

A Recessed Meeting of the County Board of Arlington County, Virginia, held in Room 307 of #1 Courthouse Plaza thereof on Wednesday, October 22, 2008 at 3:00 p.m.

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

ALSO PRESENT: RON CARLEE, County Manager
STEPHEN A. MacISAAC, County Attorney
HOPE L. HALLECK, Acting 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

The Chairman announced the AIRE Business Champions. Last year, the Arlington Initiative to Reduce Emissions – Fresh AIRE – was created to address global warming. The program is committed to reducing emissions through promotion of energy efficiency and green building, smart transportation, recycling, and water conservation. As part of Fresh AIRE, environmental leaders in the business community were recognized. The Chairman invited two members of the Fresh AIRE team, Sarah O'Connell and Adam Segel-Moss, to the podium to explain and present the awards.

Ms. O'Connell recognized four Energy Star companies: Vornado/Charles E. Smith at 2231, 2345 and 2451 Crystal Drive and 2300 and 2200 Clarendon Boulevard; FAP Arlington Square, LLP and Jones Lang LaSalle at 4401 North Fairfax Drive; and TIAA CREF at 4350 North Fairfax Drive. Mr. Segal-Moss presented an award to the US Environmental Protection Agency and Jones Lang LaSalle for achieving the LEED for existing buildings Gold certification at One Potomac Yard. The final award went to the Ronald Ragan Washington National Airport and the Washington Dulles Airport for their outstanding commuter benefits. The Chairman congratulated all of the 2008 Fresh AIRE Business Champions.

The Chairman announced the Saving Arlington's Valuable Resources (SAVR) awards. This program recognized commercial properties that have exceptional recycling programs. The Chairman invited two members of the County's Department of Environmental Services, Bonnie Wilson and Michael Clem, to the podium to explain and present the awards.

Ms. Wilson awarded two gold and one silver award. The two gold winners were: Our Savior Lutheran Church and School at 825 South Taylor Street and Main Event Caterers at 3870 South Four Mile Run Drive. The silver award went to Two Liberty Center Office Building at 4075 Wilson Boulevard. The Chairman congratulated all of the 2008 SAVR Award recipients.

The Chairman announced the winners of the People's Choice ABBIES – Arlington's Best Business Awards. The People's Choice ABBIES helps recognize the best of all Arlington businesses, with participation from the entire community. This awards program is one of the many ways Arlington supports its business community, especially the small retail stores and restaurants that help shape the character of Arlington's urban villages. The Chairman invited Kelly Rindfusz from the Arlington Economic Development to the podium to announce the winners.

Ms. Rindfusz announced the following winners:

Delhi Dhaba – Arlington's Best Bargain Restaurant

Murky Coffee – Arlington's Best Coffee Shop
PetMAC Marketplace and Adoption Center – Arlington's Best Customer Service
Carlyle – Arlington's Best Date Restaurant
Whitlow's On Wilson Bar and Grill – Arlington's Best Family Friendly Restaurant, Arlington's Best Happy Hour and Arlington's Best Neighborhood Bar
The Java Shack – Arlington's Best "Great Neighbor" Business
Whole Foods Market – Arlington's Best Green Business
IOTA Club and Café – Arlington's Best Live Music Venue
Saffron Dance – Arlington's Best New Business and Arlington's Best Place to Work Out
Signature Theater – Arlington's Best Performing Arts Venue
Clarendon Ballroom – Arlington's Best Place to Dance the Night Away
Le Village Marche – Arlington's Best Place to Find an Unusual Gift
Busboys and Poets – Arlington's Best Post Theater Spot
Harry's Tap Room – Arlington's Best Power Lunch
Goodwill of Greater Washington – Arlington's Best Vintage/Thrift Shop
Arlington Arts Center – Arlington's Best Visual Arts Venue
Crate&Barrel – Arlington's Best Window Display

The Chairman congratulated all of the 2008 ABBIES Award recipients.

The Chairman recognized and welcomed the members of the County's Commission on Long-Term Care Residences. The Commission is charged with working to enhance the quality of life and quality of care in the County's three nursing homes, four assisted living residences, five senior residences, and one continuing care retirement community. The Chairman invited Erica Wood, Chair of the Commission, to the podium to explain the recognitions.

Ms. Wood recognized the following direct care staff members for their care, compassion and dedication: Diana Davis, Assisted Living Supervisor for Brighton Gardens; Anisa Harris, Reminiscence Care of Brighton Gardens; Dela Locket, Concierge at Brighton Gardens; Holeen Mohammad, Care Manager and Medication Assistant at Sunrise at Bluemont Park; Vanessa Robinson, Assistant Diet Manager at the Potomac Center; Silvia Sokinowa, Nursing Assistant and Med Tech at the Jefferson Assisted Living. The Chairman thanked Ms. Wood and the members of the Commission. He also expressed his gratitude for the important work that the direct care workers perform every day.

The Chairman announced that the Arlington Education and Employment Program (REEP) received the President's Volunteer Service Award for their service to the community. The award recognized REEP's 42 volunteer ESL teachers and the work they do to help immigrants and refugees gain the language skills and knowledge needed for assimilation and success in this country. Arlington's REEP program is administered by the Arlington Public Schools and funding from the program comes from Arlington County, business contracts, federal grants, and tuition fees. Since the program's inception in 1975, REEP has helped more than 70,000 adult English language learners from over 80 countries.

The Chairman announced that October is Disability Awareness Month and it is a time to reinforce our community's commitment to persons with disabilities. The Chairman thanked the Arlington County Disability Advisory Commission for their hard work and their extraordinary commitment to the community and read the following proclamation:

PROCLAMATION

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DISABILITY AWARENESS MONTH

WHEREAS, the President of the United States has proclaimed the month of October as Disability Employment Awareness Month; and

WHEREAS, each year in Arlington during the month of October we recognize and pay tribute to the contributions people with disabilities make to the nation, to the Commonwealth and to Arlington County; and

WHEREAS, the Arlington County Disability Advisory Commission is working with the Arlington County Government to include persons with disabilities in all facets of our community; and

WHEREAS, this year, the Commission's work with the County is especially focused on including persons with disabilities in the discussions and actions in the areas of accessible housing, transportation and emergency preparedness;

NOW, THEREFORE, I, Walter Tejada, Chairman of the County Board of Arlington, Virginia, do hereby proclaim the month of **October 2008**, as

DISABILITY AWARENESS MONTH

in Arlington and urge all residents as well as all County staff and agencies, to recognize the contributions made by Arlingtonians with disabilities and reaffirm the County's commitment to the rights of all residents.

The Chairman announced that our nation will soon be celebrating the 150th anniversary of the American Civil War. Before the Board was the recommendation to establish an Arlington County Committee for the Sesquicentennial of the American Civil War. This Committee would work with the Virginia Commission to plan the 150th anniversary of Virginia's participation in the American Civil War. The events will be held throughout the Commonwealth, from 2011 through 2015.

