

A Recessed Meeting of the County Board of Arlington County, Virginia, held in Room 307 of 2100 Clarendon Boulevard thereof on Tuesday, November 29, 2011 at 3:08 p.m.

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

ALSO PRESENT: BARBARA M. DONELLAN, 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 recognized retiring Senators Mary-Margaret Whipple and Patsy Ticer. He presented each with a proclamation and gift from the County Board. The Senators thanked the Board members.

The Chairman announced the winners of the People's Choice ABBIES – Arlington's Best Business Awards, recognizing the best of all Arlington businesses, with participation from the community. Linda Keens, of Arlington Economic Development helped Chairman Zimmerman present the awards.

The Chairman showed a short video about the Tell Arlington's Story program, which has been underway for about one year. He announced several upcoming Tell Arlington's Story events, including Dec. 14, 2011 with the Arlington Committee of 100 at Marymount University and January 20, 2012 at the Artisphere,

The Chairman provided an update on his recent trip to Arlington's Sister City of Coyoacán, Mexico.

Chairman Zimmerman noted recent awards received by Arlington County. One, Arlington was named, for the second consecutive year, one of America's "Best Bike Cities." Two, the Renaissance Arlington Capital View Hotel in Crystal City was just named the second Best Public Restroom in the country.

Board Member J. Walter Tejada announced the official kick-off of the Smoke Free Parks Initiative.

Board Member Tejada provided an update on World Aids Day, which is December 1, 2011. Free HIV Rapid Testing will be available at 800 S. Walter Reed Drive, first floor from 4-7 p.m.

Board Member Tejada invited residents to the 13th James B. Hunter Human Rights Awards Ceremony on December 8, 2011 at the Central Library Auditorium.

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II. APPOINTMENTS

A motion was made by CHRISTOPHER ZIMMERMAN, Chairman, to:

Advisory Board on Trespass Vehicle Towing

Appoint and Designate Captain Darren Cassedy as a voting member for a term ending October 31, 2012
Joshua Robinson as a non-voting member for a term ending October 31, 2012
Brian Gordon as a non-voting member for a term ending October 31, 2012
Bill Mansour as a non-voting member for a term ending October 31, 2012
Mark Riley as a non-voting member for a term ending October 31, 2012

Arlington Solid Waste Authority

Appoint and Designate Mark Schwartz as the Alternate for Christopher Zimmerman
Erik Grabowsky as the Alternate for Mary Hughes Hynes

The Clarendon Alliance Board of Directors

Reappoint Sue Pyatt for a term ending November 30, 2013

Community Development Citizens Advisory Committee

Appoint Shawneece Hennighan for a term ending November 30, 2014
David Remick for a term ending November 30, 2014

Economic Development Commission

Appoint Lucy Bowen McCauley for a term ending February 28, 2012

Industrial Development Authority

Appoint Gus Vega for a term ending August 15, 2012

Mosaic Park Planning Team

Appoint Jack Zetkolic to represent the Ashton Heights Civic Association
Paul Ropp to represent the Buckingham Civic Association

Public Facilities Review Committee

Reappoint and Designate Inta Malis for a term ending November 30, 2013 and designate as Chairman for a term ending November 30, 2012
Reappoint John Miller for a term ending November 30, 2013
Reappoint Betty Siegel for a term ending November 30, 2013

The motion was adopted by a vote of 5 to 0 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.

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III. REGIONAL REPORTS

There were no regional reports.

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IV. COUNTY MANAGER REPORT

A motion was made 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, to adopt the Artisphere Business Plan.

The Manager provided an update on the County’s potential purchase of a seven story building at 2020 14th Street North.

[Artisphere Business Plan](#)

[Artisphere Business Plan-Financial Information](#)

[Artisphere Business Plan-Metrics](#)

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CLOSED MEETING; CERTIFICATION OF CLOSED MEETING DISCUSSIONS

A motion was made by CHRISTOPHER ZIMMERMAN, Chairman, seconded by MARY HYNES, Vice Chairman, to convene a closed meeting as authorized by Virginia Code sections 2.2-3711.A.7 for the purpose the purposes of consultation with the County Attorney and staff concerning the following:

The ABC license for the Artisphere;

State Corporation Commission Case Number PUE-2010-00139;

Site plan conditions applicable to Site Plan No. 263; and

Application of attorney client privilege.

