

A Recessed Meeting of the County Board of Arlington County, Virginia, held in Room 307 of 2100 Clarendon Boulevard thereof on Tuesday, February 15, 2011 at 3:00 p.m.

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

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

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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

Chairman Zimmerman introduced Treasurer Frank O’Leary, who announced the winner of the 7th annual competition for Arlington high school students to design the county’s vehicle decal. Students artists are: Lizzi Alarcon from Wakefield HS, 11th Grade, Jeremy Cannon from Yorktown HS, 9th Grade, Maya Giacobbe from Wakefield HS, 11th Grade and Kate Tsagronis, from Wakefield HS, 12th Grade. This year’s winner is Maya Giacobbe

The Chairman provided an update on his initiative to support small businesses and announced two Chairman’s Roundtable events: a Chairman’s Roundtable meeting on March 21 from 7 to 9 pm at the Central Library Auditorium, for an invited group of small business owners and a larger open forum “listening session,” on March 31, from 7 to 10 pm, at Clarendon Ballroom. For more information, please visit www.arlingtonva.us, and search “chairman’s roundtable.”

Chairman Zimmerman invited Mr. Fisetto to provide an update on the Community Energy Plan. Mr. Fisetto reviewed the revised 2050 goals recommended by the Community Energy and Sustainability Task Force in their draft report. Task Force recommends greenhouse gas emissions target of 3 metric tons CO₂/capita per year by 2050. If a regional energy plan is established, the Task Force would work to reduce 2050 goal to 2.2 metric tons CO₂ /capita. The last meeting will be held on March 11. For more information, please visit: www.arlingtonva.us/energyplan.

The Chairman announced that for the second season of the [Car-Free Diet Skeptics Challenge](http://www.carfreedietskeptics.com), the County is looking for people who drive their cars now and are willing to try going car free for 30 days. Applications are due by February 28, 2011. Mr. Zimmerman showed a video to promote the program. For more information, please visit www.carfreedietskeptics.com.

Chairman Zimmerman presented new mobile tools for commuters available at www.commuterpage.com/mobile. The tools include: ART Real-Time Predictions – which gives real-time arrival information for the ART buses, Layar, which uses your phone’s camera and GPS to show ART bus stops near you, and Point-to-Point, which provides all the bus options between two scheduled time points from any Northern Virginia transit system. Mr. Zimmerman showed an example of how to use the Point-to-Point system.

Chairman Zimmerman and Mr. Tejada presented goals for the initiative Tell Arlington's Story. They announced upcoming events including the Feel the Heritage Festival – Saturday, Feb 26, 12-5pm, Charles Drew Community Center. For information please visit: www.arlingtonva.us, search "black history month." On March 8 from 7-8:30 p.m. at the Central Library Auditorium, panelists will share family history and personal stories for Tell Arlington's Stories: Third and Fourth Generation African American Arlingtonians. The Kamtdaa/Together Festival at the Artisphere will run from March through May celebrating art and culture of Mongolian community of Arlington. For information, please visit www.artisphere.com. The Chairman announced the website: www.ArlingtonStory.us, showing calendar of events, stories and a chance to answer a short questionnaire and submit your own story or video and showed a video about the program.

Mr. Tejada announced that he was an invited speaker at HB Woodlawn's 8th grade class on February 1, 2011. At his appearance, the focus was on energy, its use and conservation. Mr. Tejada provided the students with information regarding the County's efforts on energy conservation. Mr. Tejada invited the students to present their findings at a future Board meeting.

Mr. Tejada announced the 2011 Sister Cities International Conference to be held in Arlington at the Crystal Gateway Marriot on March 3-5, 2011 and provided background information about the Arlington Sister City Association. Mr. Tejada invited the public to Sister Cities reception on March 5, 2011 at 6:30 p.m. at the Crystal Gateway Marriot. Volunteer opportunities are also available. For tickets and more information, please visit: www.sistercitiesconference.org.

On a motion by J. WALTER TEJADA, Member, seconded by JAY FISETTE, Member and carried by a vote of 5 to 0, the voting recorded as follows: CHRISTOPHER ZIMMERMAN, Chairman - Aye, MARY HYNES, Vice Chairman - Aye, BARBARA A. FAVOLA, Member - Aye, JAY FISETTE, Member - Aye, J. WALTER TEJADA, Member - Aye, the Board approved the Declaration of a Partnership agreement between Ivano-Frankivsk (Ukraine) and Arlington, Virginia and authorized the chairman to sign the agreement on the Board's behalf. Mr. Tejada reiterated that the agreement does not commit the County to any financial obligations or staff resources.

DECLARATION OF A PARTNERSHIP
BETWEEN
IVANO-FRANKIVSK
(UKRAINE)
AND
ARLINGTON, VIRGINIA
(UNITED STATES OF AMERICA)

As a contribution toward the continuing consolidation and strengthening of the long-standing friendship between the citizens of the United States of America and the citizens of Ukraine,

For the development of mutual understanding and with the will of both sides to initiate and create, to the greatest extent possible, ties between the citizens and the institutions of the two communities,

The County of Arlington and the City of Ivano-Frankivsk, based on the resolutions of their elected governing bodies, establish, with the signing of this Declaration, a Partnership.

The representatives of Ivano-Frankivsk and Arlington are convinced that close contacts between the citizens and institutions of both communities, in particular the meeting and exchange of their youth, are in their mutual interest, and also serve to promote understanding, the continuing improvement of the living conditions of all, tolerance, and thus the strengthening of friendship between their nations and the maintenance of peace in the world.

To foster friendship and mutual understanding, both communities agree to do their best to develop and maintain contacts through the arrangement and promotion of friendly meetings of their citizens and

especially of their youth.

This is to be done in particular by exchange and cooperation in the areas of: youth concerns, education and training, culture, sport, science, environment, local government, research and teaching, technology, tourism and other economic activity.

This Declaration comes into force on being signed on this day. The document in English and the document in Ukrainian are equally valid.

Ms. Favola provided a state legislative report, including an update on the current status of the sunset provision of the Transient Occupancy Tax, and the defeat of the on-line travel company legislation, immigration bills. Ms. Favola also provided an update on immigration bills. Of the 29 immigration bills introduced, 12 have survived, and the Board is not supportive these remaining 12 bills. Ms. Favola announced that line of duty insurance legislation is still being considered. Real Estate Assessment appeals legislation has been defeated and human trafficking legislation has passed. Ms. Favola thanked the legislative delegation for their support and provided an overview of budget amendments being discussed in Richmond.

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II. APPOINTMENTS

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

Arlington Partnership for Children, Youth and Families

Appoint Barbara Gomez and designate as Chair for a term ending September 30, 2011

Commission on the Status of Women

Appoint Jessica Hart for a term ending February 28, 2014

Community Development Citizens Advisory Committee

Appoint Sheila Hess as an alternate representing the Commission on Aging for a term ending February 28, 2014

Appoint Greg Staff as a representative of Public Interests-at-Large for a term ending February 28, 2014

Crystal City BID

Appoint Michelle Cowan as a County Representative

Crystal City Citizen Review Council

Appoint Alan Haskel as a tenant representative for a term ending February 28, 2013

Appoint Steven Wilder as a tenant representative for a term ending February 28, 2013

Historical Affairs and Landmark Review Board

Appoint Richard Woodruff for a term ending February 28, 2014

Human Rights Commission

Appoint Tiffany M. Joslyn for a term ending February 28, 2014

Industrial Development Authority

Appoint Jason Friess as Secretary-Treasurer

Information Technology Advisory Commission

Appoint Brad Reese for a term ending February 28, 2014

Public Facilities Review Committee

Reappoint Brian Harner as the Planning Commission representative for a term ending February 28, 2013