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

RESOLUTION ESTABLISHING AN ARLINGTON COMMITTEE ON THE SESQUICENTENNIAL OF THE AMERICAN CIVIL WAR

WHEREAS, the Commonwealth of Virginia has created the Virginia Sesquicentennial of the American Civil War Commission in 2006 to plan and coordinate the commemoration of Virginia's participation in the American Civil War;

WHEREAS, the 150th anniversary of the Civil War holds tremendous educational, economic and tourism opportunities throughout the Commonwealth; and

WHEREAS, the commemoration will draw national attention to the stories and sites of the Civil War, the vast majority of which occurred in Virginia; and

WHEREAS, not only was Virginia the central focus of the Civil War in the 1860s, but it is still at the center in terms of what residents and visitors can see and experience today; and

WHEREAS, the goals for establishing local sesquicentennial programs include: increasing tourism; expanding economic development; renewing awareness of Virginia history; highlighting local historical and cultural assets; and showcasing local historical and cultural assets.

NOW, THEREFORE, the County Board of Arlington County resolves to establish the Arlington Committee on the Sesquicentennial of the American Civil War ("Sesquicentennial Committee"), and sets the following goals and guidelines for that Sesquicentennial Committee:

CHARGE FOR THE ARLINGTON COMMITTEE ON THE SESQUICENTENNIAL OF THE AMERICAN CIVIL WAR

The Committee will plan and coordinate Arlington events commemorating the sesquicentennial of the American Civil War and with the Virginia Sesquicentennial of the American Civil War Commission for similar State-wide events. The Committee shall formulate new projects and events or adapt already planned events or projects to fit the Virginia Sesquicentennial of the American Civil War theme. Examples include:

- Events or displays at Fort Ethan Allen and Fort C.F. Smith;
- Lectures on the two Freedman Villages in Arlington;
- Collaboration with the National Park Service, Arlington House;
- Events to promote the Black History Museum of Arlington;
- Events centered on installation of historic markers; and
- Arlington collaboration with neighboring Northern Virginia counties and municipalities on

commemorating the sesquicentennial of the American Civil War.

Composition: Appointments made by the County Board may include, but will not necessarily be limited to, representatives of the following groups:

- Schools
- Libraries (Virginia Room)
- Arlington Historical Society
- Arlington Heritage Alliance
- Historical Affairs and Landmark Review Board
- Black History Museum of Arlington
- Planning Commission
- Parks and Recreation Commission
- Economic Development Commission
- National Park Service

The Chairman announced that Arlington County will soon formalize sister city ties with San Miguel, El Salvador. This follows three years of successful citizen-to-citizen exchanges.

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

**DECLARATION
OF A PARTNERSHIP
BETWEEN
SAN MIGUEL
(EL SALVADOR)
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 El Salvador,

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 San Miguel, based on the resolutions of their elected governing bodies establish, with the signing of this Declaration, a Partnership.

The representatives of San Miguel 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 strengthening of friendship between the 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 Spanish are equally valid.

The Chairman proposed that the first signing of the Sister City agreement occur in San Miguel next month and a reciprocal signing ceremony to take place in Arlington in early 2009. The Chairman expressed that, as a native of El Salvador, he is thrilled with the formalization of this close relationship between the two

communities. He also stated how he was proud and humbled by this opportunity to represent the Arlington community as Chairman to sign this agreement.

The Chairman announced the third and final Diversity Dialogue on Sunday, October 26 at 1:30 p.m. at the Drew Model School. The session will be joined by Kojo Nnamdi of WAMU.

The Chairman announced the ribbon cutting for the final phases of Tyrol Hill Park. Tyrol Hill now features lighted basketball and volleyball courts, a playground, an archway and fencing.

The Chairman announced the ribbon cutting for the final phase of Barcroft Park which occurred on Sunday. Barcroft now features a new playground for school-age children, a separate pre-school, new benches, game tables, picnic tables, new lighted tennis and basketball courts, sports lighting, and additional walkways and landscape improvements.

The Chairman announced that Long Bridge Park, formerly known as the "North Tract," received an award. The park has been named a Regional Conservation Priority for 2008 by the Washington Smart Growth Alliance Conservation Recognition Jury. The annual program honors initiatives that exemplify "smart conservation," furthering the Alliance's objectives of protecting environmental assets and enhancing our region's quality of life.

The Chairman announced that the Arlington Human Rights Commission is accepting applications for the James B. Hunter Human Rights Award. This year is the 10th anniversary of this award program. This award is given in recognition of outstanding achievement in the area of human rights and diversity made in Arlington County by an individual, a community group, a non-profit organization and/or a business establishment. This award is in honor of the former County Board Member James B. Hunter, who spent years in public service working on behalf of individuals with little access to government. Applications must be submitted by Monday, November 17, 2008. Recipients will be honored Wednesday, December 10, during a ceremony and reception at the Arlington Central Library.

The Chairman announced the Marine Corps Marathon on October 26. Arlington and FitArlington are proud to host the marathon. Go to Rosslyn for the start and the finish of the race.

The Chairman announced that Arlington County and the City of Alexandria have joined together to test the ability to deliver medications to residents during a public health emergency. Volunteers are needed on Saturday, November 8, 2008 between 9:00 a.m. and noon. The two exercise sites in Arlington are Aurora Hills Community Center, 735 18th Street South; and Fairlington Community Center, 3308 South Stafford Street. For more details visit www.arlingtonva.us.

The Chairman announced that Election Day is November 4 and asked Linda Lindberg, Arlington County Registrar, to provide us with her top tips for November 4. Ms. Lindberg announced that many have already voted early. She encouraged those that will not be in the County on voting day and those that cannot stand for a long period of time to vote early. Ms. Lindberg encouraged voters to visit www.arlingtonva.us/vote.

Ms. Hynes announced that the Partnership for Children, Youth and Families is focusing on issues associated with teen drinking and substance abuse. In the coming months they will begin to develop their plan. Tonight, October 22, 2008 from 7:00 p.m. to 8:30 p.m. there will be a meeting put on by the Caring Connection entitled, "Your Teen and Alcohol, Drugs and Tobacco – What Every Parent Needs to Know." The Partnership has organized "living room chats" as follow-up to the meeting. If individuals are interested in participating in the "living room chats" please call the Partnership of Children, Youth and Families at 703-228-1667 or visit the website at www.arlingtonpartnershipforyouth.org.

