

A Regular Meeting of the County Board of Arlington County, Virginia, held in Room 307 of 2100 Clarendon Boulevard thereof on Saturday, November 17, 2012, 2012 at 8:34 a.m.

PRESENT: MARY HYNES, Chair
J. WALTER TEJADA, Vice Chairman*
LIBBY GARVEY, Member**
JAY FISETTE, Member
CHRISTOPHER ZIMMERMAN, Member

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

*arrived at 8:36 a.m.

**arrived at 8:35 a.m.

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ANALYSIS OF CONTINGENT ACCOUNTS

The Board received a Summary of Fiscal Year 2013 Contingent Accounts showing balances of \$500,000 in General and \$7,563,056 in Affordable Housing Investment Fund as of November 14, 2012.

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PUBLIC COMMENT

Mr. Atkins asked for validation that the County is properly obeying federal arbitrage rules regarding bond premiums.

Ms. Clement voiced her concerns about enforcement of the revised sign ordinance in regards to political signs on median strips.

Mr. Swallow promoted the free video "Uprooting the Leading Causes of Death" and urged for it to be available in the Arlington County's Library collection.

Ms. Sheehan expressed her concerns regarding selling the historic Reeves farm for use as a private home.

Mr. Duncan, who runs the charity "Wheels to Africa," asked the Board to dedicate the second Saturday in December to this cause. He also asked the Board for suggestions as to what the group could do to obtain more bicycles and spread the word about the cause.

Mr. Hurysz requested to know what is included in the memorandum of understanding between the owner and redeveloper of Park Shirlington and the County. He also asked why information about the bus rapid transit (BRT) option is not readily available, and suggested the BRT is a better option than the proposed streetcar.

Mr. Robinson, Co-owner of the Twisted Vines Bistro and Wine Shop on Columbia Pike, came forward to express his support of the proposed Columbia Pike streetcar.

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**CONSENT ITEMS (ITEMS 1-26) CITIZENS INTERESTED IN REMOVING AN ITEM FROM THE
CONSENT AGENDA MUST SUBMIT A SPEAKER SLIP TO THE CLERK AT THE SATURDAY,
NOVEMBER 17 , 2012, MEETING BEFORE 9 A.M. PUBLIC TESTIMONY ON REMOVED ITEMS WILL**

OCUR AT THE RECESSED MEETING ON TUESDAY, NOVEMBER 27, 2012, AT 6:30 P.M. (NO TESTIMONY TAKEN ON SATURDAY).

A motion was made by CHRISTOPHER ZIMMERMAN, Member, seconded by JAY FISSETTE, Member to approve the County Manager's recommendation for all consent items except items #5, #6, #9, #18 and #21, which will be subject to full hearing at the November 27, 2012 County Board recessed meeting. The motion was adopted and carried by a vote of 5 to 0. The voting recorded as follows: MARY HYNES, Chair - Aye, J. WALTER TEJADA, Vice Chairman - Aye, JAY FISSETTE, Member - Aye, LIBBY GARVEY, Member - Aye and CHRISTOPHER ZIMMERMAN, Member – Aye.

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SITE PLANS/AMENDMENTS/REVIEW

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1. **SP-13-U-12-1 USE PERMIT ASSOCIATED WITH A SITE PLAN FOR PUBLIC UTILITY/TELECOMMUNICATIONS FACILITY FOR VERIZON WIRELESS; LOCATED AT 1600 S. EADS ST. (RPC# 35-011-007).**

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

BE IT ORDAINED that, pursuant to application SP-13-U-12-1 on file in the Office of the Zoning Administrator for a use permit associated with site plan #13 for the parcel of real property located at 1600 S. Eads St. (RPC# 35-011-007), approval is granted and the parcel so described shall be used according to the approval requested by the application, subject to the conditions of the staff report.

Proposed Conditions:

1. The applicant agrees that the telecommunications facility, consisting of 15 new antennas and a related equipment shelter, will be constructed as shown on the plans dated 4/11/2012, prepared by Morris & Ritchie Associates, Inc., and entitled Verizon Wireless South Fern Street. The applicant agrees that any future installation of antennas or equipment cabinets shall be subject to review, and approval, by the County Board. Replacement of antennas of identical size to existing antennas, and that meet all conditions of this site plan approval, may be approved by the Zoning Administrator. [Clerk's note: as set forth in the document entitled "Addendum-11-17-12-A- SP-13-U-12-1" attached for the public record to these minutes.]
2. The applicant shall identify a community liaison that shall be available to address any concerns regarding the facility operation. The name, telephone, and e-mail address of the liaison shall be provided to the Aurora Highlands Civic Association and the Zoning Administrator before any antennas are installed on the building.
3. The applicant agrees that any existing non-functioning antennas on the roof of the building shall be removed before installation of the proposed new antennas. The applicant further agrees that, in the future, any antennas on the site shall be removed within ninety (90) days after cessation of use.
4. The applicant agrees that the proposed antennas shall be of an unobtrusive color so as to blend in to the sky when viewed from below, and the proposed rooftop equipment cabinet and related utility connection equipment shall match the exterior appearance and color of the existing building.

Board Report #1

[Addendum-11-17-12-A- SP-13-U-12-1](#)

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2. BERGMAN'S

- A. GP-322-11-1 General Land Use Plan Amendment to amend the GLUP designation for the two (2) blocks generally bounded by Lee Hwy., N. Veitch St., 21st St. N., and the VDOT right-of-way for I-66 from "Low-Medium" Residential (16-36 units/acre) to "Low" Office-Apartment-Hotel (up to 1.5 FAR office; up to 72 units/acre residential; up to 110 units/acre hotel).
- B. Z-2542-12-4 Rezoning from "C-2" Service Commercial--Community Business Districts and "R-5" One-Family, Restricted Two-Family Dwelling Districts to "C-O-1.5" Commercial Office Building, Hotel and Apartment Districts for the property located at 2145 & 2147 Lee Hwy., 2001 & 2005 N. Uhle St., 2114, 2118, 2122 20th St. N., vacated right of way of 2100 block of 20th St. N. (RPC# 15-005-001, -003 through -009, 15-002-005 through -007, 15-003-006 through -008).
- C. SP #420 Site Plan consisting of up to 202 dwelling units, and 13,257 G.F.A. of retail; located at 2145 & 2147 Lee Hwy., 2001 & 2005 N. Uhle St., 2114, 2118, 2122 20th St. N., vacated right of way of 2100 block of 20th St. N. (RPC# 15-005-001, -003 through -009, 15-002-005 through -007, 15-003-006 through -008).
- D. Enactment of an ordinance to vacate: 1) an easement for public utilities purposes, of 15 feet in width, located north of and abutting, Part Lots 18, 19, 21 and Lot 20, Clifton, running southwest from the intersection of North Uhle Street and North Veitch Street (RPC #15-005-009); and 2) a portion of 20th Street North abutting Part Lots 2, 3, 4 and Lot 10 (RPC #15-002-005, #15-002-006, #15-002-007) to the south, and abutting Part Lots 17 and 18 (RPCs #15-003-007 and #15-003-008) to the north, Drury's Clifton, running east of North Uhle Street, with Conditions.

