposed amendments to Section 31A referenced in lines 469 through 471 of the ordinance and (2) to end the terms of the current HALRB members by midnight, December 31, 2009, and authorize appointment of members for new terms.

Mr. Zimmerman made a motion to amend the language in the advertisement to strike from line 292 "a unique location or". After further discussion Mr. Zimmerman withdrew his motion.

BARBARA A. FAVOLA, Chairman, moved an amendment to the motion, seconded by JAY FISETTE, Vice Chairman, to include in the advertisement the proposed amendments to Section 31A referenced in lines 469 through 471 of the ordinance. The motion passed by a vote of 3 to 2, the voting recorded as follows: BARBARA A FAVOLA, Chairman - Aye, JAY FISETTE, Vice Chairman - Aye, J. WALTER TEJADA, Member - Aye, MARY HYNES, Member - No, CHRISTOPHER ZIMMERMAN, Member - No.

After a public hearing, at which there were no speakers, The main motion, as amended to included the proposed amendments to Section 31A referenced in lines 469 through 471 of the ordinance, as set forth in the document entitled "Addendum 11-17-09-D – Advertisement Zoning Ordinance Sections 1, 2, and 31A"

attached for the public record to these minutes, carried by a vote of 5 to 0, the voting recorded as follows: BARBARA A FAVOLA, Chairman - Aye, JAY FISETTE, Vice Chairman - Aye, MARY HYNES, Member - Aye, J. WALTER TEJADA, Member - Aye, CHRISTOPHER ZIMMERMAN, Member – Aye.

[Addendum 11-17-09-D – Advertisement Zoning Ordinance Sections 1, 2, and 31A](#)

[Board Report #27](#)

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

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36. PROPOSED ARLINGTON COUNTY BOARD 2010 LEGISLATIVE PACKAGE.

The Manager introduced Ms. Pat Carroll and asked her to give a brief presentation on the 2010 Legislative Package.

Ms. Carroll reported that the Board will adopt the 2010 Legislative Package at the December meeting. The package is divided into four parts. The preamble describes the seriousness of the economic situation and the County Board’s request that the Governor and the General Assembly supply sufficient funds for all core services. It further states that the County remains concerned about the most vulnerable citizens during this economic crisis and supports equal taxing authority for cities and counties. The next section lists Arlington’s priorities including: (1) increasing the number of members on the Board of Equalization; (2) ensuring that localities receive their fair share of taxes charged by online travel companies; and (3) increasing the motor fuels tax. Additionally, the Board expresses its continued interest in legislation effecting affordable housing, civil rights, public safety, energy consumption and the environment, services to Arlington’s most vulnerable residents, transportation funding, and immigration issues.

The Board then took public hearing on the 2010 Legislative Package.

The Chairman noted that the 2010 Legislative Package was a draft document and the document would be adopted at the December meeting. The Chairman announced that a second public hearing would be held on the 2010 Legislative Package at the December meeting.

[Board Report #36](#)

[Board Report #36 - Supplemental](#)

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ADDITIONAL ITEMS

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AMENDMENT TO THE COMPREHENSIVE PLAN TO ADD THE PARKING AND CURB SPACE MANAGEMENT ELEMENT, DATED SEPTEMBER 2009, TO THE AMENDED MASTER TRANSPORTATION PLAN (THE PUBLIC HEARING FOR THIS ITEM CONCLUDED AT THE NOVEMBER 14, 2009 REGULAR MEETING).

MARY HYNES, Member, made a motion, seconded by JAY FISETTE, Vice Chairman, directing the Manager to provide notification to the Board when initiating implementation actions in the Parking and Curb Space Management Element, including any community process that is planned.

JAY FISETTE, Vice Chairman, then made a friendly amendment to the main motion to insert the words “significant or potentially controversial” in front of the words “implementation actions” so that the direction to the Manager would be to provide notification to the Board when initiating significant or potentially controversial implementation actions in the Parking and Curb Space Management Element, including any community process that is planned.

The main motion, as amended to include the words “significant or potentially controversial” in front of the words

“implementation actions”, carried by a vote of 5 to 0, the voting recorded as follows: BARBARA A FAVOLA, Chairman - Aye, JAY FISETTE, Vice Chairman - Aye, MARY HYNES, Member - Aye, J. WALTER TEJADA, Member - Aye, CHRISTOPHER ZIMMERMAN, Member – Aye.

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APPROVAL OF AN AGREEMENT OF SALE FOR ACQUISITION OF THE REAL PROPERTY AND IMPROVEMENTS KNOWN AS 882 N. LEXINGTON STREET, ARLINGTON, AND VIRGINIA.

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

1. Approved the Agreement of Sale, attached to the County Manager’s October 28, 2009 report, between Carl E. Ziebe and Robert E. Gossard and the County Board of Arlington County, Virginia for the purchase of the real property and improvements known as 882 N. Lexington Street, Arlington, Virginia (RPC# 13007035).
2. Authorized the Real Estate Bureau Chief, or his designee, to execute the Agreement of Sale and all related documents necessary for the acquisition of the Property, subject to approval as to form of all documents by the County Attorney.

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APPROVAL OF ADMENDED TOLLING AGREEMENT BETWEEN THE COUNTY BOARD AND CHICAGO TITLE INSURANCE COMPANY.

On motion by BARBARA A FAVOLA, Chairman, seconded by JAY FISETTE, Vice Chairman and carried by a vote of 5 to 0, the voting recorded as follows: BARBARA A FAVOLA, Chairman - Aye, JAY FISETTE, Vice Chairman - Aye, MARY HYNES, Member - Aye, J. WALTER TEJADA, Member - Aye, CHRISTOPHER ZIMMERMAN, Member - Aye, the Board approved an amended tolling agreement between the County Board of Arlington County, Virginia and Chicago Title Insurance Company concerning Owner’s Policy of Title Insurance No. 2278-000143, and authorized the Acting County Manager to execute the Agreement, subject to approval of the Agreement as to form by the County Attorney.

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ADJOURNMENT

Without objection, at 9:10 p.m., the Board adjourned the meeting.

BARBARA A. FAVOLA, Chairman

ATTEST:

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