Reappoint Rick Engelman as the Schools representative for a term ending February 28, 2013

On a motion by CHRISTOPHER ZIMMERMAN, Chairman, seconded by and carried by a vote of 5 to 0, the voting recorded as follows: CHRISTOPHER ZIMMERMAN, Chairman - Aye, MARY HYNES, Vice Chairman - Aye, BARBARA A. FAVOLA, Member - Aye, JAY FISETTE, Member - Aye, J. WALTER TEJADA, Member - Aye, the County Board approved the following appointments to the CIP Working Group for terms ending December 31, 2012:

Appoint Sue Robinson to represent the Fiscal Affairs Advisory Commission and designate as Chair

Appoint Alan Howze to represent the Fiscal Affairs Advisory Commission and designate as Vice Chair

Appoint Juliette Hiznay to represent the Neighborhood Conservation Advisory Committee

Appoint Wayne Kubicki to represent the Arlington County Civic Federation

Appoint Joan McDermott to represent the Commission on Aging

Appoint Kim Ward to represent the Commission for the Arts

Appoint Kim Klingler to represent Emergency Preparedness Advisory Commission

Appoint Bill Braswell to represent the Neighborhood Traffic Calming Committee

Appoint George Towner to represent the Sports Commission

Appoint Frank Jazzo to represent the Information Technology Advisory Commission

Appoint Penny Everline to represent the Transportation Commission

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III. REGIONAL REPORTS

Mr. Zimmerman announced that Ms. Hynes has been named as Chairman of the Governance Committee for the WMATA Board of Directors. Ms. Hynes reported on the latest activity on the WMATA Board, including naming the Interim Acting Director as Director of WMATA. Ms. Hynes invited the public to the first meeting of the Governance Committee for 2011, to be held on February 17, 2011 at 9 a.m. at WMATA Headquarters. For more information, or to watch the meeting live, please visit the WMATA website. Ms. Hynes briefed the Board on the presentation of the WMATA operating budget, which shows a \$72 million funding gap. On March 24, 2011, the WMATA Board will hear a briefing on the capital portion of the budget, and in April will hear about revenues. The WMATA Board hopes to adopt the budget in May.

Ms. Hynes provided an update on the discussion regarding potentially re-routing some of the Blue Line trains over the Yellow Line bridge in order to increase capacity in the Orange Line tunnels and the on-going debate regarding Federal government funds to support Metro’s capital program. As introduced by Ms. Favola, the Board, with unanimous consent, authorized that the Board, under the Chairman’s signature go on record asking that this money be retained and that the letter be sent to the appropriate authorities on the various committees in the House of Representatives and to the President.

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IV. COUNTY MANAGER REPORT * PRESENTATION OF THE COUNTY MANAGER’S PROPOSED FISCAL YEAR (FY) 2012 BUDGET

The County Manager presented an overview of the FY 2012 Proposed Budget. Ms. Donnellan stated that the proposed balanced budget maintains the County’s commitments to fund services for health and safety of the community, affordable housing, environmental sustainability, public schools and providing a safety net and preserves the County’s AAA bond ratings. The Manager presented that the proposed budget assumes no increase in the real estate tax rate, includes a proposed General Fund budget of \$985.2 million. The General Fund budget, not including Schools, is \$607.1 million. The Schools transfer is expected to be \$378.2 million.

CLOSED MEETING; CERTIFICATION OF CLOSED MEETING DISCUSSIONS

On motion by CHRISTOPHER ZIMMERMAN, Chairman, seconded by MARY HYNES, Vice Chairman and carried by a vote of 4 to 0, the voting recorded as follows: CHRISTOPHER ZIMMERMAN, Chairman - Aye, MARY HYNES, Vice Chairman - Aye, BARBARA A FAVOLA, Member - Aye, JAY FISETTE-Absent, J. WALTER TEJADA, Member - Aye, the Board met in a closed meeting from 4:38 p.m. to 6:48 p.m., as authorized by Virginia Code sections 2.2-3711.A.3 and 7 for the purpose of discussing the following:

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

consultation with the County Attorney concerning the federal and state laws applicable to the renewal of cable television franchises;

consultation with the County Attorney concerning the County Board’s authority to extend the deadline for payment of taxes where good cause is shown;

consultation with the County Attorney concerning claims related to the title insurance policy issued by Chicago Title for portions of the North Tract;

consultation with the County Attorney concerning claims arising out of the agreement with Falls Church for jail fees;

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

consultation with the County Attorney concerning Case number CL 11-41 pending in the Circuit Court of Arlington County.

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

Member & Vote

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

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

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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, FEBRUARY 12, 2011)

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6. SP #298 SITE PLAN AMENDMENT TO APPROVE AN OUTDOOR CAFE IN THE PUBLIC RIGHT-OF-WAY, MODIFY THE FACADE AND MODIFY COMPREHENSIVE SIGN PLAN FOR AMERICAN TAP ROOM, LOCATED AT 3101 WILSON BLVD., (RPC: 15-071-031).

Following a duly advertised public hearing at which there were speakers, on a motion by MARY HYNES, Vice Chairman, seconded by J. WALTER TEJADA, Member and carried by a vote of 5 to 0, the voting recorded as follows: CHRISTOPHER ZIMMERMAN, Chairman - Aye, MARY HYNES, Vice Chairman - Aye, BARBARA A. FAVOLA, Member - Aye, JAY FISETTE, Member - Aye, J. WALTER TEJADA, Member - Aye, the Board adopted the ordinance to approve a site plan amendment for an outdoor cafe in the public right-of-way, to modify the facade and to modify the comprehensive sign plan for American Tap Room, subject to all previously approved conditions, modified Condition #41 and new Conditions #62, #63, #64 and #65.

Site Plan Amendment Ordinance

WHEREAS, an application for a Site Plan Amendment dated November 5, 2010 for Site Plan #298 was filed with the Office of the Zoning Administrator: and

WHEREAS, as indicated in Staff Report dated January 25, 2011 and through comments made at the public hearing before the County Board, the County Manager recommends that the County Board approve the Site Plan Amendment subject to all previous conditions and new conditions #62 ~~and~~, #63 ~~and~~, #64 and #65 and revised condition #41 (as follow below); and

WHEREAS, the County Board held a duly-advertised public hearing on that Site Plan Amendment on February 12, 2011 and finds, based on thorough consideration of the public testimony and all materials presented to it and/or on file in the Office of the Zoning Administrator, that the improvements and/or development proposed by the Site Plan as amended:

- Substantially complies with the character of master plans, officially approved neighborhood or area development plans, and with the uses permitted and use regulations of the district as set forth in the Zoning Ordinance and modified as follows:

- Section 34.H of the Zoning Ordinance (Modifications of zoning ordinance sign regulations for number of signs, limits on sign projection, size of proposed blade sign, and moving signs), Section 31.A.11 (regulations for outdoor cafes), "C-R" Commercial Redevelopment Districts.
 - Functionally relates to other structures permitted in the district and will not be injurious or detrimental to the property or improvements in the neighborhood; and
 - Is so designed and located that the public health, safety and welfare will be promoted and protected.