On the consent agenda vote, after a duly advertised public hearing, the Board deferred consideration of the subject General Land Use Plan amendment, rezoning, site plan, and vacation requests to the November 26, 2012, Planning Commission and December 8, 2012, County Board meetings.

[Board Report #2](#)

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3. 1720 SOUTH EADS STREET

- A. Z-2563-12-1 Rezoning from "CM" Limited Industrial Districts to "C-O-Crystal City" Commercial Office Building, Retail, Hotel, Multiple-Family Dwelling Districts; located at 1720 S. Eads Street (RPC# 35-011-001).
- B. SP#424 Site Plan to construct an approximately 210,918 sq. ft. residential building and modification of zoning ordinance requirements to include bonus density for LEED Silver, density exclusion for vertical shafts, reduced parking ratio, streetscape, building height, and other modifications as may be necessary to achieve the proposed development plan; located at 1720 S. Eads Street (RPC# 35-011-001).

- C. Enactment of an ordinance to permit the encroachment of a portion of a below grade electrical vault into two adjacent easements for public street and utilities purposes on the west side of South Eads Street, north of the intersection of South Eads Street and 18th Street South, and on the eastern side of a parcel Known as 1720 South Eads Street (RPC# 35-011-001), with Conditions.

On the consent agenda vote, after a duly advertised public hearing, the Board deferred consideration of the subject rezoning, site plan, and encroachment requests to the December 8, 2012 County Board meeting.

[Board Report #3](#)

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USE PERMITS REQUEST/REVIEWS/AMENDMENTS

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4. CLARENDON LIVE ENTERTAINMENT

- A. SP# 194 Site Plan Amendment Review for live entertainment and dancing; located at 3100 Clarendon Blvd. (Mr. Days, RPC# 19-002-007).
- B. SP# 194 Site Plan Amendment Review for live entertainment and dancing; located at 3100 Clarendon Blvd. (Sobe, RPC# 19-002-007).
- C. SP# 298 Site Plan Amendment Review for live entertainment; located at 3101 Wilson Blvd. (American Tap Room, RPC# 15-071-031).
- D. SP #333 Site Plan Amendment Review for live entertainment; located at 3100 Washington Blvd. (Lyon Hall, RPC# 19-006-196).
- E. SP # 362 Site Plan Amendment Review for live entertainment and an outdoor menu box; located at 2900 Wilson Blvd. (La Tasca, RPC# 18-011-008).
- F. SP # 397 Site Plan Amendment Review for live entertainment and dancing; located at 3028 Wilson Blvd. (Hard Times Cafe, RPC# 18-012-003).
- G. U-2776-93-1 Use Permit Review for live entertainment; located at 3114 10th St. N. (Jay's Saloon, RPC# 19-007-005).
- H. U-2861-95-1 & U-2886-96-3 Use Permit Review for live entertainment and outdoor seating; located at 2854 Wilson Blvd. (Whitlow's on Wilson, RPC# 18-010-008).
- I. U-2984-00-1 Use Permit Review for live entertainment; located at 3185 Wilson Blvd. (Clarendon Ballroom, RPC# 15-075-003).

- J. U-3310-11-2 Use Permit Review for live entertainment; located at 2933 Wilson Blvd. (Mexicali Blues, RPC# 15-066-019).
- K. U-3114-04- Use Permit Review for live entertainment; located at 3207 Washington Blvd. (O'Sullivan's, RPC# 15-078-001).
- L. U-3125-05-1 Use Permit Review for live entertainment; located at 2915 Wilson Blvd. (RiRa, RPC# 15-066-002).
- M. U-3134-05-2 Use Permit Review for live entertainment; located at 1041 N. Highland St. (Eleventh Street Lounge, RPC# 18-026-004)
- N. U-3233-09-1 Use Permit Review for live entertainment and dancing; located at 3171 and 3181 Wilson Blvd. (Spider Kelly's, RPC# 15-075-002).
- O. U-3250-10-1 Use Permit Review for live entertainment; located at 3211 Wilson Blvd. (Northside Social, RPC# 15-089-001).
- P. U-2791-93-1 Use Permit Review for live entertainment; located at 2830 and 2832 Wilson Blvd. (IOTA, RPC# 18-010-005 and -006)
- Q. U-3322-11-1 Use Permit Review for comprehensive sign plan and restaurant providing live entertainment; located at 3165 Wilson Boulevard (Eventide Restaurant, RPC# 15-075-001).

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

- A., B., C., D, & F: Adopted the attached ordinance for site plan amendments for temporary approval for two (2) years (November 30, 2014) for live entertainment (with dancing where stated in the above subject listing), subject to all previously approved conditions and to the proposed conditions in this report applicable only to the live entertainment uses. These site plan amendments will be subject to an administrative review in one (1) year (November 2013) and a County Board review in two (2) years (November 2014), and with one (1) additional condition specifying that the use is temporary and will expire in 2014 unless renewed by the County Board.
- E: Adopted the attached ordinance for a site plan amendments for temporary approval for one (1) year (November 30, 2013) for live entertainment, subject to all previously approved conditions and to the proposed conditions in this report applicable only to the live entertainment uses. This site plan amendment will be subject to an administrative review in six (6) months (May 2013) and a County Board review in one (1) year (November 2013), and with one (1) additional condition specifying that the use is temporary and will expire in 2013 unless renewed by the County Board.
- G. Adopted the following ordinance:
BE IT ORDAINED that, pursuant to application U-2776-93-1 on file in the Office of the Zoning Administrator for a use permit renewal for live entertainment for the parcel of real property located at 3114 10th St. N. (Jay's Saloon, RPC# 19-007-005), approval is granted and the parcel so described shall be used according to the approval requested by the application, subject to all previous conditions with an administrative review in one (1) year (November 2013) and a County Board review in two (2) years (November 2014).