The motion was adopted by a vote of 5 to 0 as follows: CHRISTOPHER ZIMMERMAN, Chairman - Aye, MARY HYNES, Vice Chairman - Aye, BARBARA A FAVOLA, Member - Aye, JAY FISETTE-Aye, J. WALTER TEJADA, Member – Aye.

The Board met in a closed meeting from 5:02 p.m. to 6:36 p.m.

A motion was made by CHRISTOPHER ZIMMERMAN, Chairman, seconded by MARY HYNES, Vice Chairman to certify 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. The motion was adopted by a vote of 5 to 0 by roll call as follows:

Member & Vote

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

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

Chairman Zimmerman provided recognition of outgoing Planning Commissioner Nancy Hunt and presented Ms. Hunt with a certificate of appreciation. He also shared remembrance of former Arlington County Board Member Tom Richards who recently passed away. A memorial service for Mr. Richards will be held at 7:00 p.m. on December 9, 2011 at the Unitarian Universalist Church of Arlington, 4444 Arlington Boulevard.

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CONSENT ITEMS (ITEMS REMOVED FROM THE CONSENT AGENDA SATURDAY, NOVEMBER 19, 2011)

Mr. Zimmerman and Mr. Fisetite announced their declaration of personal interest pursuant to Section 2.2-3115.G in one of the proposed amendments to the County's retirement ordinance (item #27). Mr. Zimmerman and Mr. Fisetite are both members of the County Board, and the amendment would provide an opportunity for them to purchase retirement benefits; however, under the State and Local Government Conflicts of Interest Act, because they are each a member of a group who are all affected by the approval of the amendment, they are able to participate in the discussion and votes concerning the amendment, and can do so fairly, objectively, and in the public interest.

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SITE PLANS/AMENDMENTS/REVIEW

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3. **SP #105 SITE PLAN AMENDMENT TO EXTEND THE APPROVED DATES FOR "M-1" ZONING DISTRICT USES BY FIVE ADDITIONAL YEARS IN THE "C-0-2.5" DISTRICT, LOCATED AT 501, 525 15TH STREET SOUTH AND 1200, 1232, 1400, 1410, 1420, 1430, 1440, 1450 SOUTH EADS STREET. (RPC# 35-003-001, -002, -011, -015, -016, -017, -018, -019, -020, AND -02).**

After a duly advertised public hearing at which there were speakers, a motion was made by JAY FISETTE, Member, seconded by J. WALTER TEJADA, Member to adopt the ordinance approving a site plan amendment to SP #105 to extend the approved dates by five years for "M-1" uses to continue on 501, 525 15th Street South and 1200, 1232, 1400, 1410, 1420, 1430, 1440, 1450 South Eads Street (Parcel 3 – Metropolitan Park). The proposed expiration dates are December 31, 2016, December 31 2018, and December 31, 2020. The motion was adopted by a vote of 5 to 0 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.

WHEREAS, an application for a Site Plan Amendment dated August 29, 2011 for Site Plan # 105, was filed with the Office of the Zoning Administrator; and

WHEREAS, as indicated in Staff Report[s] provided to the County Board for its November 19, 2011 meeting, 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 numerous conditions as set forth in the Staff Report[s]; and

WHEREAS, the County Board held a duly-advertised public hearing on that Site Plan Amendment on November 19, 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;
- 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 originally requested by an application dated August 29, 2011 for Site Plan # 105, for a Site Plan Amendment to extend the expiration dates for "M-1" uses, for the parcels of real property known as 501, 525 15th Street South and 1200, 1232, 1400, 1410, 1420, 1430, 1440, 1450 South Eads Street; RPC# 35-003-001, -002, -011, -015, -016, -017, -018, -019, -020, and -021, approval is granted and the parcel so described shall be used according to the Site Plan Amendment Application, subject to the amended conditions as follows:

Amended Conditions:

Note: Where a particular County office is specified in these conditions, the specified office includes any functional successor to that office. Where the County Manager is specified in these conditions, "County Manager" includes the County Manager's designee. Whenever, under these conditions, anything is required to be done or approved by the County Manager, the language is understood to include the County Manager or his or her designee.

The conditions stated below are those that were approved by the County Board on December 7, 2002 with additions indicated by underlined text and deletions indicated by ~~strikethrough text~~.