NOW THEREFORE, BE IT ORDAINED that, as requested by an application dated November 5, 2010 for Site Plan #298, and as such application has been modified, revised, or amended to include the drawings, documents, conditions and other elements attached to the staff report, the special exception approval that was last approved on September 16, 2006 and on file in the office of Zoning Administration (which drawings, etc... are hereafter collectively referred to as "Revised Site Plan Application"), is amended to permit an outdoor café in the public right of way, to modify the facade and to modify the comprehensive sign plan, Therefore, for the parcel of real property known as RPC: 15-071-031 at 3101 Wilson Blvd. approval for the Site Plan Amendment is granted and the parcel so described shall be used according to the Revised Site Plan Application as so amended, subject to all existing conditions (Conditions #1 – 61) with Condition #41 modified as follows, and new conditions #62 ~~and~~, #63 ~~and~~, #64 ~~and~~ #65:

Proposed amended condition #41:

41. The developer agrees to develop a comprehensive sign plan and all exterior signs shall be consistent with the guidelines contained in "Sign Guidelines for Site Plan Buildings" and with Section 34 of the Zoning Ordinance. The Zoning Administrator shall determine whether the signs meet the standards of the Guidelines and the Ordinance. No sign permits will be issued until a comprehensive sign plan is approved. The comprehensive sign plan shall be approved before issuance of the final building permit. All proposed rooftop signs shall require a site plan approval or amendment.

Furthermore, the developer agrees that the signs for "American Tap Room" shall be consistent with the location, design and lighting as shown on the drawings prepared by Chatelain Architects, titled "American Tap Room Project Number 2010.351", dated January 25, 2011 as attached to the staff report and approved by the County Board on February 15, 2011. The developer agrees that the total sign area allowed for the tenant "American Tap Room" and all successors and assigns shall be no more than 274.5 square feet.

Minor changes to the approved signs may be approved administratively by the Zoning Administrator. For the purposes of the preceding sentence, minor changes shall include only the following: (i) a minor adjustment in the location of the sign to meet field conditions (less than 1 foot in any direction); or (ii) a minor change in the area of the sign (less than 5%). All other changes to the comprehensive sign plan will require site plan approval or amendment.

Proposed new conditions:

62. The developer agrees that the proposed North Highland Street outdoor café in the public right-of-way for "American Tap Room" shall be as shown on the drawings prepared by Chatelain Architects, titled "American Tap Room Project Number 2010.351", dated January 25, 2011 as attached to the staff report and approved by the County Board on February 12, 2011. The final number and arrangement of tables and chairs shall be determined by the Certificate of Occupancy. There must be a minimum of 8.5 feet of clear sidewalk width. The developer also agrees that the required barriers or fencing around the outdoor café must be installed in such a

way that café patrons will not be able to move the barriers, but that they can be removed at the end of the outdoor seating season. The developer also agrees that there shall be a review by the County Board of this site plan amendment upon a change of ownership of the restaurant tenant. The developer also agrees that to the extent that the restaurant has outdoor speakers for music, the music from the speakers shall not be audible from inside the condominium units and not be louder than ambient noise at the condominium units' balconies located across 12th Street North/Festival Street. The developer also agrees that if a determination is made by County officials that noise from the outdoor café does not comply with applicable ordinances, the outdoor café shall be scheduled for review by the County Board. The developer also agrees that the outdoor fire pits located within the outdoor seating area along 12th Street North/Festival Street are for decorative purposes only.

63. The developer agrees that the proposed façade changes shall be as shown on the drawings prepared by Chatelain Architects, titled "American Tap Room Project Number 2010.351", dated January 25, 2011 as attached to the staff report and approved by the County Board on February 12, 2011. The developer agrees that the non-permanent façade overlay shall be removed within 30 days of "American Tap Room" vacating the premises.
64. The developer further agrees that a building permit for the proposed revolving door and canopy must be issued before issuance of a certificate of occupancy for the restaurant space. Prior to the issuance of said building permit for the proposed revolving door and canopy, the developer agrees to provide the Zoning Office with a letter from the County Manager or designee, stating either that the proposed revolving door and entrance canopy will not encroach into the County's 5-foot sidewalk easement, or that the developer has obtained all approvals necessary to permit such encroachment. The developer agrees that it will have all responsibility to obtain any necessary approvals for such encroachment.
65. The developer agrees that American Tap Room and all successor restaurant tenants shall make all reasonable efforts to educate customers (including by providing information on the restaurant's website) and employees as to available commercial parking and transit options in the immediate area and as to the restrictions on the use of on-street parking in the adjacent residential neighborhood.

[Clerk's note: as set forth in the document entitled "Addendum 2-15-11-A-SP#298" attached for the public record to these minutes.]

[Board Report #6](#)

[Board Report #6-Supplemental](#)

[Board Report #6-Supplemental #2](#)

[Addendum 2-15-11-A-SP#298](#)

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11. [HOWARD MANOR](#)

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

- A. Adopted the resolution designating the Howard Manor Apartments site as a Voluntary Coordinated Housing Preservation and Development District (VCHPDD).

VCHPDD RESOLUTION

WHEREAS, Community Preservation and Development Corporation, is the contract owner of the Howard Manor Apartments, located at 2001-2003 N. Cleveland Street and 2500-2510 20th Road N. has requested the County to designate the site, generally bordered by 20th Road N. to the north and N. Cleveland Street to the west, a Voluntary Coordinated Housing Preservation and Development District (VCHPDD); and

WHEREAS, there exists in the County a serious shortage of sanitary and safe residential housing at rentals and prices which persons and families of low and moderate income can afford; and this shortage has contributed and will contribute to the creation of substandard living conditions and is inimical to the health, welfare and prosperity of the residents of the County; and

WHEREAS, it is imperative that the supply of rental and other housing for such persons and families be preserved or developed; and

WHEREAS, private enterprise is unable, without assistance, to produce the needed development or rehabilitation of sanitary and safe housing which persons or families of low and moderate income can afford; and

WHEREAS, on February 12, 2011, the County Board approved a use permit (U-3274-10-1) for the addition to, and expansion of apartment buildings and a new community center at Howard Manor Apartments to preserve existing and create larger and more family sized affordable housing units, such conditions of use permit approval outline actions to be taken by the owner and by the County to assure that physical improvements to the structures, site and infrastructure are designed to improve the neighborhood, enhance the useful life of the buildings and promote energy conservation; and

WHEREAS, CPDC submitted with the aforementioned use permit (U-3274-10-1), which was approved by the County Board on February 12, 2011, a Low and Moderate Income Housing Plan, dated December 20, 2010, and Tenant Relocation Plan dated January 19, 2011, and such plans specify the actions to be taken by the owner and by the County (i) to minimize the displacement of persons or families of low and moderate income residing in the property; (ii) to reserve some units at rents and prices affordable to persons or families of low and moderate income; and (iii) otherwise to serve public purposes; and

WHEREAS, CPDC has committed with the approval of the aforementioned use permit (U-3274-10-1) and the Low and Moderate Income Housing Plan approved by the County Board on February 12, 2011, to provide a minimum of twenty percent of the units for low and moderate income persons as defined by the county for a minimum of ten years (CPDC has committed to provide 100% of the units for low and moderate income persons for 60 years).

WHEREAS, the County Manager has recommended that the proposed resolution be adopted; and

WHEREAS, the County Board of Arlington County has considered the foregoing recommendations and the purposes of the Comprehensive Plan as set forth in these documents and the purpose of the VCHPDD, the Arlington County Zoning Ordinance and the Code of Virginia.

NOW, THEREFORE, be it resolved that, based on the aforementioned considerations, deliberations and all public comments, the County Board of Arlington County finds that the Howard Manor Apartments property (see attached map), located at 2001-2003 N. Cleveland Street and 2500-2510 20th Road N. (RPC: 15-007-066, -067) should be, and it hereby is, designated a "Voluntary Coordinated Housing Preservation and Development District" on the County's General Land Use Plan.

- B. Adopted the following ordinance:

BE IT ORDAINED that, pursuant to application U-3274-10-1 on file in the Office of the Zoning Administrator for renewal of the use permit amendment for the parcel of real property known as 2001-2003 N. Cleveland St., 2500-2510 20th Road N. (RPC: 15-007-066, -067), 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. [Clerk's note: as set forth in the document entitled "Addendum 2-15-11-B-Howard Manor" attached for the public record to these minutes.]