- H. Adopted the following ordinance:
BE IT ORDAINED that, pursuant to application U-2861-95-1 & U-2886-96-3 on file in the Office of the Zoning Administrator for a use permit renewal for live entertainment and outdoor seating for the parcel of real property located at 2854 Wilson Blvd. (Whitlow's on Wilson, RPC# 18-010-008), approval is granted and the parcel so described shall be used according to the approval requested by the application, subject to all previous conditions with an administrative review in one (1) year (November 2013) and a County Board review in two (2) years (November 2014).
- I. Adopted the following ordinance:
BE IT ORDAINED that, pursuant to application U-2984-00-1 on file in the Office of the Zoning Administrator for a use permit renewal for live entertainment for the parcel of real property located at 3185 Wilson Blvd. (Clarendon Ballroom, RPC# 15-075-003), approval is granted and the parcel so described shall be used according to the approval requested by the application, subject to all previous conditions with an administrative review in one (1) year (November 2013) and a County Board review in two (2) years (November 2014).
- J. Adopted the following ordinance:
BE IT ORDAINED that, pursuant to application U-3310-11-2 on file in the Office of the Zoning Administrator for a use permit renewal for live entertainment for the parcel of real property located at 2933 Wilson Blvd. (Mexicali Blues, RPC# 15-066-019), approval is granted and the parcel so described shall be used according to the approval requested by the application, subject to all previous conditions with an administrative review in one (1) year (November 2013) and a County Board review in two (2) years (November 2014).
- K. Adopted the following ordinance:
BE IT ORDAINED that, pursuant to application U-3114-04 on file in the Office of the Zoning Administrator for a use permit renewal for live entertainment for the parcel of real property located at 3207 Washington Blvd. (O'Sullivan's, RPC# 15-078-001), approval is granted and the parcel so described shall be used according to the approval requested by the application, subject to all previous conditions with an administrative review in one (1) year (November 2013) and a County Board review in two (2) years (November 2014).
- L. Adopted the following ordinance:
BE IT ORDAINED that, pursuant to application U-3125-05-1 on file in the Office of the Zoning Administrator for a use permit renewal for live entertainment for the parcel of real property located at 2915 Wilson Blvd. (RiRa, RPC# 15-066-002), approval is granted and the parcel so described shall be used according to the approval requested by the application, subject to all previous conditions with an administrative review in one (1) year (November 2013) and a County Board review in two (2) years (November 2014).
- M. Discontinued U-3134-05-2 use permit for live entertainment at 1041 N. Highland St. (Eleventh Street Lounge, RPC# 18-026-004)
- N. Adopted the following ordinance:
BE IT ORDAINED that, pursuant to application U-3233-09-1 on file in the Office of the Zoning Administrator for a use permit renewal for live entertainment and dancing for the parcel of real property located at 3171 and 3181 Wilson Blvd. (Spider Kelly's, RPC# 15-075-002), approval is granted and the parcel so described shall be used according to the approval requested by the application, subject to all previous conditions with an administrative review in one (1) year (November 2013) and a County Board review in two (2) years (November 2014).
- O. Adopted the following ordinance:
BE IT ORDAINED that, pursuant to application U-3250-10-1 on file in the Office of the Zoning Administrator for a use permit renewal for live entertainment for the parcel of real property located at 3211 Wilson Blvd. (Northside Social, RPC# 15-089-001), approval is

granted and the parcel so described shall be used according to the approval requested by the application, subject to all previous conditions with an administrative review in one (1) year (November 2013) and a County Board review in two (2) years (November 2014).

- P. Adopted the following ordinance:
BE IT ORDAINED that, pursuant to application U-2791-93-1 on file in the Office of the Zoning Administrator for a use permit renewal for live entertainment for the parcel of real property located at 2830 and 2832 Wilson Blvd. (IOTA, RPC# 18-010-005 and -006) approval is granted and the parcel so described shall be used according to the approval requested by the application, subject to all previous conditions, with a County Board review in five (5) years (November 2017).
- Q. Adopted the following ordinance:
BE IT ORDAINED that, pursuant to application U-3322-11-1 on file in the Office of the Zoning Administrator for a use permit renewal for a comprehensive sign plan and live entertainment for the parcel of real property located at 3165 Wilson Boulevard (Eventide Restaurant, RPC# 15-075-001), approval is granted and the parcel so described shall be used according to the approval requested by the application, subject to all previous conditions, with no further scheduled review of the comprehensive sign plan and an administrative review for the live entertainment in one (1) year (November 2013) and a County Board review of the live entertainment in two (2) years (November 2014).

[Clerk's note: as set forth in the document entitled "Addendum-11-17-12-B- Clarendon Live Entertainment" attached for the public record to these minutes.]

[Board Report #4](#)

[Addendum-11-17-12-B- Clarendon Live Entertainment](#)

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7. U-3010-01-1 USE PERMIT REVIEW FOR A TELECOMMUNICATIONS FACILITY FOR SPRINT PCS (AT WAKEFIELD HIGH SCHOOL SITE); LOCATED AT 4901 CHESTERFIELD RD (RPC# 28-017-001).

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-3010-01-1 on file in the Office of the Zoning Administrator for a use permit renewal for the parcel of real property located at 4901 Chesterfield Rd (RPC# 28-017-001), approval is granted and the parcel so described shall be used according to the approval requested by the application, subject to the conditions of the staff report and with a one (1) year administrative review (November 2013) and no further scheduled County Board review. [Clerk's note: there are no conditions listed in the staff report.]

[Board Report #7](#)

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8. U-3297-11-1 USE PERMIT REVIEW AND AMENDMENT TO RENEW LIVE ENTERTAINMENT USE PERMIT AND TO AMEND THE USE PERMIT TO PERMIT AMPLIFIED LIVE ENTERTAINMENT ON ALL DAYS LIVE ENTERTAINMENT IS PERMITTED, FOR WESTOVER MARKET, LOCATED AT 5841-5877 WASHINGTON BLVD., (RPC# 10-027-013).

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-3297-11-1 on file in the Office of the Zoning Administrator for a use permit renewal for live entertainment for the parcel of real property located at 5841-5877 Washington Blvd., (RPC# 10-027-013), 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 with an amended Condition #8 and deleting Condition #14, and with a County Board review in July 2013. [Clerk's note: text to be deleted is shown in strikethrough; text to be added is shown in underline.]

8. The applicant agrees that live entertainment is permitted only from April 1 to October 31 three days a week: on Wednesdays from 6 p.m. to 8 p.m.; and Fridays from 6 p.m. to 10 p.m., Saturdays from 5 p.m. to 9 p.m., and at no other times. Live entertainment shall not be amplified and shall not consist of electric or electronic instruments except on Fridays and Saturdays, ~~except as permitted in Condition #14~~. The applicant agrees that Westover Market shall provide the amplification equipment, including speakers, mixing board and any equipment that controls volume. Volume shall always be controlled by a Westover Market employee. Performers shall not be permitted to control the volume.

~~14. The use permit shall be subject to an administrative review in June 2012.~~

~~Upon completion of the administrative review, and provided the County Manager determines that the applicant has complied with all conditions of the use permit up to the time of the review, the applicant shall be permitted to have live entertainment using amplified musical instruments and related equipment including, but not limited to, speakers, a mixing board, and sound control equipment, on Saturday evenings only until the end of the 2012 season on October 31, 2012, and no further unless this use permit is further amended by the County Board, at the County Board's discretion, when the use permit is reviewed in November 2012. In accordance with the sound management plan, the applicant agrees to install a compression limiter or similar device that will automatically limit the decibels received at the nearest residential property line. Such device shall be installed before commencing amplified live entertainment performances. All other conditions of the use permits shall remain in effect. The County shall notify the Westover Village Civic Association and nearest neighbors identified in Condition #3 once a decision is made to allow the applicant to have live entertainment using amplified musical instruments.~~

[Board Report #8](#)

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10. U-3345-12-1 USE PERMIT FOR A DORMITORY FOR SUSAN'S PLACE, LOCATED AT 3704 2ND ST. S. (RPC# 23-009-027) .

On the consent agenda vote, after a duly advertised public hearing, the Board deferred consideration of the subject application for a use permit for a dormitory for one (1) month to the December 8, 2012 County Board meeting.