1. The applicant agrees that there shall be no enlargement, extension or expansion of the structures as they exist on the site as of ~~November 19, 2011~~ December 7, 2002. The applicant further agrees that the approvals for existing uses expire on certain dates that fall between December 31, ~~2016~~ 2005 through December 31, ~~2020~~ 2015, as shown in Figure 1 of the map attached to the County Manager's November 21, 2002 report as presented at the November 19, 2011 County Board meeting labeled "Metropolitan Park PROPOSED extensions for expiration of M-1 uses," ~~"Phasing Schedule for Construction (2005-2015)" (Attachment 2)~~, or such other dates as may be set forth in any final site plan approved for this subject site, whichever date comes first. The date shown for each Building Area on Figure 1 of the County Manager's report as presented at the November 19, 2011 County Board meeting ~~the phasing schedule for each Building Area~~ shall be the date on which approval of all uses located in that Building Area shall terminate automatically and without further action by the Arlington County Board. Any further extension of the approval for any of the existing uses shall be at the sole discretion of the County Board. [Clerk's note: as set forth in the document entitled "Addendum-11-19-11-A-SP#105" attached for the public record to these minutes.]
2. The applicant agrees to complete the replacement of the existing gravel pathway between South Eads Street and the parking lot and drive aisle located on RPC #35-003-010, generally aligned with 12th Street South, as shown on the diagram attached to the County Manager's November 21, 2002 report (Attachment 3), with a six (6) foot wide asphalt pathway. The applicant agrees to provide lighting along the new pathway to ensure the safety of pedestrians and cyclists. The applicant also agrees to provide no fewer than four (4) litter receptacles along the new pathway. The applicant agrees to complete the improvements called for in this condition no later than December 31, 2003.
3. The applicant agrees to keep the property, and existing asphalt path between South Eads Street and the parking lot and drive aisle located on RPC #35-003-010 (generally aligned with 12th Street South), well-maintained at all times, until such time as the new temporary asphalt pathway required by the February 21, 2009 Metropolitan Park Phase 3 Final Site Plan approval is constructed. Maintenance shall include the cutting of grass, weeds, and other foreign growth (which may include trees or parts thereof) on such property when such growth on such property creates a health or safety hazard. In addition, the applicant agrees to ensure that lighting along the asphalt path continues to be provided and maintained, until such time as the new temporary asphalt pathway required by the February 21, 2009 Metropolitan Park Phase 3 Final Site Plan approval is constructed. Further, the applicant agrees that all litter shall be removed from litter receptacles as necessary, but not less frequently than weekly, and to maintain all litter receptacles on the property in a sanitary and serviceable condition.

[Board Report #3](#)

[Addendum-11-29-11-A- SP#105](#)

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4. SP #194 SITE PLAN AMENDMENT FOR LIVE ENTERTAINMENT AT A RESTAURANT AND AN AMENDMENT TO A COMPREHENSIVE SIGN PLAN; LOCATED AT 3100 CLARENDON BOULEVARD (RPC# 19-002-007).

Following a duly advertised public hearing at which there were no speakers, a motion was made by CHRISTOPHER ZIMMERMAN, Chairman, seconded by BARBARA A. FAVOLA, Member to:

1. Adopt the ordinance for a site plan amendment for live entertainment at a restaurant, subject to the conditions of the staff report, with a County Board review in six (6) months (May 2012).
2. Defer the request for an amendment to a comprehensive sign plan for the Olmstead Building to the December 10, 2011 County Board meeting.

The motion was adopted by a vote of 5 to 0 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.

Site Plan Amendment Ordinance

WHEREAS, an application for a Site Plan Amendment dated September 12, 2011, for Site Plan #194, was filed with the Office of the Zoning Administrator: and

WHEREAS, as indicated in the Staff Report(s) provided for the November 19, 2011, County Board meeting 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, in part, and subject to numerous conditions as set forth in the Staff Report; and

WHEREAS, the County Board held a duly-advertised public hearing on that Site Plan Amendment on November 19, 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 amendment for a restaurant providing live entertainment:

- 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
- 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.