[Board Report #11 A-B](#)

[Board Report #11 A-B-Supplemental](#)

[Addendum 2-15-11-B-Howard Manor](#)

- C. Following a duly advertised hearing at which the public spoke, on a motion by BARBARA A. FAVOLA, Member, seconded by CHRISTOPHER ZIMMERMAN, Chairman and carried by a vote of 5 to 0, the voting recorded as follows: CHRISTOPHER ZIMMERMAN, Chairman - Aye, MARY HYNES, Vice Chairman - Aye, BARBARA A. FAVOLA, Member - Aye, JAY FISETTE, Member - Aye, J. WALTER TEJADA, Member - Aye, the Board authorized the County Manager, with the concurrence of the County Attorney, to act as the County Board's representative in approving financing or program decisions that are necessary to remove any ambiguity or inconsistency or which improve the County's financial security or financial position, and which changes do not adversely affect the County financially, prior to or after execution of the County's financing documents.

[Board Report #11 C](#)

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

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

1. Approved the use of a total of \$3,302,559.00 of Neighborhood Conservation bond funds of which \$3,002,559.00 is for the priority neighborhood projects listed in Attachment A, \$200,000 is for missing link projects and \$100,000 is for micro projects as approved by the Neighborhood Conservation Advisory Committee (NCAC) for fall 2010, and authorize the County Manager to proceed with implementation of these projects. [Clerk's note: as set forth in the document entitled "Addendum 2-15-11-C-NC Projects" attached for the public record to these minutes.]
2. Appropriated \$300,000 from Community Conservation bond funds (316.72301) to Pay-As-You-Go Neighborhood Conservation (313.72301).

[Board Report #16](#)

[Addendum 2-15-11-C-NC Projects](#)

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20. APPROVAL OF AN AWARD OF CONTRACT FOR THE INSTALLATION OF A 60 KILOWATT (KW) SOLAR PHOTOVOLTAIC (PV) SYSTEM AT CENTRAL LIBRARY, INVITATION TO BID NUMBER 45-11.

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

1. Approved the award of contract Number 45-11 in the amount of two hundred eighty nine thousand, nine hundred dollars (\$289,900) to Aurora Energy, Inc., and approve an allocation not to exceed thirty thousand dollars (\$30,000) as a contingency for change orders, for a total contract authorization of three hundred nineteen thousand, nine hundred dollars (\$319,900).
2. Authorized the Purchasing Agent to execute the contract documents, subject to review of such documents by the County Attorney.

Board Report #20

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22. APPROVAL OF TWO PROJECT AGREEMENTS AND ONE MASTER AGREEMENT AMENDMENT BETWEEN THE COUNTY BOARD AND THE VIRGINIA DEPARTMENT OF RAIL AND PUBLIC TRANSPORTATION ("DRPT"); AND ONE AGREEMENT FOR UTILIZATION OF CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT (CMAQ) FUNDS BETWEEN THE COUNTY BOARD AND THE VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT), FOR COMMUTER SERVICES OPERATIONS.

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

1. Approved the Project Agreement between the County Board and Commonwealth of Virginia, Department of Rail and Public Transportation, for use of Federal Highway Administration Congestion Mitigation and Air Quality Funds FY 11 CM-5401(943) in the amount of \$3,700,000; authorized the County Manager to execute the Agreement and all related documents on behalf of the County Board and to accept any funds awarded to the County, subject to approval of such Agreement and documents as to form by the County Attorney.
2. Approved the Project Agreement between the County Board and Commonwealth of Virginia, Department of Rail and Public Transportation, for use of Commonwealth Transportation Funds FY 2011 in the amount of \$1,040,000; authorized the County Manager to execute the Agreement and other related documents on behalf of the County Board and to accept any funds awarded to the County, subject to approval of such Agreement and documents as to form by the County Attorney.
3. Approved the Amendment No. 2 dated July 1, 2010 to the Master Agreement, dated July 1, 2009, for use of Commonwealth Transportation Funds between the Department of Rail and Public Transportation ("DRPT") and the County Board, in the form attached hereto, and authorized the County Manager to execute the Amendment, subject to approval of the Agreement and documents as to form by the County Attorney.

4. Approved the Agreement between the County Board and the Commonwealth of Virginia, Department of Transportation ("VDOT") for use of Congestion Mitigation and Air Quality Improvement Funds (CMAQ) in the amount of \$77,780; authorize the County Manager to execute the Agreement and other related documents on behalf of the County Board and to accept any funds awarded to the County, subject to approval of such Agreement and documents as to form by the County Attorney.
5. Appropriated \$1,797,320 in grant revenues (101.346004.41150) to the Department of Environmental Services (101.456000.41150).

[Clerk's note: as set forth in the document entitled "Addendum 2-15-11-D-DRPT Agreement" attached for the public record to these minutes.]

[Board Report #22](#)

[Addendum 2-15-11-D-DRPT Agreement](#)

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24. ADOPTION OF A RESOLUTION BY THE COUNTY BOARD OF ARLINGTON COUNTY, VIRGINIA APPROVING A DEED OF CONFIRMATION BETWEEN THE COUNTY BOARD AND THE UNITED STATES OF AMERICA CONCERNING PORTIONS OF PARCELS 12, 14, 15, AND 17 POTOMAC YARD NORTH, LONG BRIDGE PARK, ARLINGTON COUNTY, VIRGINIA, RPC NOS. 34024345, 34024346, 34024347 AND 34024349.

Following a duly advertised hearing at which there were no speakers, on a motion by MARY HYNES, Vice Chairman, seconded by BARBARA A. FAVOLA, Member and carried by a vote of 5 to 0, the voting recorded as follows: CHRISTOPHER ZIMMERMAN, Chairman - Aye, MARY HYNES, Vice Chairman - Aye, BARBARA A. FAVOLA, Member - Aye, JAY FISETTE, Member - Aye, J. WALTER TEJADA, Member - Aye, the Board took the following actions:

1. Adopted the Resolution approving a deed of confirmation between the County Board and the United States of America concerning Portions of Parcels 12, 14, 15, and 17 Potomac Yard North, Long Bridge Park, Arlington County, Virginia, RPC Nos. 34024345, 34024346, 34024347 and 34024349, and authorizing the acceptance and execution of the deed. [Clerk's note: as set forth in the document entitled "Addendum 2-15-11-E-Deed of Confirmation" attached for the public record to these minutes.]
2. Authorize the Real Estate Bureau Chief, or his designee, to execute the deed of confirmation and all related documents, on behalf of the County Board, subject to approval as to form of the Deed and all documents by the County Attorney.

[Board Report #24](#)

[Addendum 2-15-11-E-Deed of Confirmation](#)

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

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REGULAR HEARING ITEMS

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29. REQUESTS TO ADVERTISE BUDGET ITEMS

- A. [Request to advertise the CY 2011 real estate tax rate, the commercial real estate tax rate and the sanitary district tax rate.](#)

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

1. Authorized the advertisement of a Calendar Year (CY) 2011 base real estate tax rate of \$0.955 per \$100 of assessed value for public hearing on March 24, 2011, using the advertisement (attached to the staff report as Attachment V).
2. Authorized the advertisement of the commercial real estate tax for transportation initiatives at the current rate of \$0.125 per \$100 for public hearing on March 24, 2011, using the advertisement (attached to the staff report as Attachment V).
3. Authorized the advertisement of the sanitary district tax for stormwater management at the current rate of \$0.013 per \$100 of assessed value for a public hearing on March 24, 2011, using the advertisement (attached to the staff report as Attachment V).