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II. APPOINTMENTS

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

Commission on the Status of Women

Appoint Donna Hatfield
Anita Nahal
Caroline Gary

Fiscal Affairs Advisory Commission

Appoint Scott Thomas Nuckols

Northern Virginia Juvenile Detention Commission

Reappoint Andrew Parker as Arlington County
Representative

Urban Forestry Commission

Appoint Martin Ogle
Steven Campbell

Industrial Development Authority

Appoint Peter Owen

Arlington-East Falls Church Task Force

Appoint James Gardner

Planning Commission

Reappoint Peter Fallon

Clarendon Alliance

Appoint Sue Pyatt

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III. REGIONAL REPORTS

Mr. Fisette reported that the Council of Governments (COG) adopted a resolution supporting continued charitable giving by Freddie Mac and Fannie Mae at comparable rates. There has been uncertainty about Freddie Mac and Fannie Mae's role in regional charitable giving. These are the two largest givers to non-profits in the Washington Metropolitan area. Together they have given to over 400 non-profits a total of \$47 million a year. Mr. Fisette stated that he would be coming back to the Board Members next month with a comparable resolution to be passed by the Arlington County Board.

Mr. Fisette reported that the Council of Governments (COG) endorsed a Green Space Learning Center. An organization called Green Home is taking the lead regionally and is proposing a learning center and meeting space for green building professionals, policymakers, and the public. COG is in support of this idea and supports Green Home in seeking out such a space.

Mr. Fisette reported that the Virginia Municipal League (VML) finished its 103rd Annual Conference. It was an opportunity to culminate the first year of the "Go Green" initiative. VML presented awards to those that participated in the "Green Government" challenge. There were forty-six jurisdictions from around the state that participated. Twenty-six jurisdictions qualified as a "Green Government Certified." Arlington was one of those jurisdictions. VML's executive committee adopted a policy that no future conference or meeting over 50 people will be held in a facility unless that facility has been certified by the Department of Environmental Quality's Virginia Green Program. Outside grant money and private sector money has already been received in the amount of approximately \$100,000 to continue the "Green Government" initiative.

Mr. Fisette reported that the Virginia Municipal League (VML) drafted and adopted a resolution pushing Congress to ensure that whatever stimulus money is available is not only there to prop up the banks and the private sector but to help local governments access capital. If another stimulus package is crafted, state and local governments need to be part of the package.

Ms. Hynes reported that the Virginia Municipal League Legislative Committee passed a set of principles related to the State budget. The Committee urged the Governor and General Assembly not to further restrict local government revenue authority or sources, impose new funding requirements or expand existing ones on

services local governments deliver, shift state funding responsibilities onto local governments without dollars, and to pay close attention to administrative burdens that may result. The Committee also identified three areas that need protection as long as possible: (1) funding for police departments, (2) funding for education, and (3) ensuring that there is a sufficient amount of money in the State transportation pot to ensure that there will be access to the Federal matching monies.

Mr. Zimmerman reported that there will be an end to paper transfers on Metro. The Metro Board approved the ultimate elimination of paper transfers. The long term goal is to get everyone to use the SmarTrip card. This will allow more flexibility for the consumer and efficiencies for the agency, allowing buses to get people on and off buses faster. There are implementation concerns regarding the elimination of paper transfers. The Metro Board is aware of these issues and is looking closely at the plans the agency has for implementation. There are a number of things the Metro Board would like to see before the change occurs. There is a concern about the people who can least afford the changes. As a result, the Metro Board has provided 50,000 free SmarTrip cards to Social Services Agencies around the region. The Metro Board is also looking at how the agency will handle the implementation of this change. If it appears as though the agency is not ready for implementation by January the Metro Board may put off the elimination of paper transfers.

Mr. Zimmerman reported that Metro has introduced new CNG articulated buses. The buses have strap handles and the seating is quite comfortable. It can carry up to 100 people. The 5A route is one that will now use these buses. The 5A runs in Arlington from Rosslyn to Dulles Airport. It is the least expensive way to get to Dulles costing only \$3.00.

Mr. Zimmerman reported that transit ridership continues to grow. Metro have seen the biggest growth on evenings and weekends. Individuals are now making transit part of their lives not only for going to and from work. Arlington transit has increased approximately 16%. Even Amtrak had its biggest month ever in July and VRE had its biggest month in September. In 2007, 10.36 billion trips were taken nationally on public transportation which is the highest number of trips taken on US public transportation in 50 years. In 2008, public transportation in the country grew 5.2% and at the same time vehicle miles traveled in the country went down 3.3%. The bad news is that there is less money to provide transportation services. At the recent Commonwealth Transportation Board meeting a report from the head of the Department of Rail and Public Transportation showed that there will be another cut of over \$100 million, amounting to a 7.4% reduction in the mass transit fund for this fiscal year and an 8.9% reduction in the coming fiscal year.

Mr. Zimmerman reported that the Virginia Department of Transportation will hold a public hearing on Monday, October 27, 2008 regarding the I-66 Spot Improvements. The hearing will take place from 7:00 p.m. to 9:00 p.m. at Washington-Lee High School. The presentation will begin at 7:15 p.m. and then there will be an opportunity for the public to speak.

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IV. COUNTY MANAGER REPORT

The County Manager updated the County Board on the financial situation in Arlington County. The County Manager invited the Treasurer, Mr. Frank O'Leary, to come to the podium to let the public know how he has been investing the County's money.

Mr. O'Leary reported that his function as Treasurer is to collect, safeguard, and disburse all County revenue. The guiding principles of the Treasurer are to safeguard the funds, plan County investments so that they mature in a timely manner to meet County and School cash disbursements, and once the criteria of safety and liquidity are met, seek the highest rate of return. All banks with which the County deals must be certified by the State Treasurer as Qualified Public Depositories. The banks must deposit collateral with the State Treasurer, often equaling or exceeding the public funds deposited with the banks and the banks must equal or exceed the criteria of the evaluation system. Finally, all corporate paper must be rated A1/P1 which is the highest possible rating. The County's liquidity must be able to meet the County and School payrolls and satisfy the payment of all other valid current debt in a timely manner. The County's current investment summary as of October 31, 2008 will be \$372,000,000 in the local portfolio and \$262,000,000 in the bond proceeds. Taking a look at the composition of the portfolio it reflects both safety and liquidity. One can see that the portfolio is diversified. If sudden needs were to arise that were not anticipated the County would have the money on hand to meet those needs. The County rate of return is currently 3.49% per annum which is a very good rate. This year the Treasurer estimates that interest earning will be \$12,000,000 to \$14,000,000. In fiscal year 2009, the Treasurer's Office will produce \$360,000 payments for the County and School System, totaling nearly \$1,150,000,000. For more information on County investments please visit

www.arlingtonva.us/Departments/Treasurer/Documents/page66182.pdf or call the Treasure's Office.