WHEREAS, the County Board finds that the Site Plan Amendment to permit an additional 32-square foot sign should be deferred for further study;

NOW THEREFORE, BE IT ORDAINED that, as originally requested by an application dated September 12, 2011, for Site Plan #194, for a Site Plan Amendment for a restaurant providing live

entertainment, for the parcel of real property known as 3100 Clarendon Boulevard (RPC# 19-002-007) approval is granted and the parcel so described shall be used according to the Site Plan #194 as amended by the Amendment Application for live entertainment but not for the new sign, subject to all previously approved conditions and the following new conditions, and with a County Board review in six (6) months (May 2012).

Conditions:

1. The applicant agrees that live entertainment is permitted only from 9 p.m. to 1:30 a.m., Thursday, Friday, and Saturday nights; and 9 p.m. to 12:30 a.m. Sundays through Wednesdays.
2. The applicant agrees to comply, by way of illustration and not limitation, with all applicable requirements of County and State Ordinances, the Environmental Health Bureau, and the Fire Marshal, the Police Department and the Alcohol Beverage Control Board (ABC).
3. The applicant agrees that on-site dedicated security shall be provided from 9:00 p.m. until closing on nights where bands or deejays are performing at the restaurant... The on-site security may consist of "in house" staff, so long as that staff is dedicated to security only.
4. The applicant agrees to comply with the Arlington County noise ordinance and further agrees that the restaurant's windows and doors shall remain closed during the times of live entertainment except for the purposes of entry, egress, and other intermittent uses, such as serving an outdoor seating area. Under no circumstances shall live entertainment be permitted outside of the building or broadcast over loudspeakers outside of the building. The applicant agrees that doors shall not be propped open during live entertainment.
5. The applicant agrees that all staff serving alcohol to customers shall have TIPS (Training for Intervention Procedures) certification.
6. The applicant agrees that dancing is not permitted until the applicant obtains a Dance Hall Permit from the Zoning Office.
7. The applicant agrees to post signs in windows telling patrons to respect the peace of residential neighborhoods and to avoid parking in the residential neighborhood where possible.
8. The applicant agrees to ensure that any patrons queuing outside should keep noise to a minimum.
9. The applicant agrees to make customers aware of proximity to Metro, available parking and any special parking arrangements through postings in the restaurant and on their website.
10. The applicant agrees to clean the sidewalk in front of its establishment each morning, including sweeping cigarette butts and litter that may have accumulated from any outdoor seating area, if applicable.
11. The applicant agrees to participate in the established Clarendon Live Entertainment Neighborhood Advisory Group, consisting of representatives of the Clarendon live entertainment establishments, the Clarendon Alliance, the Clarendon-Courthouse Civic Association, the Lyon Village Citizens Association, the Lyon Park Civic Association, and representatives of various County staff including Police, Fire Marshal, Code Enforcement, and Planning. The advisory group meets quarterly as required to work through issues associated with the live entertainment uses. One (1) of the quarterly meetings will consist of an educational seminar to review requirements and regulations of various departments,

codes, and policies. The applicant agrees to have a representative with management authority in the restaurant attend all such meetings.

- 12. The applicant agrees to designate and make available a neighborhood liaison to communicate with nearby residents and neighbors to address concerns which may be related to the live entertainment and an onsite liaison that shall be available during the hours of the business operation to receive and respond to community concerns regarding the live entertainment. The name and telephone number shall be submitted to the Zoning Administrator and a copy sent to the Clarendon-Courthouse Civic Association, the Lyon Village Citizens Association, the Lyon Park Civic Association, and the Clarendon Alliance.
- 13. The applicant agrees that the approval for live entertainment at 3100 Clarendon Boulevard is valid only for Mad Rose. Any other tenant/owner occupying the premises shall not be permitted to have live entertainment without prior approval of the County Board.

[Board Report #4 -Revised Report](#)

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ORDINANCES, PLANS AND POLICIES

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20. ADOPT REPEAL OF § 11-42.1 AND CHAPTER 49 OF THE ARLINGTON COUNTY CODE (MESSAGE REGULATION).

Following a duly advertised public hearing at which there were speakers, a motion was made by JAY FISETTE, Member, seconded by MARY HYNES, Vice Chairman to Adopt repeal of § 11-42.1 and Chapter 49 of the Arlington County Code (Message Regulation). The motion was adopted by a vote of 5 to 0 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. [Clerk’s note: as set forth in the document entitled “Addendum-11-29-11-B- Message Regulation” attached for the public record to these minutes.]