Arlington County
 #1 Courthouse Plaza
 2100 Clarendon Boulevard
 Arlington, Virginia 22201
 February 12, 2011

NOTICE OF PROPOSED REAL PROPERTY TAX INCREASE

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

1. **Assessment Increase:** Total assessed value of real property, excluding additional assessments due to new construction or improvements to property, exceeds last year's total assessed value of real property by 5.6 percent.
2. **Lowered Rate Necessary to Offset Increased Assessment:** The tax rate which would levy the same amount of real estate tax as last year, when multiplied by the new total assessed value of real estate with the exclusions mentioned above, would be \$0.895 per \$100 of assessed value. This rate will be known as the "lowered tax rate."
3. **Effective Rate Increase:** The County of Arlington, Virginia proposes to adopt a tax rate of 0.955 per \$100 of assessed value. The difference between the lowered tax rate and the proposed rate would be 0.060 per

\$100, or 6.7 percent. This difference will be known as the "effective tax rate increase."

Individual property taxes may, however, increase at a percentage greater than or less than the above percentage.

4. **Proposed Total Budget Increase:** Based on the proposed real property tax rate and changes in other revenues, the total budget of Arlington County will exceed last year's revised budget by 3.7 percent.
5. The County also proposes to maintain the real estate tax for properties used for or zoned to permit commercial and industrial uses at the current rate of \$0.125 per \$100. Revenue from this tax is dedicated for transportation initiatives.
6. The County also proposes to maintain the sanitary district tax at the current rate of \$0.013 per \$100 of assessed value. Revenue from this tax is dedicated for the stormwater management fund.

A PUBLIC HEARING ON THE INCREASE WILL BE HELD ON MARCH 24, 2011, AT 7:00 P.M. OR AS SOON THEREAFTER AS POSSIBLE AT THE COUNTY BOARD ROOM, 2100 CLARENDON BLVD, ARLINGTON COUNTY, VIRGINIA. AFTER THE HEARING, THE COUNTY BOARD MAY ADOPT A TAX RATE LOWER THAN \$0.955 PER \$100 OF ASSESSED VALUE, BUT IT CANNOT ADOPT A HIGHER RATE.

A copy of the proposed resolution fixing the real estate tax rate for CY 2011 is on file and available for review in the Office of the Clerk to the County Board, Room 300, #1 Courthouse Plaza, 2100 Clarendon Boulevard, weekdays between the hours of 8:00 a.m. and 5:00 p.m.

Hope Halleck, Clerk
Arlington County Board

[Board Report #29 A](#)

- B. [Request to advertise for a public hearing on March 24, 2011, on the personal property tax rate and the allocation method of the State's vehicle tax relief provided to Arlington County.](#)

Following a duly advertised hearing at which the public spoke, on a motion by MARY HYNES, Vice Chairman, seconded by J. WALTER TEJADA, Member and carried by a vote of 5 to 0, the voting recorded as follows: CHRISTOPHER ZIMMERMAN, Chairman - Aye, MARY HYNES, Vice Chairman - Aye, BARBARA A. FAVOLA, Member - Aye, JAY FISETTE, Member - Aye, J. WALTER TEJADA, Member - Aye, the Board authorized advertisement for a public hearing on March 24, 2011, on the proposed Calendar Year 2011 general personal property tax rate of \$5.00 per \$100 of assessed value and a personal property tax rate of \$0.955 per \$100 of assessed value

(equal to the real estate tax rate) for public service corporations using the resolution (attached to the staff report as Attachment I).

RESOLUTION FIXING COUNTY PERSONAL PROPERTY LEVY

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

1. That there be levied for the year 2011 a tax of \$5.00 per one hundred dollars of assessed valuation on all taxable tangible personal property as defined in Sections 58.1-3500, 58.1-3501, 58.1-3502, 58.1-3503, 58.1-3506 and on machinery and tools as defined by Section 58.1-3507 of the Code of Virginia, except as otherwise provided in this paragraph. Without any limitation on the foregoing provisions, such property shall be considered to include all automobiles and trucks of public service corporations based upon the duly certified assessment thereof by the State Corporation Commission. Excluded from the levy of this paragraph (1) are the following:

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

2. That pursuant to Section 58.1-3506.A.10. there be levied for the calendar year 2011 a tax at the rate of \$0.955 per \$100 of assessed value on all manufactured homes as defined in Section 36-85.3 of the Code of Virginia and pursuant to Section 58.1-2606 on all other tangible personal property of public service corporations based upon the duly certified assessment of the State Corporation Commission.

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

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

Hope Halleck, Clerk
Arlington County Board

[Board Report #29 B](#)

C. [Request to advertise Department of Parks, Recreation and Cultural Resources Fees for Fiscal Year \(FY\) 2012.](#)

Following a duly advertised hearing at which the public spoke, on a motion by BARBARA A. FAVOLA, Member, seconded by MARY HYNES, Vice Chairman and carried by a vote of 5 to 0, the voting recorded as follows: CHRISTOPHER ZIMMERMAN, Chairman - Aye, MARY HYNES, Vice Chairman - Aye, BARBARA A. FAVOLA, Member - Aye, JAY FISETTE, Member - Aye, J. WALTER TEJADA, Member - Aye, the Board authorized the advertisement of a public hearing to be held on March 24, 2011, for the setting of the FY 2012 Department of Parks, Recreation, and Cultural Resources program fees (Attachment I of the staff report). [Clerk's note: as set forth in the document entitled "Addendum 2-15-11-F-PRCR Fees" attached for the public record to these minutes.]

[Board Report #29 C](#)

[Addendum 2-15-11-F-PRCR Fees](#)

- D. Following a duly advertised hearing at which the public spoke, on a motion by BARBARA A. FAVOLA, Member, seconded by MARY HYNES, Vice Chairman and carried by a vote of 5 to 0, the voting recorded as follows: CHRISTOPHER ZIMMERMAN, Chairman - Aye, MARY HYNES, Vice Chairman - Aye, BARBARA A. FAVOLA, Member - Aye, JAY FISETTE, Member - Aye, J. WALTER TEJADA, Member - Aye, the Board authorized the advertisement of a public hearing to be held on March 24, 2011 to enact Section 14.2-44(b), Subdivision D, Division 2, Article I, Chapter 14.2 (Motor Vehicles and Traffic) of the Code of Arlington County, Virginia to increase parking meter rates, effective July 1, 2011.

**AN ORDINANCE TO AMEND, REENACT AND REORDAIN
CHAPTER 14.2 (MOTOR VEHICLES AND TRAFFIC), ARTICLE I,
DIVISION 2, SUBDIVISION D, SECTION 14.2-44 (b) OF THE
CODE OF ARLINGTON COUNTY, VIRGINIA CONCERNING
PARKING METER RATES TO BE EFFECTIVE ON JULY 1, 2011.**

- I. BE IT ORDAINED by the County Board of Arlington County, Virginia that Chapter 14.2, Article I, Division 2, Subdivision D, Section 14.2-44(b) of the Code of Arlington County, Virginia, is hereby amended, reenacted, and reordained, to be effective on July 1, 2011, to read, in pertinent part, as follows:

§14.2-44. Parking time limits; when parking meters operative.

* * *

(b) Parking or standing a vehicle during the hours of meter operation in a designated space or area in a parking meter zone shall be lawful upon the deposit of coin or coins of the United States of America or upon the use of a credit card or other acceptable form of payment or upon the proper designation of time on an in-vehicle parking regulator at the following maximum rates, unless a lower rate is determined by the County Manager:

(1) *Thirty (30) minute parking meter zone*: One dollar (~~\$1.00~~) and twenty-five cents (\$1.25) for each hour parked.