The County Manager followed Mr. O'Leary's presentation with an update on how much money they County has to invest. Like all local governments in the region and in the nation Arlington County will have less money coming in. The County Manager reported that there will be a revenue shortfall that will result in the need to reduce services and for the Board to consider tax rate changes. Secondly, the magnitude of the issues that Arlington County deals with are less than most other jurisdictions and the County is well positioned to deal with the issues that are going to be faced in the coming months. The best estimate at this point is that the County will be short approximately \$14 million made up of a combination of lower tax returns and non-tax sources with interest being the major shortfall. The projected decrease to the Schools is \$7.5 million. The County Manager reported that Arlington County is well positioned. Business Week reported that Arlington County is one of the best places to live during a recession. Arlington County has financial stability because of the diverse economy, low unemployment, a highly skilled workforce, a diverse tax structure, a low tax rate, a 3% general reserve, a fully funded retirement system, and fully funded retiree healthcare. The good news is that the County is starting with a fully funded system. The County Board will have to confront the high probability of service reductions and tax rate changes. The best estimate is that there will be an overall decrease in real estate values of 0-5% in Arlington. This is a reflection of Arlington's diverse tax base. Taxes account for a little over 81% of total revenues and the other 19% are fees, fines, interest, charges for service, and grants. The best estimate at this point with regard to tax revenues is a 2% decline in calendar year 2009; it could be a 5% decline. The Manager reported that it will only be when the County closes the books in January that there will be a firm idea of where the County will end up in this fiscal year. The other non-tax impacts on the County are interest earning which are down \$4.3 million and State revenues which are down \$2.3 million. The other challenge is that things that the County is spending money on are costing more, energy being the largest driver.

The first priority is to keep the FY09 balanced. The Manager stated that he has announced a hiring freeze and has asked each department to look at every line and determine what they can do without. The County is also looking at all of its projects to determine what can be deferred to create a pool of resources as a safety net. For fiscal year 2010 the County must strategically reduce government by eliminating and reducing discretionary programs. This is likely not going to be a one year recovery so the County must also think about 2011 and 2012. The Board will face policy decisions and need to consider tax rate changes and service reductions.

The Manager stated he would provide another update in November regarding fiscal year 2008 close-out and fiscal year 2009 revisions. November will also be the opportunity for the County Board to provide guidance to the Manager regarding FY 2010. Finally, the Manager stated he would provide monthly updates in December and January and in February the Manager will bring forth the fiscal year 2010 recommended budget.

Mr. Fisetete reinforced that there is no County service that someone does not want, use, like or desire. The County must continue to think about what is core. Finally, Mr. Fisetete pointed out that maintaining competitiveness in all dimensions is overstated. Arlington County is going to remain competitive and better-off just by holding steady. The Manager explained that the competitiveness covers a wide range of different concepts. As the County decides what is core it must distinguish what makes people what to live and do business in Arlington County.

Ms. Hynes asked about the Manager's outreach of this budget information. The Manager stated that the PowerPoint presented at the meeting is available online and the Manager is also setting up meetings with Commissions. He also stated that he and Department of Finance staff are available to community members that want to further discuss the issue.

Ms. Hynes asked the Manager to come up with key indicators that people could follow as the process continues. The Manager stated that he and his team will be looking at key indicators and will be reporting them to the Board.

The Chairman asked how an individual can share a concern or an innovative idea regarding the budget. The Manager suggested that individuals use the normal channels of communicating with the County. Constituents can email the County Manager at countymanager@arlingtonva.us.

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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, OCTOBER 18, 2008)

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1. SP #239 SITE PLAN AMENDMENT: JORGE FERNANDEZ, LIVE ENTERTAINMENT; 4201 WILSON BLVD. (RPC #14-048-012).

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

BE IT ORDAINED that, pursuant to application SP #239 on file in the Office of the Zoning Administrator for an amendment to a special exception for a site plan for live entertainment for the parcel of real property known as 4201 Wilson Boulevard (RPC #14-048-012), approval is granted and the parcel so described shall be used according to the approval requested by the application, subject to the following conditions, and with a County Board review in one (1) year (October 2009):

1. The applicant agrees live entertainment shall be permitted only between the hours of 11 a.m. to 1:30 a.m., Monday through Friday, and 10 a.m. to 1:30 a.m. Saturday and Sunday. No customer dancing will be allowed.
2. The applicant agrees windows and doors to outside of the restaurant shall be closed during hours of live entertainment and the applicant shall comply with the Arlington County Noise Ordinance. No music shall be piped outside of the restaurant and café area in the public right of way. Satellite radio broadcasts will be allowed to the outdoor café area, but live music will not be allowed nor will broadcasting of live music be allowed in the outdoor café area. The satellite radio shall be turned off when the outdoor café is not in use.
3. The applicant agrees that all requirements of County and State Ordinances, the Environmental Health Bureau, the Fire Marshal, the Police Department and the Alcohol Beverage Control Board shall be met.
4. The applicant agrees to identify an on-site liaison that shall be available during the hours of the business operation to receive and respond to community concerns regarding the live entertainment. The name and telephone number of the liaison shall be provided to the Ashton Heights Civic Association, the Ballston-Virginia Square Civic Association, and the Zoning Administrator within 30 days of County Board approval.

[Board Report #1](#)

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10. U-3090-04-1 USE PERMIT REVIEW: ADAGIO BALLET INC., PRIVATE BALLET SCHOOL; 5001 LEE HIGHWAY (RPC #08-001-088).

On motion by BARBARA A. FAVOLA, Vice Chairman, seconded by CHRISTOPHER ZIMMERMAN, Member and carried by a vote of 5 to 0, the voting recorded as follows: J. WALTER TEJADA, Chairman – Aye, BARBARA A. FAVOLA, Vice Chairman – Aye, MARY HUGHES HYNES, Member – Aye, JAY FISSETTE, Member – Aye, CHRISTOPHER ZIMMERMAN, Member – Aye, after a duly advertised public hearing, at which there were no speakers, the Board deferred the request to renew a use permit for a private ballet school to the November 15, 2008, County Board meeting.

[Board Report #10](#)

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23. APPROVAL OF THE AWARD OF A CONTRACT FOR THE CONSTRUCTION, INSTALLATION AND COMMISSIONING OF AGREED-UPON ENERGY CONSERVATION MEASURES AT THE ARLINGTON

COUNTY JUSTICE CENTER LOCATED AT 1425 AND 1435 N. COURTHOUSE ROAD, ARLINGTON, VA, TO CUSTOM ENERGY SERVICES, LLC.

On motion by JAY FISETTE, Member, seconded by MARY HUGHES HYNES, Member and carried by a vote of 5 to 0, the voting recorded as follows: J. WALTER TEJADA, Chairman – Aye, BARBARA A. FAVOLA, Vice Chairman – Aye, MARY HUGHES HYNES, Member – Aye, JAY FISETTE, Member – Aye, CHRISTOPHER ZIMMERMAN, Member – Aye, after a public hearing, at which there were no speakers, the Board approved the award of an energy- and water-saving performance contract for the construction, installation and commissioning of agreed-upon efficiency measures at the Arlington County Justice Center located at 1425 and 1435 N. Courthouse Road, Arlington, VA 22201, to Custom Energy Services, LLC (the “Contractor”) in the amount of \$5,308,601; and authorized the Purchasing Agent to execute the contract documents subject to review by the County Attorney.