[Board Report #10](#)

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11. U-3349-12-2 USE PERMIT FOR LIVE ENTERTAINMENT AT EL SALVADOR RESTAURANT; LOCATED AT 4805 COLUMBIA PIKE (RPC# 23-006-001).

On the consent agenda vote, after a duly advertised public hearing, the Board deferred consideration of the request for live entertainment for a period of six (6) months (until May 2013) to allow the applicant time to address the operational issues raised by the Police Department and the concerns raised by the surrounding civic associations.

[Board Report #11](#)

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VACATIONS, EASEMENTS, RIGHTS OF WAY, ENCROACHMENTS & LEASES

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12. AUTHORIZATION TO ACCEPT A DEED OF TEMPORARY EASEMENT AND CONSTRUCTION AGREEMENT FOR THE POTOMAC INTERCEPTOR PROJECT ON PORTIONS OF THE PROPERTIES LOCATED AT 1011 AND 1021 ARLINGTON BOULEVARD, ARLINGTON, VIRGINIA (RPC NOS. 17041PCA; 17042PCA; AND 17001012).

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

1. Authorized the acceptance of the attached Deed of Temporary Easement and Construction Agreement for the Potomac Interceptor Project on portions of the properties located at 1011 and 1021 Arlington Boulevard, Arlington, Virginia (RPC Nos. 17041PCA; 17042PCA; and 17001012); [Clerk's note: as set forth in the document entitled "Addendum-11-17-12-C- Potomac Interceptor Project" attached for the public record to these minutes.]; and
2. Authorized the Real Estate Bureau Chief, Department of Environmental Services, or his designee, to accept on behalf of the County Board, the Deed of Temporary Easement and Construction Agreement, subject to approval as to form by the County Attorney.

[Board Report #12](#)

[Addendum-11-17-12-C- Potomac Interceptor Project](#)

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13. APPROVAL OF A RIGHT OF WAY (EASEMENT) AGREEMENT AMONG THE COUNTY BOARD, ACTING AS THE ARLINGTON HEALTH CENTER COMMISSION, THE MEDICAL FACILITIES OF AMERICA XI (II), LIMITED PARTNERSHIP ("MFA"), AND VIRGINIA ELECTRIC POWER COMPANY ("DVP") FOR THE INSTALLATION AND MAINTENANCE OF ELECTRIC DISTRIBUTION FACILITIES, AND AUTHORIZATION TO EXECUTE AND ACCEPT DOCUMENTS(S) BY WHICH DVP WILL VACATE, QUITCLAIM OR EXTINGUISH AN EXISTING EASEMENT, ON ARLINGTON HEALTH CENTER COMMISSION-OWNED PROPERTY, KNOWN AS CHERRYDALE NURSING HOME, 3710 LEE HIGHWAY, ARLINGTON, VIRGINIA (RPC NO. 06-027-051).

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

1. Approved the attached Right of Way (Easement) Agreement ("Agreement") among the Arlington Health Center Commission, MFA and Virginia Electric Power Company ("DVP") for the installation and maintenance of electric distribution facilities on Arlington Health Center Commission-owned property at 3710 Lee Highway, Virginia (RPC No. 06-027-051)("Cherrydale Nursing Home"). [Clerk's note: as set forth in the document entitled "Addendum-11-17-12-D- DVP Easement" attached for the public record to these minutes.]
2. Authorized the Real Estate Bureau Chief, Department of Environmental Services, or his designee, to execute the Agreement and any related documents, and to execute and accept, on behalf of the Arlington Health Center Commission, document(s) by which DVP will vacate, quitclaim or extinguish an

existing DVP easement on the Cherrydale Nursing Home property, subject to approval as to form of the Agreement and all such related documents by the County Attorney.

[Board Report #13](#)

[Addendum-11-17-12-D- DVP Easement](#)

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ORDINANCES, PLANS AND POLICIES

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14. AMENDMENTS TO SECTIONS 11-5 AND 11-6 OF THE ARLINGTON COUNTY CODE AND SECTION 36 OF THE ARLINGTON COUNTY ZONING ORDINANCE RELATING TO PAYMENT OF DELINQUENT TAXES, FEES, AND OTHER CHARGES AS A CONDITION OF ISSUANCE OF A LOCAL BUSINESS LICENSE OR ANY TYPE OF LAND USE AUTHORIZATION.

On the consent agenda vote, after a duly advertised public hearing, the Board adopted the proposed amendments to Sections 11-5 and 11-6 of the Arlington County Code and Section 36 of the Arlington County Zoning Ordinance relating to payment of delinquent taxes, fees, and other charges as a condition of issuance of a local business license or any type of land use authorization. [Clerk's note: text to be deleted is shown in strikethrough, text to be added is shown in underline].

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BE IT ORDAINED by the County Board of Arlington, Virginia that:

- 1. Section 11-5 of the Arlington County Code is amended as follows:

§ 11-5. Procedure for Filing Business License Tax Returns; Reconciliation of Records and Monthly Reports.

A. Except as provided by subsection B below, every person engaging in business under the provisions of this chapter shall file an annual business license tax return with the Commissioner of the Revenue as prescribed in §§ 11-8 and 11-10 of this chapter. The Commissioner of the Revenue shall furnish business license tax return forms which shall be properly and fully executed by the taxpayer and contain such information as may be required by the Commissioner of the Revenue. The Commissioner of the Revenue shall assess the license taxes and fees required by this chapter.

B. Notwithstanding the provisions of this article, a person shall not be required to file a business license application for a license year when the gross receipts attributed to the person's definite place of business are ten thousand dollars (\$10,000.00) or less unless the business is also subject to taxation of business tangibles personal property taxation in an amount greater than fifteen dollars (\$15.00). In cases where a person engaged in a business, profession or occupation grosses ten thousand dollars (\$10,000.00) or less but is subject to business tangibles taxation of greater than fifteen dollars (\$15.00), said person shall file a return even if the gross receipts do not exceed ten thousand dollars (\$10,000.00).

C. No business license under this chapter shall be issued until the applicant has produced satisfactory evidence that all delinquent business license, real estate, personal property, meals, transient occupancy, severance and admissions taxes owed by the business to Arlington County have been paid which have been properly assessed against the applicant by Arlington County.

D. Any person who engages in a business without obtaining a required business license, or after being refused a business license, shall not be relieved of the tax imposed by this chapter and shall be subject to the penalties imposed by this chapter.

E. The Commissioner of the Revenue and the County Treasurer shall reconcile monthly their records with respect to license tax returns filed with the Commissioner of the Revenue and license tax and fee payments received by the Commissioner of the Revenue and the County Treasurer, and a combined report thereon shall be submitted monthly to the County Manager or his designee

2. Section 11-6 of the Arlington County Code is amended as follows:

§ 11-6. Applicants for Licenses to Give Certain Information.

A. Every person filing a business license tax return under the provisions of this chapter shall furnish on the tax return or in writing with the return, the names, and trade names of the business and person or persons responsible for the business, the nature of the business, profession, trade or occupation, the address in the County where the business is being pursued, and its gross receipts for the base year.