(2) *One (1) hour parking meter zone*: One dollar (~~\$1.00~~) and twenty-five cents (\$1.25) for each hour parked.

(3) *Two (2) hour parking meter zone*: One dollar (~~\$1.00~~) and twenty-five cents (\$1.25) for each hour parked.

(4) *Four (4) hour parking meter zone*: One dollar (~~\$1.00~~) and twenty-five cents (\$1.25) for each hour parked.

(5) *Over four (4) hour meter zone*: ~~Seventy-five cents (\$0.75)~~ One dollar (\$1.00) for each hour parked.

(6) *Tour bus parking zone*: Three dollars (\$3.00) for each hour parked.

* * *

II. The remaining sections and subsections of Article I, Division 2, Subdivision D of Chapter 14.2 not hereby amended shall remain as previously enacted.

III. This Ordinance shall be effective on July 1, 2011

[Board Report #29 D](#)

E. Following a duly advertised hearing at which the public spoke, on a motion by BARBARA A. FAVOLA, Member, seconded by MARY HYNES, Vice Chairman and carried by a vote of 5 to 0, the voting recorded as follows: CHRISTOPHER ZIMMERMAN, Chairman - Aye, MARY HYNES, Vice Chairman - Aye, BARBARA A. FAVOLA, Member - Aye, JAY FISETTE, Member - Aye, J. WALTER TEJADA, Member - Aye, the Board authorized advertisement for the public hearing on March 24, 2011 for a proposed Calendar Year (CY) 2011 tax rate for the Ballston Business Improvement Service District (Ballston BID) of \$0.045 that is in addition to the current real estate rate, using the resolution (attached to the staff report as Attachment I).

RESOLUTION ESTABLISHING A 2011 TAX LEVY RATE FOR THE BALLSTON BUSINESS IMPROVEMENT DISTRICT (“BALLSTON BID”)

RESOLVED, that the County Board of Arlington County, acting as the governing body of the Ballston Business Improvement Service District (“Ballston BID”), does hereby establish a calendar year 2011 tax levy for the District in the amount of \$0.045 per one hundred dollars of assessed value of all taxable real estate located within the boundaries of the Ballston Business Improvement Service District (“Ballston BID”), and;

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

Hope Halleck, Clerk
Arlington County Board

[Board Report #29 E](#)

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

Following a duly advertised hearing at which the public spoke, on a motion by BARBARA A. FAVOLA, Member, seconded by MARY HYNES, Vice Chairman and carried by a vote of 5 to 0, the voting recorded as follows: CHRISTOPHER ZIMMERMAN, Chairman - Aye, MARY HYNES, Vice Chairman - Aye, BARBARA A. FAVOLA, Member - Aye, JAY FISETTE, Member - Aye, J. WALTER TEJADA, Member - Aye, the Board authorized advertisement for the public hearing on March 24, 2011, for a proposed Calendar Year 2011 tax rate for the Crystal City Business Improvement Service District (“Crystal City BID”) of \$0.043 that is in addition to the current real estate rate, using the attached resolution (Attachment I).

**RESOLUTION ESTABLISHING A 2011 TAX LEVY RATE FOR THE
CRYSTAL CITY BUSINESS IMPROVEMENT DISTRICT
 (“CRYSTAL CITY BID”)**

RESOLVED, that the County Board of Arlington County, acting as the governing body of the Crystal City Business Improvement Service District (“Crystal City BID”), does hereby establish a calendar year 2011 tax levy for the District in the amount of \$0.043 per one hundred dollars of assessed value of all taxable real estate located within the boundaries of the Crystal City Business Improvement Service District (“Crystal City BID”), and;

BE IT FURTHER RESOLVED, that such taxes, when and if appropriated by the County Board, acting as the governing body of the Crystal City Business

Improvement Service District (“Crystal City BID”), shall be used solely to fund the Budget and Work Program of the District as adopted by the County Board for the purposes of the District.

Hope Halleck, Clerk
Arlington County Board

[Board Report #29 F](#)

- G. Request to advertise the Rosslyn Business Improvement Service District tax rate as part of the overall real estate tax rate.

Following a duly advertised hearing at which the public spoke, on a motion by BARBARA A. FAVOLA, Member, seconded by MARY HYNES, Vice Chairman and carried by a vote of 5 to 0, the voting recorded as follows: CHRISTOPHER ZIMMERMAN, Chairman - Aye, MARY HYNES, Vice Chairman - Aye, BARBARA A. FAVOLA, Member - Aye, JAY FISETTE, Member - Aye, J. WALTER TEJADA, Member - Aye, the Board authorized advertisement for the public hearing on March 24, 2011, for a proposed Calendar Year 2011 tax rate for the Rosslyn Business Improvement Service District (“Rosslyn BID”) of \$0.080 that is in addition to the current real estate rate, using the attached resolution (Attachment I).

**RESOLUTION ESTABLISHING A 2011 TAX LEVY RATE FOR THE
ROSSLYN BUSINESS IMPROVEMENT DISTRICT (“ROSSLYN
BID”)**

RESOLVED, that the County Board of Arlington County, acting as the governing body of the Rosslyn Business Improvement Service District (“Rosslyn BID”), does hereby establish a calendar year 2011 tax levy for the District in the amount of \$0.080 per one hundred dollars of assessed value of all taxable real estate located within the boundaries of the Rosslyn Business Improvement Service District (“Rosslyn BID”), and;

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

Hope Halleck, Clerk
Arlington County Board

[Board Report #29 G](#)

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

Following a duly advertised hearing at which the public spoke, on a motion by BARBARA A. FAVOLA, Member, seconded by MARY HYNES, Vice Chairman and carried by a vote of 5 to 0, the voting recorded as follows: CHRISTOPHER ZIMMERMAN, Chairman - Aye, MARY HYNES, Vice Chairman - Aye, BARBARA A. FAVOLA, Member - Aye, JAY FISETTE, Member - Aye, J. WALTER TEJADA, Member - Aye, the Board authorized advertisement for the public hearing on March 24, 2011, for a proposed Calendar Year 2011 tax rate for the 2nd Road North Service District of \$0.159 that is in addition to the current real estate rate using the resolution (attached to the staff report as Attachment I).

RESOLUTION FIXING 2nd ROAD NORTH SERVICE DISTRICT TAX LEVY

BE IT RESOLVED AND ORDERED by the County Board of Arlington County, Virginia, acting as the governing body of the 2nd Road North Service District, that there is hereby levied for the tax year (CY) 2011, a tax of \$0.159 per one hundred dollars of assessed valuation of all taxable real estate located in the 2nd Road North Service District.

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

Hope Halleck, Clerk
Arlington County Board

[Board Report #29 H](#)

- I. Request to advertise a public hearing on the proposed Fiscal Year 2012 water/sewer rate increase.

Following a duly advertised hearing at which the public spoke, on a motion by BARBARA A. FAVOLA, Member, seconded by MARY HYNES, Vice Chairman and carried by a vote of 5 to 0, the voting recorded as follows: CHRISTOPHER ZIMMERMAN, Chairman - Aye, MARY HYNES, Vice Chairman - Aye, BARBARA A. FAVOLA, Member - Aye, JAY FISETTE, Member - Aye, J. WALTER TEJADA, Member - Aye, the Board authorized advertisement of a public hearing to be held March 24, 2011, to consider a proposed amendment to Chapter 26, Article 1 of the Arlington County Code (Utilities Ordinance-Attachment A) to increase the water rate by no more than \$0.18, from \$3.50 to \$3.68 per thousand gallons and to increase the sewer rate by no more than \$0.27, from \$8.24 to \$8.51 per thousand gallons.