[Board Report #23](#)

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32. THIS ITEM WAS REMOVED.

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33. REQUEST TO ADVERTISE PUBLIC HEARINGS FOR PROPOSED AMENDMENTS TO THE COUNTY COMPREHENSIVE PLAN TO ADOPT A DEMAND AND SYSTEM MANAGEMENT ELEMENT OF THE MASTER TRANSPORTATION PLAN (MTP), DATED OCTOBER 2008, INCLUDING AN UPDATED TRANSPORTATION DEMAND MANAGEMENT POLICY.

After a public hearing, at which the public spoke, CHRISTOPHER ZIMMERMAN, Member, made a motion, which was seconded for discussion purposes by BARBARA A. FAVOLA, Vice Chairman, to authorize the advertisement of an amendment to the County Comprehensive Plan with direction from the County Board to add the document entitled “Master Transportation Plan Demand and System Management Element”, dated October 2008 and attached to the County Manager’s October 21, 2008 supplemental report, to be included in the Amended MTP, to be heard by the Planning Commission at its November 3, 2008 meeting, and by the County Board at its November 15, 2008 meeting.

CHRISTOPHER ZIMMERMAN, Member, then offered an amendment to the motion which was seconded by BARBARA A. FAVOLA, Vice Chairman to authorized the advertisement of an amendment to the County Comprehensive Plan with direction from the County Board to add the document entitled “Master Transportation Plan Demand and System Management Element”, dated October 2008 and attached to the County Manager’s October 21, 2008 supplemental report, to be included in the Amended MTP, to be heard by the Planning Commission at its December 1, 2008 meeting, and by the County Board at its December 13, 2008 meeting.

The amended motion on the table presented by CHRISTOPHER ZIMMERMAN, Member, seconded by BARBARA A. FAVOLA, Vice Chairman and carried by a vote of 5 to 0, the voting recorded as follows: J. WALTER TEJADA, Chairman – Aye, BARBARA A. FAVOLA, Vice Chairman – Aye, MARY HUGHES HYNES, Member – Aye, JAY FISETTE, Member – Aye, CHRISTOPHER ZIMMERMAN, Member – Aye, the Board authorized the advertisement of an amendment to the County Comprehensive Plan with direction for the County Board to add the document entitled “Master Transportation Plan Demand and System Management Element”, dated October 2008 and attached to the County Manager’s October 21, 2008 supplemental report, to be included in the Amended MTP, to be heard by the Planning Commission at its December 1, 2008 meeting, and by the County Board at its December 13, 2008 meeting.

[Board Report #33](#)

[Board Report #33-Attachment](#)

[Board Report #33 - Supplemental](#)

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41. **CONCUR WITH AN INDUCEMENT RESOLUTION ADOPTED BY THE INDUSTRIAL DEVELOPMENT AUTHORITY OF MONTGOMERY COUNTY, VIRGINIA (THE "MONTGOMERY AUTHORITY") AND APPROVE THE ISSUANCE BY THE MONTGOMERY AUTHORITY OF THE REVENUE BONDS TO FINANCE THE FACILITIES LOCATED IN ARLINGTON COUNTY DESCRIBED IN SUCH INDUCEMENT RESOLUTION FOR THE BENEFIT OF THE VIRGINIA TECH FOUNDATION, INC. ("VIRGINIA TECH").**

On motion by CHRISTOPHER ZIMMERMAN, Member, seconded by MARY HUGHES HYNES, Member and carried by a vote of 5 to 0, the voting recorded as follows: J. WALTER TEJADA, Chairman – Aye, BARBARA A. FAVOLA, Vice Chairman – Aye, MARY HUGHES HYNES, Member – Aye, JAY FISETTE, Member – Aye, CHRISTOPHER ZIMMERMAN, Member – Aye, after a public hearing, at which the public spoke, the Board adopt the following Board Resolution concurring with the following inducement resolution adopted by the Montgomery Authority and approve issuance by the Montgomery authority of the revenue bonds to finance facilities located in Arlington County described therein for the benefit of Virginia Tech:

RESOLUTION OF THE COUNTY BOARD OF ARLINGTON COUNTY, VIRGINIA WITH RESPECT TO INDUSTRIAL DEVELOPMENT AUTHORITY OF MONTGOMERY COUNTY, VIRGINIA REVENUE BOND FINANCING FOR VIRGINIA TECH FOUNDATION, INC.

WHEREAS, the Industrial Development Authority of Arlington County, Virginia ("Arlington Authority") has considered an application of Virginia Tech Foundation, Inc. (the "Foundation"), an organization which is described in Section 501(c)(3) of the Internal Revenue Code of 1986, as amended (the "Code"), requesting the Arlington Authority and the County Board of Arlington County, Virginia ("County Board") to approve the issuance by the Industrial Development Authority of Montgomery County, Virginia (the "Montgomery Authority") of the Montgomery Authority's revenue bonds or other obligations in an amount not to exceed \$112,500,000 for projects located in Arlington County, Virginia ("Arlington County") to assist the Foundation in financing or refinancing all or part of the following plan of financing in Arlington County (collectively, the "Arlington Plan of Financing," which will be part of a larger plan of financing to include projects in Montgomery County, Virginia ("Montgomery County") and Pulaski County, Virginia) consisting of, in Arlington County, the acquisition, construction and equipping of an approximately 145,000 square foot Virginia Tech National Capital Region Research Building, including land, parking facilities and related improvements, to be located at 900 North Glebe Road in Arlington, Virginia 22203, to be owned by Virginia Tech Research Institute, LLC (a wholly owned subsidiary of Virginia Tech Real Estate Foundation, Inc., which is a wholly owned subsidiary of the Foundation) for use by Virginia Polytechnic Institute and State University ("Virginia Tech") and other tenants primarily for research and related purposes;

WHEREAS, the Arlington Authority has held a public hearing with respect to the Arlington Plan of Financing on September 25, 2008;

WHEREAS, Section 147(f) of the Code provides that the governmental unit having jurisdiction over the issuer of private activity bonds and over the area in which any facility financed with the proceeds of private activity bonds is located must approve the issuance of the bonds and Section 15.2-4906 of the Industrial Development and Revenue Bond Act, Chapter 49, Title 15.2, Code of Virginia of 1950, as amended (the "Act"), sets forth the procedure for such approval;

WHEREAS, Section 15.2-4905 of the Act provides that if a locality has created an industrial development authority, no industrial development authority created by a second locality may finance a facility located in the first locality unless the governing body of such first locality concurs with the inducement resolution adopted in connection with such financing by the second locality;

WHEREAS, certain of the facilities to be financed with the proceeds of the revenue bonds or other obligations are located in Arlington County and the County Board constitutes the highest elected governmental unit of Arlington County;

WHEREAS, the Montgomery Authority adopted an inducement resolution (the "Inducement Resolution") with respect to the issuance of the revenue bonds or other obligations on September 16, 2008, and the Arlington Authority has recommended that the County Board concur in the Inducement Resolution and approve the Arlington Plan of Financing and the issuance of the revenue bonds or other obligations by the Montgomery Authority in order to comply with Section 147(f) of the Code and Section 15.2-4906 of the Act; and

WHEREAS, a copy of the Inducement Resolution, a certificate evidencing conduct of the public

hearing and the action taken by the Arlington Authority, and a Fiscal Impact Statement have been filed with the County Board.