B. As to businesses for which a gross receipts tax or fee is levied on persons having a definite place of business in the County as provided in § 11-16 of this chapter, it is the policy of the County to require that all gross receipts derived from the business be included in their license basis; provided, that in cases where their business requires the performance of certain activities outside the County, and they would be liable for a similar tax in another taxing jurisdiction based on gross receipts derived from activities conducted at a definite place of business in that other taxing jurisdiction as provided in § 11-16 of this chapter, they shall deduct such gross receipts taxed or taxable by the other taxing jurisdiction in arriving at their County license tax basis.

C. No business license under this chapter shall be issued until the applicant has produced satisfactory evidence that all delinquent business license, real estate, personal property, meals, transient occupancy, severance and admissions taxes owed by the business to Arlington County have been paid which have been properly assessed against the applicant by Arlington County.

3. Except as amended by 1. and 2., Chapter 11 of the Arlington County Code shall remain as previously enacted.
4. Section 36 of the Arlington County Zoning Ordinance is amended by adding new subsection N as follows:

N. Payment of Delinquent Taxes, Fees, and Other Charges as a Condition of Issuance.

Prior to the initiation of an application by the owner of the subject property, the owner's agent, or any entity in which the owner holds an ownership interest greater than 50 percent, for a special exception, special use permit, variance, rezoning or other land disturbing permit, including building permits and erosion and sediment control permits, or prior to the issuance of final approval, the applicant shall produce satisfactory evidence that any delinquent real estate taxes, nuisance charges, stormwater management utility fees, and any other charges that constitute a lien on the subject property, that are owed to the locality and have been properly assessed against the subject property, have been paid.

5. Except as amended by 4., Section 36 of the Arlington County Zoning Ordinance shall remain as previously enacted.

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[Board Report #14](#)

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15. UPDATED POLICY FOR MANAGING SPECIAL EVENTS AND DEMONSTRATIONS IN PUBLIC SPACES.

On the consent agenda vote, after a duly advertised public hearing, the Board adopted the Policy for Managing Special Events and Demonstrations in Public Spaces (Attachment A) to replace the County's 2004 Policy for Managing Public Gatherings on Public Spaces. [Clerk's note: as set forth in the document entitled "Addendum-11-17-12-E- Special Events and Demonstrations Policy" attached for the public record to these minutes.]

[Board Report #15](#)

[Addendum-11-17-12-E- Special Events and Demonstrations Policy](#)

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CAPITAL PROJECTS

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16. APPROVAL OF A STANDARD PROJECT ADMINISTRATION AGREEMENT BETWEEN THE COUNTY BOARD OF ARLINGTON COUNTY, AND THE COMMONWEALTH OF VIRGINIA, DEPARTMENT OF TRANSPORTATION (VDOT), FOR DESIGN AND ENGINEERING OF THE POTOMAC YARD - FOUR MILE RUN TRAIL CONNECTION.

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

1. Approved the attached Standard Project Administration Agreement between the County Board of Arlington County, Virginia and the Commonwealth of Virginia, Department of Transportation (VDOT) for design and engineering of the Potomac Yard – Four Mile Run Trail Connection. [Clerk’s note: as set forth in the document entitled “Addendum-11-17-12-F- Standard Project Administration Agreement” attached for the public record to these minutes.]
2. Authorize the County Manager, on behalf of the County Board, to execute the Agreement, and all related documents necessary to implement the Agreement, subject to approval of the Agreement and documents as to form by the County Attorney.

[Board Report #16](#)

[Addendum-11-17-12-F- Standard Project Administration Agreement](#)

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17. INCREASE OF \$2,000,000.00 TO CURRENT CONTRACT 711-12 FOR ADDITIONAL RELINING A 36/42 INCH SANITARY SEWER TRUNK LINE IN FOUR MILE RUN BASIN USING CURED-IN-PLACE PIPE (CCIP).

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

1. Approved an additional \$2,000,000.00 to Contract 711-12 with AM-Liners East Inc. to provide Sanitary Sewer Cured-In-Place Relining pipe size 36/42 inch in the Four Mile Run sewer basin between Shirlington Road and S. Lang St. for a total contract authorization of \$3,920,000.00.
2. Authorized the Purchasing Agent to execute a Contract Amendment, subject to legal review by the County Attorney.

[Board Report #17](#)

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APPROPRIATIONS, GRANT APPLICATIONS & OTHER CONTRACTS

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19. ACCEPTANCE AND APPROPRIATION OF THE FY2012 BULLETPROOF VEST PARTNERSHIP GRANT

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

1. Authorized the County Manager, or her designee to accept \$4,314 in grant funds related to the FY 2012 Bulletproof Vest Partnership (BVP) program funded by the U.S. Department of Justice.
2. Appropriated \$4,314 from the U.S. Department of Justice's FY 2012 Bulletproof Vest Partnership (BVP) program (101.374900) to the Police Department (101.31202) for costs associated with the purchase of bullet proof vests associated with this grant program.

[Board Report #19](#)

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20. RESOLUTION AUTHORIZING ARLINGTON COUNTY'S PARTICIPATION IN THE VIRGINIA DEPARTMENT OF TRANSPORTATION'S FISCAL YEAR 2014 REVENUE SHARING PROGRAM.

On the consent agenda vote, after a duly advertised public hearing, the Board adopted the "Resolution Authorizing Arlington County's Participation in the Virginia Department of Transportation's Fiscal Year 2014 Revenue Sharing program."

RESOLUTION AUTHORIZING APPLICATION TO THE VIRGINIA DEPARTMENT OF TRANSPORTATION FY2014 REVENUE SHARING PROGRAM FUNDS

WHEREAS, the County Board of Arlington County, Virginia ("County Board") desires to submit applications to the Virginia Department of Transportation for an allocation of \$3,382,777 in Fiscal Year 2014 Revenue Sharing funds for Old Dominion Drive Improvements, Carlin Springs Road Bridge, Route 110 Trail, Washington Boulevard Trail, Boundary Channel Drive Interchange, and the South Eads Street / South Fern Street Repaving Project.

NOW, THEREFORE, BE IT RESOLVED THAT the County Board hereby supports the making of applications and authorizes and directs the County Manager to make applications to the Virginia Department of Transportation for \$3,382,777 of Fiscal Year 2014 Revenue Sharing funds for the above described projects, and further authorizes the County Manager to execute a project administration agreement for the approved projects, subject to approval of such agreement as to form by the County Attorney.

[Board Report #20](#)

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REQUESTS TO ADVERTISE

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22. REQUEST TO ADVERTISE PUBLIC HEARINGS ON:

- A. Proposed amendments to the Arlington County Zoning Ordinance, Section 20. (Appendix A),

"CP-FBC" Columbia Pike Form Based Code Districts, to amend: 1. Section II. Definitions to revise existing definition for "Street Light"; 2. Section III. The Regulating Plans, B. Rules for the Regulating Plan and New Development Plans, 3. Streetscape to designate required locations for the placement of street lights; 3. Section V. Streetscape Standards, B. Minimum Standards to remove existing references to placement of street lights and to change minimum tree caliper size from 4-4 1/2 inches to 3 1/2 inches; and 4. Section VI. Architectural Standards, G. Lighting and Mechanical Equipment, 2. Standards for Lighting and Mechanical Equipment to require unique heights and fixtures for street lights based on street typology and to require the submission of a photometric analysis to determine the appropriate spacing of street lights.