Attachment A

AN ORDINANCE TO AMEND, REENACT, AND RECODIFY CHAPTER 26, ARTICLE I, DIVISION 2, SECTION 26-7, OF THE ARLINGTON COUNTY CODE, RELATING TO AN INCREASE IN THE WATER/SEWER RATES AND FEES EFFECTIVE MAY 1, 2011.

- I. **BE IT ORDAINED** that Chapter 26, Article I, Division 2, of the Arlington County Code is amended, reenacted, and recodified as follows, effective May 1, 2010-2011.

Chapter 26

UTILITIES

ARTICLE 1. IN GENERAL

* * *

DIVISION 2.

* * *

§ 26-7. Water/sewer rates and fees.

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

- RATES:
- (a) The rate for properties which use both shall be ~~\$11.74~~ \$12.19 per thousand (1,000) gallons of water furnished. The rate for these services is set forth as follows:
 - (1) Water Services – ~~\$3.50~~ \$3.68 per one thousand (1,000) gallons of water furnished.
 - (2) Sewer services - ~~\$8.24~~ \$8.51 per one thousand (1,000) gallons of water furnished.
 - (b) The rate for properties which are served by the County water system only shall be ~~\$3.50~~ \$3.68 per one thousand (1,000) gallons of water furnished.
 - (c) The rate for properties which are served by the County sewer system only shall be ~~\$8.24~~ \$8.51 per one thousand (1,000) gallons of water furnished based on the periodic water or sewer meter reading by the utility serving the property.

- II. The remaining sections and subsections of Chapter 26 of the Code of Arlington not amended hereby shall remain in effect as previously enacted.

[Board Report #29 I](#)

- J. Request to advertise a public hearing regarding a proposed Fiscal Year 2012 Household Solid Waste rate decrease.

Following a duly advertised hearing at which the public spoke, on a motion by BARBARA A. FAVOLA, Member, seconded by MARY HYNES, Vice Chairman and carried by a vote of 5 to 0, the voting recorded as follows: CHRISTOPHER ZIMMERMAN, Chairman - Aye, MARY HYNES, Vice Chairman - Aye, BARBARA A. FAVOLA, Member - Aye, JAY FISSETTE, Member - Aye, J. WALTER TEJADA, Member - Aye, the Board authorized the advertisement of a public hearing to be held on March 24, 2011, to consider a proposed amendment, as shown in Attachment A, to Chapter 10, Article 1 (Refuse) of the Code of Arlington County, Virginia to decrease the annual household solid waste rate from \$344.24 to \$325.72.

* * *

AN ORDINANCE TO AMEND, REENACT, AND RECODIFY CHAPTER 10 (GARBAGE, REFUSE AND WEEDS) OF ARLINGTON COUNTY CODE RELATING TO A DECREASE IN THE HOUSEHOLD SOLID WASTE RATE, EFFECTIVE JULY 1, 2011.

- I. **BE IT ORDAINED** by the County Board of Arlington County, Virginia, that Chapter 10, Article 1 of the Arlington County Code is amended, reenacted, and recodified as follows, effective July 1, 2011:

* * *

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

(a) There is hereby imposed for each single-family residential dwelling and each unit of duplex residential dwelling an annual charge of ~~three hundred forty four dollars and twenty four cents (\$344.24)~~ three hundred twenty-five dollars and seventy-two cents (\$325.72) billed quarterly, beginning with the quarter of July 1, ~~2010~~ 2011, through September 30, ~~2010~~ 2011, for refuse collection and disposal and recycling by Arlington County.

- II. The remaining sections and subsections of Chapter 10 of the Code of Arlington County, Virginia not amended hereby shall remain in effect as previously enacted.

[Board Report # 29 J](#)

- K. Request to advertise a public hearing regarding a proposed amendment to Arlington County Code, Chapter 10, Section 8f, for a reduction in fees associated with the disposal of household appliances.

Following a duly advertised hearing at which the public spoke, on a motion by BARBARA A. FAVOLA, Member, seconded by MARY HYNES, Vice Chairman and carried by a vote of 5 to 0, the voting recorded as follows: CHRISTOPHER ZIMMERMAN, Chairman - Aye, MARY HYNES, Vice Chairman - Aye, BARBARA A. FAVOLA, Member - Aye, JAY FISSETTE, Member - Aye, J.

WALTER TEJADA, Member - Aye, the Board authorized the advertisement of a public hearing to be held on March 24, 2011, to consider a proposed amendment, as shown on Attachment A, to Chapter 10, Article 1 (Refuse) of the Code of Arlington County, Virginia, to decrease the disposal fee for household appliances from twenty dollars (\$20) to ten dollars (\$10).

Attachment A

AN ORDINANCE TO AMEND, REENACT, AND RECODIFY CHAPTER 10 (GARBAGE, REFUSE AND WEEDS) OF ARLINGTON COUNTY CODE RELATING TO A DECREASE IN DISPOSAL FEE FOR HOUSEHOLD APPLIANCES, EFFECTIVE JULY 1, 2011.

I. **BE IT ORDAINED** by the County Board of Arlington County, Virginia, that Chapter 10, Article 1 of the Arlington County Code is amended, reenacted, and recodified as follows, effective July 1, 2011:

* * *

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

(f) Homeowners requesting pickup and disposal of household appliances shall be charged a fee of ~~twenty dollars (\$20.00)~~ ten dollars (\$10.00) for the first item and ~~ten dollars (\$10.00)~~ no charge for each additional item as part of the same service order at the same address, effective July 1, 2011.

* * *

II. The remaining sections and subsections of Chapter 10 of the Code of Arlington County, Virginia, not amended hereby shall remain in effect as previously enacted.

[Board Report #29 K](#)

L. County Board Salaries

Following a duly advertised hearing at which the public spoke, on a motion by BARBARA A. FAVOLA, Member, seconded by MARY HYNES, Vice Chairman and carried by a vote of 5 to 0, the voting recorded as follows: CHRISTOPHER ZIMMERMAN, Chairman - Aye, MARY HYNES, Vice Chairman - Aye, BARBARA A. FAVOLA, Member - Aye, JAY FISSETTE, Member - Aye, J. WALTER TEJADA, Member - Aye, the Board considered the attached information on County Board salaries for County Board adoption in April of maximum pay for the period January 1, 2012 through December 31, 2015.

[Board Report #29 L](#)

County Board - Compensation Overview									
Jurisdiction	County Board - Chairman				County Board - Member				% Between Chairman & Member
	Jan-08	Oct-10	\$ Increase	% Increase	Jan-08	Oct-10	\$ Increase	% Increase	
Arlington	\$53,900	\$53,900	\$0	0.00%	\$49,000	\$49,000	\$0	0.00%	10.00%
Alexandria	\$30,500	\$30,500	\$0	0.00%	\$27,500	\$27,500	\$0	0.00%	10.91%
Fairfax (FFX)	\$75,000	\$75,000	\$0	0.00%	\$75,000	\$75,000	\$0	0.00%	0.00%
Loudoun	\$50,000	\$50,000	\$0	0.00%	\$41,200	\$41,200	\$0	0.00%	21.36%
Prince William (PW)	\$44,153	\$48,012	\$3,859	8.74%	\$38,768	\$42,157	\$3,389	8.74%	13.89%
<u>Average: Alexandria & FFX</u>	<u>\$52,750</u>	<u>\$52,750</u>	<u>\$0</u>	<u>0.00%</u>	<u>\$51,250</u>	<u>\$51,250</u>	<u>\$0</u>	<u>0.00%</u>	<u>5.45%</u>
<u>Average: Alexandria, Loudoun, FFX, & PW</u>	<u>\$49,913</u>	<u>\$50,878</u>	<u>\$965</u>	<u>2.19%</u>	<u>\$45,617</u>	<u>\$46,464</u>	<u>\$847</u>	<u>2.19%</u>	<u>11.54%</u>
<u>75th Percentile: Alexandria, Loudoun, FFX, & PW</u>	<u>\$56,250</u>	<u>\$56,250</u>			<u>\$49,650</u>	<u>\$50,368</u>			
DC		\$190,000				\$125,583			51.29%
Prince George		\$101,417				\$96,417			5.19%
Montgomery		\$105,603				\$96,003			10.00%
Chesterfield		\$36,876				\$33,726			9.34%
Henrico		\$55,972				\$48,671			15.00%
Richmond		\$27,000				\$25,000			8.00%
Roanoke		\$19,050				\$15,560			22.43%
Virginia Beach		\$30,000				\$28,000			7.14%
<u>Average: All Jurisdictions (VA, MD, & DC)</u>		<u>\$64,119</u>				<u>\$54,568</u>			
<u>75th Percentile: All Jurisdictions (VA, MD, & DC)</u>		<u>\$81,604</u>				<u>\$81,604</u>			