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

1. The County Board concurs in the Inducement Resolution and approves the Arlington Plan of Financing and the issuance of the revenue bonds or other obligations by the Montgomery Authority for projects located in Arlington County as required by Section 147(f) of the Code and Sections 15.2-4905 and 15.2-4906 of the Act in order to permit the Montgomery Authority to assist the Foundation in the financing.

2. The County Board's approval of the issuance of the revenue bonds or other obligations by the Montgomery Authority does not constitute an endorsement to a prospective purchaser of such revenue bonds or other obligations or the creditworthiness of the Foundation. The issuance of revenue bonds or other obligations as requested by the Foundation will not constitute a debt or pledge of the faith and credit of the Commonwealth of Virginia or Arlington County, and neither the faith and credit nor the taxing power of the Commonwealth of Virginia or any political subdivision thereof will be pledged to the payment of such revenue bonds or other obligations. Neither Arlington County nor the Arlington Authority shall be obligated to pay the revenue bonds or other obligations or the interest thereon or other costs incident thereto

3. This resolution shall take effect immediately upon its adoption.

Adopted by the County Board of Arlington County, Virginia this 22th day of October, 2008.

**RESOLUTION OF INDUCEMENT OF THE
INDUSTRIAL DEVELOPMENT AUTHORITY OF
MONTGOMERY COUNTY, VIRGINIA FOR THE
VIRGINIA TECH FOUNDATION, INC.**

WHEREAS, the Virginia Tech Foundation, Inc. (the "Applicant"), a non-profit organization described in Section 501(c)(3) of the Internal Revenue Code of 1986, as amended (the "Code"), has described to the Industrial Development Authority of Montgomery County, Virginia (the "Authority") its plans to finance or refinance various facilities owned or to be owned by the Applicant of benefit to, and in connection with its support of, the Virginia Polytechnic Institute and State University and its program, located in Montgomery County, Virginia (the "County"), as well as in the Counties of Pulaski and Arlington, Virginia;

WHEREAS, proceeds of the hereafter described Bonds will be used, together with other funds of the Applicant, to pay related costs of issuance and costs of the following: (a) refunding the Authority's Revenue Bonds (Virginia Tech Foundation), Series 2007, originally issued in the aggregate principal amount of \$25,220,000 which financed, among other things, the costs of (i) the Advanced Material Characterization Facility, located at 1991 Kraft Drive in Blacksburg, Virginia, owned by the Applicant for use by Virginia Polytechnic Institution and State University ("Virginia Tech") primarily for research and related purposes, and (ii) the Integrated Life Sciences Building, including the Science College Consortia Facility and the Food, Nutrition and Health Vivarium Facility, located at 1981 Kraft Drive in Blacksburg, Virginia, owned by the Applicant for use by Virginia Tech primarily for research and related purposes; (b) in Montgomery County, Virginia, (i) financing the acquisition, construction and equipping of an approximately 45,000 square foot Research Building 26, including land, parking facilities and related improvements, to be located at 2284 Kraft Drive in Blacksburg, Virginia, to be owned by the Applicant for use by various tenants primarily for research and related purposes, (ii) financing the acquisition, construction and equipping of an approximately 32,000 square foot Research Building 27, including land, parking facilities and related improvements, to be located at 1971 Kraft Drive in Blacksburg, Virginia, to be owned by the Applicant for use by various tenants primarily for research and related purposes, (iii) financing certain improvements to the approximately 77,000 Integrated Life Sciences Building, located at 1981 Kraft Drive in Blacksburg, Virginia, owned by the Applicant for use by Virginia Tech primarily for research and related purposes, (iv) refinancing the costs of the CRC Pumpstation, located in the 2200 block of Kraft Drive in Blacksburg, Virginia, owned by Virginia Tech Corporate Research Center, Inc. for the benefit of Virginia Tech, (v) refinancing the costs of the VTTI Pumpstation, located adjacent to the Smart Road behind the VTTI Complex located at 3500 Transportation Research Drive in Blacksburg, Virginia, owned by the Applicant for the benefit of Virginia Tech, and (vi) refinancing a portion of the costs of Cheatham Hall, located on the campus of Virginia Tech in Blacksburg, Virginia, owned by Virginia Tech for use by Virginia Tech as the College of Natural Resources; (c) in Pulaski County, Virginia, refinancing

the costs of the Pete Dye River Course of Virginia Tech, located at 8400 River Course Drive in Radford, Virginia, owned by The River Course, LLC (a wholly owned subsidiary of the Applicant) for use by Virginia Tech as a practice facility for the Virginia Tech golf team and a location for Virginia Tech sponsored special events and by the general public; and (d) in Arlington County, Virginia, financing the acquisition, construction and equipping of an approximately 145,000 square foot Virginia Tech National Capital Region Research Building, including land, parking facilities and related improvements, to be located at 900 North Glebe Road in Arlington, Virginia, to be owned by Virginia Tech Research Institute, LLC (a wholly owned subsidiary of Virginia Tech Real Estate Foundation, Inc., which is a wholly-owned subsidiary of the Applicant) for use by Virginia Tech and other tenants primarily for research and related purposes (collectively the "Projects");

WHEREAS, the Applicant has requested that the Authority agree to issue its revenue bonds or other obligations (collectively, the "Bonds"), pursuant to the Industrial Development and Revenue Bond Act, Chapter 49, Title 15.2, Code of Virginia of 1950, as amended (the "Act"), in such amount as may be necessary to finance or refinance the cost of such Projects and related issuance costs;

WHEREAS, the Applicant's representatives have described, in certain information filed with the Authority, and plan to further discuss, in an appearance before the Authority at a public hearing to be held on such date to be determined by the Authority, in accordance with Section 147(f) of the Code and Section 15.2-4906 of the Act, the Projects and the benefits the Projects will bring to Virginia Tech and to the citizen of the Commonwealth of Virginia; and