- B. Proposed amendments to Use Permits U-3223-09-1 (Columbia Place), U-3224-09-1 (Axumite Village), and U-3334-12-1 (Pike 3400) to revise the conditions, which stipulate minimum tree caliper size requirements consistent with the proposed new Form Based Code standards.

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

1. Adopted the attached resolution to authorize advertisement of public hearings by the Planning Commission on January 14, 2013, and the County Board on January 26, 2013, to consider amending, reenacting, and re-codifying the Arlington County Zoning Ordinance, Section 20. (Appendix A), "CP-FBC" Columbia Pike Form Based Code Districts.
2. Authorized, on the County Board's own motion, advertisement of public hearings by the County Board on January 26, 2013, to consider the subject amendments to Use Permits U-3223-09-1 (1100 S. Edgewood Street), U-3224-09-01 1036, 1100 and 1106 S. Highland Street), and U-3334-12-1 (3400, 3506 and 3514 Columbia Pike and 1100 and 1110 S. Glebe Road) , as more specifically set forth in Attachment A to this report, to amend the conditions which stipulate minimum tree caliper size requirements from 4 to 4 1/2 inches to 3 1/2 inches.

[Clerk's note: as set forth in the document entitled "Addendum-11-17-12-G-Form Based Code and Tree Caliper" attached for the public record to these minutes.]

[Board Report #22](#)

[Addendum-11-17-12-G-Form Based Code and Tree Caliper](#)

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23. **REQUEST FOR RATIFICATION AND AUTHORIZATION OF ADVERTISING PUBLIC HEARINGS BY THE PLANNING COMMISSION AND BY THE COUNTY BOARD TO CONSIDER A PROPOSED AMENDMENT TO THE MASTER TRANSPORTATION PLAN (MTP) MAP TO REMOVE A SECTION OF 20TH STREET NORTH FROM ITS INTERSECTION WITH NORTH UHLE STREET IN AN EASTERLY DIRECTION TO ITS TERMINUS WITH INTERSTATE 66 (I-66).**

On the consent agenda vote, after a duly advertised public hearing, the Board adopted the Resolution to ratify the advertisement placed in a newspaper of general circulation on November 13, 2012 and to authorize further advertisement to be placed on November 20, 2012, as notification of public hearings by the Planning Commission on November 26, 2012 and the County Board on December 8, 2012 to consider a proposed Amendment to the Master Transportation Plan (MTP) Map to remove the section of 20th Street North from its intersection with North Uhle Street in an easterly direction to its terminus with I-66. [Clerk's note: as set forth in the document entitled "Addendum-11-17-12-H-MTP Map Amendment" attached for the public record to these minutes.]

RESOLUTION TO RATIFY AND AUTHORIZE THE ADVERTISEMENT OF PUBLIC HEARINGS TO CONSIDER AMENDING THE MASTER TRANSPORTATION PLAN (MTP) MAP TO

REMOVE A SECTION OF 20TH STREET NORTH FROM ITS INTERSECTION WITH NORTH UHLE STREET IN AN EASTERLY DIRECTION TO ITS TERMINUS AT INTERSTATE 66.

The County Board of Arlington County hereby resolves to ratify and authorize advertisement of public hearings by the Planning Commission on November 26, 2012 and the County Board on December 8, 2012 to consider an amendment to the Master Transportation Plan (MTP) Map to remove a section of 20th Street North from its intersection with North Uhle Street in an easterly direction to its terminus with I-66.

[Board Report #23](#)

[Addendum-11-17-12-H-MTP Map Amendment](#)

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OTHER

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24. AMENDMENTS TO THE COUNTY PURCHASING RESOLUTION.

On the consent agenda vote, after a duly advertised public hearing, the Board adopted the proposed amendments to the Arlington County Purchasing Resolution to be effective upon the date of adoption by the County Board. [Clerk's note: as set forth in the document entitled "Addendum-11-17-12-I-County Purchasing Resolution Amendments" attached for the public record to these minutes.]

[Board Report #24](#)

[Addendum-11-17-12-I-County Purchasing Resolution Amendments](#)

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25. PRELIMINARY ADOPTION OF CALENDAR YEAR 2013 COUNTY BOARD MEETING SCHEDULE.

On the consent agenda vote, after a duly advertised public hearing, the Board tentatively adopted the Calendar Year 2013 County Board Meeting Schedule. [Clerk's note: as set forth in the document entitled "Addendum-11-17-12-J-2013 Board Meeting Schedule Tentative" attached for the public record to these minutes.]

[Board Report #25](#)

[Board Report #25-Supplemental](#)

[Addendum-11-17-12-J-2013 Board Meeting Schedule Tentative](#)

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26. MINUTES

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

May 1, 2012

Closed Session

May 15, 2012	Closed Session
October 20, 2012	Regular Meeting
October 23, 2012	Recessed Meeting

[A. Minutes - Regular Meeting](#)

[B. Minutes - Recessed Meeting](#)

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REGULAR HEARING ITEMS

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27. 2020 14TH STREET NORTH

- A. Approval of an Agreement of Sale Between BREOF Thomas REO, LLC and the County Board of Arlington County, Virginia for the Acquisition for Public Purposes by the County Board of the Land and Building Located at 2020 14th Street North, Arlington, Virginia (RPC #s17-016-012 and 17-016-013).

Following a duly advertised public hearing at which there were speakers, a motion was made by J. WALTER TEJADA, Vice Chairman, seconded by MARY HYNES, Chair to:

1. Approve the attached Agreement between BREOF Thomas REO, LLC ("Property owner") and the County Board of Arlington County, Virginia for the Acquisition for Public Purposes by the County Board of the Land and Building Known Located at 2020 14th Street North, Arlington, Virginia (RPC #s17-016-012 and 17-016-013) ("Property");
2. Authorize the Real Estate Bureau Chief, or his designee, to execute the Agreement of Sale and all related documents and occupancy agreements necessary for the acquisition of the Property, subject to approval as to form of all documents by the County Attorney; and
3. Appropriate and Allocate \$20 million from the Utilities Fund PAYG account (Fund 519) to the General Fund PAYG account (Fund 313) as a temporary loan pending reimbursement to the Utilities Fund PAYG account by the issuance of revenue bonds through the Arlington County Industrial Development Authority ("IDA").

The motion was adopted and carried by a vote of 5 to 0. The voting recorded as follows: MARY HYNES, Chair - Aye, J. WALTER TEJADA, Vice Chairman - Aye, JAY FISETTE, Member - Aye, LIBBY GARVEY, Member - Aye and CHRISTOPHER ZIMMERMAN, Member – Aye. [Clerk's note: as set forth in the document entitled "Addendum-11-17-12-K-2020 Agreement of Sale" attached for the public record to these minutes.]