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30. Z-2549-10-1 REZONING FROM "RA8-18, APARTMENT DWELLING DISTRICTS TO "RA6-15, APARTMENT DWELLING DISTRICTS," IN THE 1200 BLOCK NORTH ROLFE STREET (RPC: 17-034-002).

On a motion by CHRISTOPHER ZIMMERMAN, Chairman, seconded by J. WALTER TEJADA, Member and carried by a vote of 5 to 0, the voting recorded as follows: CHRISTOPHER ZIMMERMAN, Chairman - Aye, MARY HYNES, Vice Chairman - Aye, BARBARA A. FAVOLA, Member - Aye, JAY FISETTE, Member - Aye, J. WALTER TEJADA, Member - Aye, the Board deferred consideration of the rezoning request to the March 12, 2011 County Board meeting.

[Board Report #30](#)

[Board Report #30-Supplemental](#)

ADDITIONAL ITEMS

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

1. Approved the attached (Exhibit A) Settlement and Release Agreement between the County Board and Chicago Title Insurance Company concerning a County claim against Chicago Title Policy No. 2278-00143 [Clerk's note: as set forth in the document entitled "Addendum 2-15-11-G-Chicago Title" attached for the public record to these minutes.]; and
2. Authorized the County Manager to execute the Settlement and Release Agreement and all related documents, on behalf of the County Board, subject to approval as to form of all documents by the County Attorney; and
3. Appropriated \$250,000.00 from the Settlement and Release Agreement to the General Capital Fund for Parks and Recreation Pay-As-You-Go (PAYG) account (313.80001).

[Addendum 2-15-11-G-Chicago Title](#)

2. On a motion by CHRISTOPHER ZIMMERMAN, Chairman, seconded by MARY HYNES, Vice Chairman and carried by a vote of 5 to 0, the voting recorded as follows: CHRISTOPHER ZIMMERMAN, Chairman - Aye, MARY HYNES, Vice Chairman - Aye, BARBARA A. FAVOLA, Member - Aye, JAY FISETTE, Member - Aye, J. WALTER TEJADA, Member - Aye, the Board took the following actions:
 1. Approved the attached (Exhibit A) Subordination Agreement among the County Board of Arlington County, Virginia, Bank of Georgetown and MR Monument View LLC, subject to approval of the Agreement as to form by the County Attorney; and
 2. Approved the attached (Exhibit B) Escrow Agreement Among the County Board of Arlington County, Virginia, MR Monument View LLC, Bank of Georgetown, and Walker Title LLC, subject to approval of the Agreement as to form by the County Attorney;
 3. Authorized the Real Estate Bureau Chief to execute the Subordination Agreement, the Escrow Agreement, and all related documents, including, without limitation, the Consent to Assignment attached as Exhibit C, on behalf of the County Board, subject to approval as to form of all documents by the County Attorney.

[Clerk's note: as set forth in the document entitled "Addendum 2-15-11-H-MR Monument View" attached for the public record to these minutes.]

[Addendum 2-15-11-H-MR Monument View](#)

3. On a motion by CHRISTOPHER ZIMMERMAN, Chairman, seconded by MARY HYNES, Vice Chairman and carried by a vote of 5 to 0, the voting recorded as follows: CHRISTOPHER ZIMMERMAN, Chairman - Aye, MARY HYNES, Vice Chairman - Aye, BARBARA A. FAVOLA, Member - Aye, JAY FISETTE, Member - Aye, J. WALTER TEJADA, Member - Aye, the Board authorized the County Attorney to intervene on the Zoning Administrator's behalf in Case Number CL11-41 pending in the Circuit Court of Arlington County.
4. On a motion by CHRISTOPHER ZIMMERMAN, Chairman, seconded by J. WALTER TEJADA, Member and carried by a vote of 4 to 1, the voting recorded as follows: CHRISTOPHER ZIMMERMAN, Chairman - Aye, MARY HYNES, Vice Chairman - Aye, JAY FISETTE, Member - Aye, J. WALTER TEJADA, Member - Aye, BARBARA A. FAVOLA, Member - No, the Board adopted the following resolution:

**GRANT OF A FORTY-FIVE (45) DAY EXTENSION OF TIME FOR THE
PAYMENT OF REAL ESTATE TAXES IMPOSED UPON THE PRIMARY
RESIDENCES OWED BY NON-MILITARY EMPLOYEES OF THE FEDERAL
GOVERNMENT WHO ARE DEPLOYED IN AFGHANISTAN ON OFFICAL BUSINESS
OF THE UNITED STATES**

WHEREAS, the Arlington County Board honors and recognizes the tremendous sacrifices of members of the armed services of the United States and non-military employees of the federal government who place themselves in harm's way while serving our country in Afghanistan; and

WHEREAS, section 58.1-3916 of the Code of Virginia (1950), as amended (the "Code"), provides, in part, that members of the armed services of the United States who are deployed outside of the United States shall receive an automatic extension of time for the payment of real estate taxes imposed upon their primary residence; and

WHEREAS, section 58.1-3916 of the Code authorizes the Arlington County Board to provide by resolution for reasonable extensions of time, not to exceed ninety (90) days, for the payment of real estate taxes whenever good cause exists; and

WHEREAS, the Arlington County Board determines that if a non-military federal employee serves in Afghanistan on official business of the United States, and such service ends less than seven (7) days prior to the County deadline for payment of real estate taxes imposed upon the non-military federal employee's primary residence, or if such service makes it impractical for the non-military federal employee to pay the assessed real estate taxes to the County in a timely manner, then such service is confirmation that good cause exists for the extension of time for the payment of real estate taxes due through June 30,2011.

NOW, THEREFORE, BE IT RESOLVED, that the Arlington County Board hereby grants a forty-five (45) day extension of time for the payment of real estate taxes imposed upon the primary residences owned by non-military employees of the federal government who are serving in Afghanistan on official business of the United States if such service ends less than seven (7) days prior to the County deadline for the payment of real estate taxes, or if such service makes it impractical for the non-military federal employee to pay the assessed real estate taxes to the County in a timely manner.

BE IT FURTHER RESOLVED, that the Arlington County Board hereby declares that the forty-five (45) day extension of time for the payment of real estate taxes for employees of the federal government who are deployed in Afghanistan on urgent official business of the United States shall only apply to real estate taxes which are due during the current fiscal year.

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ADJOURNMENT

Without objection, at 10:05 p.m., the Board adjourned the meeting.

CHRISTOPHER ZIMMERMAN, Chairman

ATTEST:

HOPE L. HALLECK, Clerk
Approved: March 12, 2011