WHEREAS, the Industrial Development Authority of Arlington County, Virginia is scheduled to hold a public hearing on September 25, 2008 in accordance with Section 147(f) of the Code and Section 15.2-4906 of the Act on the portion of the Projects located in Arlington County, Virginia, and will request the County Board of Arlington County, Virginia (the "Arlington Board"), as governing body of a host jurisdiction in which certain of the Projects are located, to approve issuance of the portion of the Bonds that would finance facilities in Arlington County;

NOW, THEREFORE, BE IT RESOLVED BY THE INDUSTRIAL DEVELOPMENT AUTHORITY OF MONTGOMERY COUNTY, VIRGINIA:

1. Furtherance of Act. It is hereby found and determined that assisting the Applicant in financing the Projects will promote the economy of Montgomery County, Arlington County and Pulaski County and the Commonwealth of Virginia, and will benefit the citizens of the Montgomery County, Arlington County and Pulaski County and the Commonwealth of Virginia, and promote their safety, health, welfare, convenience and prosperity in furtherance of purposes of the Act.

2. Agreement to Issue Bonds. To induce the Applicant to undertake the Projects, the Authority agrees to assist the Applicant in financing the Projects by undertaking the issuance of the Bonds therefor in an aggregate principal amount not to exceed \$180,000,000. The proceeds of the Bonds will be loaned to the Applicant pursuant to a loan agreement or loan agreements, the terms of which will obligate the Applicant to make payments sufficient to pay the principal of, premium, if any, and interest on the Bonds and all other expenses in connection with the Projects. The Bonds may be issued in one or more series at one time or from time to time, either taxable or tax-exempt for federal income purposes or a combination thereof to be determined by bond counsel prior to the issuance of the Bonds, upon terms to be mutually agreed upon between the Authority and the Applicant. The Bonds will be issued in form and pursuant to terms to be set by the Authority. The payment of the Bonds will be secured by an assignment, for the benefit of the holders of the Bonds, of substantially all of the Authority's rights to payments under the loan agreements and may be additionally secured by other collateral.

3. Bond Counsel. At the request of the Applicant, the Authority appoints Troutman Sanders LLP as bond counsel to supervise the proceedings and approve the issuance of the Bonds.

4. Authorization to Proceed with Projects. It having been represented to the Authority that the Applicant desires to proceed immediately with the Projects, the Authority agrees that the Applicant may proceed with plans for the Projects, enter into contracts for the acquisition, construction and equipping of the applicable portions of the Projects and take such other steps as it may deem appropriate in connection therewith; provided that nothing herein shall be deemed to authorize the Applicant to obligate the Authority, Montgomery County, Arlington County or Pulaski County without their consent to the payment of any moneys or the performance of any acts in connection with the Projects. The Authority agrees that the Applicant may be reimbursed from the proceeds of the Bonds for all costs so incurred by the Applicant, insofar as such costs are properly reimbursable under the Act and other applicable state and federal laws.

5. Applicant Responsible for Costs. All costs and expenses in connection with financing and refinancing the Projects, including the expenses of the Authority, will be paid from the proceeds of the Bonds or funds provided by the Applicant. If for any reason the Bonds are not issued, it is understood that all such expenses will be paid by the Applicant and that the Authority will have no responsibility therefor and that the Applicant will indemnify and save harmless the Authority, its officers, directors, employees and agents from and against all liabilities, obligations, claims, damages, penalties, losses, costs and expenses in any way connected with the Projects, the application submitted by the Applicant or the issuance of the Bonds.

6. Request for Governing Bodies Approval. The Authority recommends and requests that the Board of Supervisors of Montgomery County, Virginia (the "County Board"), as the governing body on behalf of which the Authority would issue the Bonds and the governing body of a host jurisdiction in which a portion of the Projects is located, approve the issuance of the Bonds in an aggregate amount not to exceed \$180,000,000 and that the Arlington Board and the Board of Supervisors of Pulaski County, Virginia (the "Pulaski Board"), as the governing bodies of other host jurisdictions in which portions of the Projects are located, approve the issuance of such portion of the Bonds as relates to the portion of the Projects located in their jurisdiction, within 60 days after the date of the public hearing held in the respective jurisdiction in accordance with the Act. The Authority directs the Secretary of the Authority to submit this Resolution to the County Board, the Arlington Board and the Pulaski Board.

7. Effective Date. This Resolution shall take effect immediately upon its adoption. This Resolution shall cease to be valid one year after the County Board has approved the issuance of the bonds as referred to in Paragraph 6 above, unless at least a portion of the Bonds has been issued by that date.

ADOPTED: September 16, 2008

[Board Report #41](#)

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

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REGULAR HEARING ITEMS (REGULAR HEARING ITEMS FROM SATURDAY, OCTOBER 18, 2008, IF NEEDED, AS WELL AS THOSE LISTED BELOW)

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- 47. ADOPTION OF ZONING ORDINANCE AMENDMENTS TO SECTION 13. "RA8-18" APARTMENT DWELLING DISTRICTS AND SECTION 15. "RA6-15" APARTMENT DWELLING DISTRICTS OF ZONING ORDINANCE, TO ADD NEW ITEMS TO THE LIST OF SPECIAL EXCEPTIONS TO PRESERVE THE CHARACTER OF THE FORT MYER HEIGHTS NORTH SPECIAL DISTRICT AND TO ACHIEVE THE FORT MYER HEIGHTS NORTH PLAN GOALS OF AFFORDABLE HOUSING, HISTORIC PRESERVATION, OPEN SPACE, SIGNIFICANT TREES AND NEIGHBORHOOD SCALE. CHANGES INCLUDE ALLOWING FOR SITE PLAN DEVELOPMENT UP TO 3.24 FAR IN RETURN FOR SPECIFIC COMMUNITY BENEFITS; AND PROVIDING TRANSFER OF DEVELOPMENT RIGHTS INCENTIVES FOR AFFORDABLE HOUSING, HISTORIC PRESERVATION AND OPEN SPACE PURPOSES.**

On motion by CHRISTOPHER ZIMMERMAN, Member, seconded by J. WALTER TEJADA, Chairman and carried by a vote of 5 to 0, the voting recorded as follows: J. WALTER TEJADA, Chairman – Aye, BARBARA A. FAVOLA, Vice Chairman – Aye, MARY HUGHES HYNES, Member – Aye, JAY FISSETTE, Member – Aye, CHRISTOPHER ZIMMERMAN, Member – Aye, after a duly advertised public hearing, at which the public spoke, the Board approve the ordinance, to amend, reenact and recodify Zoning Ordinance Section 13. "RA8-18" Apartment Dwelling Districts and Section 15. "RA6-15" Apartment Dwelling Districts of the Zoning Ordinance, as set forth in the document entitled "Addendum 10-22-08-A – Zoning Ordinance Section 13. and Section 15." attached for the public record to these minutes, to add new items to the list of Special Exceptions to preserve the character of the Fort Myer Heights North Special District and to achieve the 2008 Fort Myer Heights North Plan goals of affordable housing, historic preservation, open space, significant trees and neighborhood scale; and directed the staff to make the specific change to the previously adopted 2008 Fort Myer Heights North Plan.