[Board Report #27.A.](#)

[Addendum-11-17-12-K-2020 Agreement of Sale](#)

- B. Award of sole source Contract 571-13 to MTFA Architecture (MTFA) for design services for conversion of floors one through four of 2020 14th St N. building for County uses.

Following a duly advertised public hearing at which there were speakers, a motion was made by J. WALTER TEJADA, Vice Chairman, seconded by CHRISTOPHER ZIMMERMAN, Member, to:

1. Approve the award of sole source Contract Number 571-13 between the Arlington County Board and MTF Architecture to provide design services for the conversion of floors one through four of the building at 2020 14 St. N. for County uses, in a amount not to exceed \$685,671 and a contingency of \$103,000 for a total contract authorization of \$788,671;
2. Authorize the Purchasing Agent to execute the Contract, subject to legal review by the County Attorney.

The motion was adopted and carried by a vote of 5 to 0. The voting recorded as follows: MARY HYNES, Chair - Aye, J. WALTER TEJADA, Vice Chairman - Aye, JAY FISETTE, Member - Aye, LIBBY GARVEY, Member - Aye and CHRISTOPHER ZIMMERMAN, Member – Aye.

[Board Report #27 B](#)

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28. FISCAL YEAR (FY) 2012 CLOSEOUT AND RE-APPROPRIATION INTO FY 2013.

Following a duly advertised public hearing at which there were speakers, a motion was made by MARY HYNES, Chair, seconded by CHRISTOPHER ZIMMERMAN, Member to take the following actions. The motion was adopted and carried by a vote of 5 to 0. The voting recorded as follows: MARY HYNES, Chair - Aye, J. WALTER TEJADA, Vice Chairman - Aye, JAY FISETTE, Member - Aye, LIBBY GARVEY, Member - Aye and CHRISTOPHER ZIMMERMAN, Member – Aye.

1. Adopt the revised FY 2012 County government appropriation resolution shown on Attachment 1.
2. Allocate from the FY 2012 General Fund Balance the following amounts based on County Board policy, prior actions of the County Board, and staff evaluations:
 - a. \$18,606,988 for the FY 2013 budget, already appropriated in April 2012 as part of the FY 2013 adopted budget;
 - b. \$52,605,487 to the General Fund Operating Reserve, including \$50,240,906 in existing reserves and \$2,364,581 in additional funding to maintain the County Board's policy of funding the General Fund Operating Reserve at five percent of the General Fund budget in FY 2013;
 - c. \$5,000,000 to the County's Self Insurance Reserve;
 - d. \$15,981,212 net to affordable housing programs from unexpended FY 2012 Affordable Housing Investment Fund allocations and loan repayments, and appropriate to Non-Departmental (101.91102) (\$16,335,010 expense, \$353,798 HUD Home revenue);
 - e. \$2,436,464 in restricted revenue from seized assets, and appropriate \$63,139 to the Commonwealth Attorney (101.20701) and \$2,373,325 to Police (101.31423);
 - f. \$64,669,485 from the FY 2012 General Fund Balance and appropriate \$54,952,899 to the Schools after adjusting for unappropriated expenditure savings, revenue increases, and the Schools share of the General Fund Operating reserve.
3. Appropriate \$3,000,000 to the existing Budget Stabilization Contingent to Non-Departmental (101.91102).

4. Allocate \$1,612,330 in unspent master lease balances that have been committed as part of prior year CIPs but not yet spent, particularly in the technology area and appropriate to Non-Departmental (101.91102).
5. Allocate \$5,366,066 toward employee compensation for the reclassification of several uniform public safety and general employee positions identified to be significantly below comparative pay studies, a set-aside for potential FY 2014 one-time employee compensation if employee step/market pay adjustment is not included in the FY 2014 budget, and monies to offset the cost of employee buyouts in FY 2013 in preparation for FY 2014 potential budget reductions and appropriate as outlined in Attachment 2 (item f.). If any of the FY 2014 monies set aside are not needed for employee compensation then the funding would be available for reallocation to other Board priorities (e.g. AHIF).
6. Amend the FY 2013 County Budget by approving the appropriations in Attachment 2, with revision to FY2012 Incomplete Projects List, Department of Planning Housing and Development, Non-Profit Capacity Building line to delete the reference to "Arlington Historical Society." This attachment includes an encumbrance carryover of \$171,861 and a net General Fund carryover (expense minus revenue) of \$10,131,143 for miscellaneous incomplete projects and FY 2013 funding needs. [Clerk's note: text to be deleted is shown in strikethrough.]
7. Allocate \$18,094,712 to FY 2013 pay-as-you go capital and appropriate to Fund 313 as a transfer to capital from the General Fund (101.91107).

[Clerk's note: as set forth in the document entitled "Addendum-11-17-12-L-Closeout and Re-appropriation" attached for the public record to these minutes.]

[Board Report #28](#)

[Addendum-11-17-12-L-Closeout and Re-appropriation](#)

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29. FISCAL YEAR (FY) 2014 FINANCIAL FORECAST AND BUDGET GUIDANCE.

Following a duly advertised public hearing at which there were speakers, a motion was made by J. WALTER TEJADA, Vice Chairman, seconded by CHRISTOPHER ZIMMERMAN, Member to add the following at the conclusion of item #6 on the FY 2014 Budget Guidance/Direction to Manager for Preparation of FY 2014 Budget document: "A mix of one-time and on-going funding may be used." The motion failed by a vote of 2 to 3. The voting recorded as follows: MARY HYNES, Chair - No, J. WALTER TEJADA, Vice Chairman - Aye, JAY FISETTE, Member - No, LIBBY GARVEY, Member - No and CHRISTOPHER ZIMMERMAN, Member – Aye.

A motion was made by CHRISTOPHER ZIMMERMAN, Member, seconded J. WALTER TEJADA, Vice Chairman to add the following at the conclusion of item #6 on the FY 2014 Budget Guidance/Direction to Manager for Preparation of FY 2014 Budget document: "The Manager is directed to provide with the FY 14 budget proposal: a) an analysis showing the number of Committed Affordable Units(CAFs) likely to be achieved relative to the adopted target for new CAFs, under the funding proposed in the budget; and b) if the number is below the target, to provide the Board with funding options that would achieve the target." The motion failed by a vote of 2 to 3. The voting recorded as follows: MARY HYNES, Chair - No, J. WALTER TEJADA, Vice Chairman - Aye, JAY FISETTE, Member - No, LIBBY GARVEY, Member - No and CHRISTOPHER ZIMMERMAN, Member – Aye.

A motion was made by MARY HYNES, Chair, seconded JAY FISETTE, Member to adopt the FY 2014 Budget Guidance/Direction to Manager for Preparation of FY 2014 Budget document, as amended. The motion was adopted and carried by a vote of 3 to 2. The voting recorded as follows: MARY HYNES, Chair - Aye, J. WALTER TEJADA, Vice Chairman - No, JAY FISETTE, Member - Aye, LIBBY GARVEY, Member - Aye and CHRISTOPHER ZIMMERMAN, Member – No.

**FY 2014 BUDGET GUIDANCE
DIRECTION TO MANAGER FOR PREPARATION OF FY 2014 BUDGET**

GOALS:

The County Board directs the County Manager to prepare a FY 2014 budget that reflects current economic conditions, while honoring the County's vision and legacy. Specifically, the FY 2014 budget must, at a minimum, fund services that protect the health and safety of our residents, continue our investments in affordable housing and environmental sustainability, adequately support the public schools, and ensure a safety net for those in need.

Should either the local or national economic forecast change significantly prior to budget submission, the County Manager will update the Board and the community in a timely manner on potential near- and long-term financial impacts that may need to be factored into FY14 budget discussions.

In developing her Proposed FY14 Budget, the County Manager is directed to:

1. Present a balanced budget that equally divides the County revenues/expenditures gap between proposed tax revenue increases and proposed expense/service reductions. Funding for operating costs for ConnectArlington and Arlington Mill as well as costs associated with the Comcast franchise agreement may also be addressed through tax revenue increases.
2. Maintain the County/School revenue sharing allocation reflected in the FY 2013 budget (54.2 % County / 45.8% Schools) which is consistent with existing County Board guidance. Funding to accommodate enrollment above the number of students funded in FY13 shall be addressed through tax revenue increases.
3. Ensure that the budget provides for long-term financial sustainability.
4. Preserve the County's high grade bond ratings.
5. Fully fund all debt, lease and other contractual commitments including those "subject to appropriation" in the base budget.
6. In keeping with Board direction given during adoption of the FY13 budget, provide total AHIF funding of no less than the FY13 level.
7. Eliminate duplication and inefficiencies.

The County Manager shall also provide 1) an impact assessment were we to keep expenses within existing tax rates, including potential areas to be considered for cuts, and 2) an impact assessment, including the extent to which tax rates would have to increase, were we to maintain services at the FY13 budget level.

[Board Report #29](#)

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30. [APPROVAL OF EXTENSION OF NOTES ISSUED FOR BUCKINGHAM VILLAGE 3 ACQUISITION](#)

Following a duly advertised public hearing at which there were speakers, a motion was made by MARY HYNES, Chair, seconded by CHRISTOPHER ZIMMERMAN, Member to:

1. Adopt the attached resolution approving the extension of the maturity of the \$9,666,099 Variable Rate Revenue Note (Taxable) Series 2010A and \$26,000,000 Fixed Rate Revenue Note (Taxable) Series 2010B (the "Notes") issued through the Industrial Development Authority ("IDA") to acquire Buckingham Village 3.

2. Authorize the County Manager to execute the required documents, including but not limited to a Notes and Support Agreement, and to approve details of the financing as discussed in the attached resolution and described in this report.

The motion was adopted and carried by a vote of 5 to 0. The voting recorded as follows: MARY HYNES, Chair - Aye, J. WALTER TEJADA, Vice Chairman - Aye, JAY FISSETTE, Member - Aye, LIBBY GARVEY, Member - Aye and CHRISTOPHER ZIMMERMAN, Member – Aye.

A RESOLUTION OF THE COUNTY BOARD OF THE COUNTY OF ARLINGTON,
VIRGINIA APPROVING THE AMENDMENT OF THE INDUSTRIAL
DEVELOPMENT AUTHORITY'S REVENUE NOTES SERIES 2010A AND SERIES
2010B ISSUED TO FINANCE THE BUCKINGHAM VILLAGE 3 PROJECT

WHEREAS, the Industrial Development Authority of Arlington County, Virginia (the "Authority") issued its \$9,666,099 Variable Rate Revenue Note (Taxable) Series 2010A and \$26,000,000 Fixed Rate Revenue Note (Taxable) Series 2010B (the "Notes") to provide financing to facilitate the redevelopment of the affordable housing facilities located in Arlington County, Virginia (the "County") known as Buckingham Village 3.

WHEREAS, the Notes are secured by a Support Agreement among the County, the Authority and Bank of America, N.A. (the "Bank"), as owner of the Notes (the "Support Agreement") pursuant to which the County agreed to pay principal of and interest on the Notes, subject to appropriation by the County Board.

WHEREAS, the County, the Authority and the Bank propose to extend the maturity of the Notes pursuant to a First Amendment to Notes and a First Amendment to Support Agreement.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY BOARD OF THE COUNTY OF ARLINGTON, VIRGINIA:

1. Amendment of Notes. The County Board approves the amendment of the Notes pursuant to a First Amendment to Notes (the "Amendment") to be entered into by the Authority to extend the maturity of the Notes as set forth in the Amendment.

2. Authorization of Amendment to Support Agreement. The execution and delivery of and performance by the County of its obligations under the Support Agreement, as amended by the First Amendment to Support Agreement are authorized. The First Amendment to Support Agreement shall be in such form and contain such provisions as the County Manager and the Chairman of the County Board, or either of them, shall approve, such approval to be evidenced conclusively by the execution and delivery of the First Amendment to Support Agreement.

3. Execution of Documents. The Chairman of the County Board and the County Manager, or either of them, are authorized to execute on behalf of the County the First Amendment to Support Agreement, and, if required, to affix or to cause to be affixed the seal of the County to the First Amendment to Support Agreement and to attest such seal. Such officers or their designees are authorized to execute and deliver on behalf of the County such instruments, documents or certificates, and to do and perform such things and acts, as they shall deem necessary or appropriate to carry out the transactions authorized by this Resolution or contemplated by the First Amendment to Notes and the First Amendment to Support Agreement; and all of the foregoing, previously done or performed by such officers or agents of the County, are in all respects approved, ratified and confirmed.

4. Nature of Obligations. Nothing in this Resolution, the Notes, as amended by the First Amendment to Notes or the Support Agreement, as amended by the First Amendment to Support Agreement shall constitute a debt of the County and the Authority shall not be obligated to make any payments under the Notes except from payments made by or on behalf of the County under the Support Agreement, as amended by the First Amendment to Support Agreement. The County's

obligations to make payments pursuant to the Support Agreement, as amended by the First Amendment to Support Agreement shall be subject to and dependent upon annual appropriations being made from time to time by the County Board for such purpose. Nothing in this Resolution, the Notes, as amended by the First Amendment to Notes or the Support Agreement, as amended by the First Amendment to Support Agreement shall constitute a pledge of the full faith and credit of the County beyond the constitutionally permitted annual appropriations.

5. Effective Date. This Resolution shall take effect immediately.

[Board Report #30](#)

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31. [2013 GENERAL ASSEMBLY SESSION PRIORITIES](#)

Following a duly advertised public hearing at which there were speakers the Board closed the public hearing on the proposed 2013 General Assembly Session Priorities and will finalize the legislative priorities at the December 8, 2012 County Board meeting.

[Board Report #31](#)

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ADJOURNMENT

Without objection, at 12:55 p.m., the Board recessed until the November 27, 2012 Recessed Meeting.

MARY HYNES, Chair

ATTEST:

HOPE L. HALLECK, Clerk
Approved: December 11, 2012