[Addendum 10-22-08-A – Zoning Ordinance Section 13. and Section 15.](#)

[Board Report #47](#)

[Board Report #47-Supplemental](#)

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48. [SP #18 AND SP #89 SITE PLAN AMENDMENT: MONDAY PROPERTIES SERVICES, LLC, AMEND CONDITIONS #92, #96 \(SP #18\) AND CONDITIONS #1, #2 \(SP #89\) REGARDING THE USE OF THE FORMER NEWSEUM SPACE: 1815 N. FORT MYER DRIVE, 1850 N. MOORE ST., 1101 WILSON BLVD. \(RPC #16-037-004, -005, 16-039-002\).](#)

On motion by J. WALTER TEJADA, Chairman, seconded by BARBARA A. FAVOLA, Vice Chairman and carried by a vote of 5 to 0, the voting recorded as follows: J. WALTER TEJADA, Chairman – Aye, BARBARA A. FAVOLA, Vice Chairman – Aye, MARY HUGHES HYNES, Member – Aye, JAY FISETTE, Member – Aye, CHRISTOPHER ZIMMERMAN, Member – Aye, after a duly advertised public hearing, at which there were not speakers, the Board deferred the site plan amendment to modify Condition 92 for SP #18 and Condition 1 for SP #89 relative to the use of the former Newseum space to the November 15, 2008 County Board meeting

[Board Report #48](#)

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ADDITIONAL ITEMS

APPROVAL OF AN AGREEMENT OF SALE FOR THE ACQUISITION BY THE COUNTY OF FEE SIMPLE TITLE TO CERTAIN PROPERTY, A SIDEWALK AND UTILITES EASEMENT, AND A TEMPORARY CONSTRUCTION EASEMENT ON A PORTION OF THE PROPERTY KNOWN AS 1100 S. WALTER REED DRIVE, ARLINGTON, VIRGINIA (PART OF PRC NOS. 32006001 AND 32006021).

On motion by J. WALTER TEJADA, Chairman, seconded by BARBARA A. FAVOLA, Vice Chairman and carried by a vote of 5 to 0, the voting recorded as follows: J. WALTER TEJADA, Chairman – Aye, BARBARA A. FAVOLA, Vice Chairman – Aye, MARY HUGHES HYNES, Member – Aye, JAY FISETTE, Member – Aye, CHRISTOPHER ZIMMERMAN, Member – Aye, the Board approved the Agreement of Sale, attached to the County Manager's September 30, 2008 report, between Branch Banking & Trust Company and the County Board of Arlington County, Virginia for the purchase by the County of a 7,307 square foot portion of land in fee simple for public street and utilities purposes, a permanent easement for public sidewalk and utilities purposes containing 1,376 square feet, and a temporary construction easement containing 12,048 square feet, at 1100 S. Walter Reed Drive (part of RPC Nos. 32006001 and 32006021); and authorized the Real Estate Bureau Chief, or his designee, to execute the Agreement of Sale and all related documents necessary for the acquisition, and to accept, on behalf of the County Board, all deeds, the permanent and temporary easements, subject to approval as to form of all documents by the County Attorney.

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APPROVAL OF A SECOND AMENDMENT TO DEED OF LEASE BETWEEN CLARENDON SQUARE ASSOCIATES LIMITED PARTNERSHIP, LANDLORD, AND THE COUNTY BOARD OF ARLINGTON COUNTY, VIRGINIA, TENANT, TO EXTEND THE DEADLINE DATE BY TWO MONTHS FOR TENANT TO PROVIDE NOTICE TO LANDLORD OF THE EXERCISE OF TENANT'S OPTION TO EXTEND THE TERM OF THE LEASE, AS AMENDED, AND TO EXTEND THE EXPIRATION DATE OF THE LEASE, AS AMENDED, BY TWO MONTHS FOR A PORTION OF THE BUILDING AND THE GARAGE LOCATED AT 3033 WILSON BOULEVARD, ARLINGTON, VA (PRC 15067002, 15067003, 15067005, 15067006, 15067007, 15067033 AND 15067036).

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

Member – Aye, the Board approved the Second Amendment Deed of Lease, attached to the County Manager’s October 15, 2008 report, between Clarendon Square Associates Limited Partnership, Landlord, and the County Board of Arlington County, Virginia, Tenant, to extend the deadline date by two months for Tenant to provide notice to Landlord of the exercise of Tenant’s option to extend the term of the Lease, as amended, and to extend the expiration date of the Lease, as amended, by two months for a portion of the building and garage located at 3033 Wilson Boulevard, Arlington, VA (RPC 15067002, 15067003, 15067005, 15067006, 15067007, 15067033 and 15067036); and authorized the Real Estate Bureau Chief, or his designee to execute, on behalf of the County Board, the above referenced Second Amendment to Deed of Lease, and all related documents, subject to approval as to form by the County Attorney.

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APPEAL OF THE BOARD OF ZONING APPEALS DECISION IN CASE NUMBER V-10258-08-APP-2

On motion by BARBARA A. FAVOLA, Vice Chairman, seconded by CHRISTOPHER ZIMMERMAN, Member and carried by a vote of 5 to 0, the voting recorded as follows: J. WALTER TEJADA, Chairman – Aye, BARBARA A. FAVOLA, Vice Chairman – Aye, MARY HUGHES HYNES, Member – Aye, JAY FISETTE, Member – Aye, CHRISTOPHER ZIMMERMAN, Member – Aye, the Board authorized the County Attorney to appeal the decision of the Board of Zoning Appeals in case number V-10258-08-APP-2.

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AUTHORIZATION OF LEGAL ACTION AGAINST SOFTSCAPE, INC.

On motion by JAY FISETTE, Member, seconded by J. WALTER TEJADA, Chairman and carried by a vote of 5 to 0, the voting recorded as follows: J. WALTER TEJADA, Chairman – Aye, BARBARA A. FAVOLA, Vice Chairman – Aye, MARY HUGHES HYNES, Member – Aye, JAY FISETTE, Member – Aye, CHRISTOPHER ZIMMERMAN, Member – Aye, the Board authorized the County Attorney to initiate legal action against Softscape, Inc. for breach of contract number 185-02

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ADJOURNMENT

Without objection, at 8:33 p.m. the Board adjourned the meeting.

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J. WALTER TEJADA, Chairman

ATTEST:

HOPE L. HALLECK, Acting Clerk
Approved: December 13, 2008