[Board Report #20](#)

[Addendum-11-29-11-B- Message Regulation](#)

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APPROPRIATIONS, GRANT APPLICATIONS & OTHER CONTRACTS

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22. UASI GRANTS

- A. [Urban Areas Security Initiative \(UASI\) Grant - License Plate Recognition Project \(Continuation\).](#)

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

1. Authorize the County Manager to accept \$1,095,000 in regional non-competitive grant funds from the Government of the District of Columbia, Homeland Security and Emergency Management Agency (794.374900).
2. Appropriate \$1,095,000 in grant funds from the District of Columbia, Homeland Security and Emergency Management Agency (794.374900) to the Police Department (794.31202) for the License Plate Recognition Program and for continuing the funding of 1.5 FTEs over a two-year period to administer the FY 2011 Urban Areas Security Initiative sub-grant including personnel, consultants, equipment and supply expenses.

B. Fiscal Year 2009 Urban Areas Security Initiative (UASI).

1. Authorize the County Manager to accept \$250,000 in non-competitive grant funds from the Government of the District of Columbia, Homeland Security and Emergency Management Agency (794.374900).
2. Appropriate \$250,000 in non-competitive FY 2009 UASI grant funds from the Government of the District of Columbia, Homeland Security and Emergency Management Agency (794.749000) to the Police Department (794.31202) for the purchase of mobile surveillance trailers for the Northern Virginia Region.

The motion was adopted by a vote of 5 to 0 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.

[Board Report #22 A](#)

[Board Report #22 B](#)

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REQUESTS TO ADVERTISE

27. REQUEST TO ADVERTISE AMENDMENTS TO CHAPTERS 21, 35 AND 46 OF THE ARLINGTON COUNTY CODE.

Following a duly advertised public hearing at which there were speakers, a motion was made by BARBARA A. FAVOLA, Member, seconded by MARY HYNES, Vice Chairman to advertise for a public hearing on December 10, 2011 regarding the proposed amendments to Chapters 21, 35 and 46 (Retirement System) of the Arlington County Code with guidance to the County Manager to define the word "significant" used in the Supplemental Board report dated October 21, 2011. The motion was carried by a vote of 4 to 1, the voting recorded as follows: MARY HYNES, Vice Chairman - Aye, BARBARA A. FAVOLA, Member - Aye, JAY FISETTE, Member - Aye, J. WALTER TEJADA, Member - Aye, CHRISTOPHER ZIMMERMAN, Chairman – No. [Clerk's note: as set forth in the document entitled "Addendum-11-29-11-C- Retirement Ordinances" attached for the public record to these minutes.]

[Board Report #27](#)

[Board Report #27-Supplemental Report #1](#)

[Board Report #27-Supplemental Report #2](#)

[Addendum-11-29-11-C- Retirement Ordinances](#)

- 29. REQUEST TO ADVERTISE "ON THE COUNTY BOARD'S OWN MOTION" A PUBLIC HEARING ON USE PERMIT REQUESTS FOR EXISTING OPEN-AIR MARKETS LOCATED AT BALLSTON WELLBURN SQUARE (RPC# 14-050-031, AND -009); CLARENDON CENTRAL PARK (RPC# 19-001-001); 2820 COLUMBIA PIKE (RPC# 32-005-004 AND STREET RIGHTS-OF-WAY); CRYSTAL CITY 1851 S. BELL ST. (RPC# 34-026-037); ROSSLYN 1700 BLOCK N. OAK ST. (RPC#16-035-001 AND STREET RIGHTS-OF-WAY); COURTHOUSE (RPC# 18-002-001 AND STREET RIGHTS-OF-WAY), AND I-66 GARAGE BETWEEN N. QUINCY ST. AND N. STAFFORD ST. (I-66 RIGHT-OF WAY).**

Following a duly advertised public hearing at which there were speakers, a motion was made by MARY HYNES, Vice Chairman, seconded by J. WALTER TEJADA, Member to authorize advertisement of a public hearing by the County Board on January 21, 2012 "On The County Board's Own Motion" for a proposed use permit or site plan amendment (where applicable) for existing open-air markets located at Ballston Wellburn Square (RPC# 14-050-031, and -009); Clarendon Central Park (RPC# 19-001-001); 2820 Columbia Pike (RPC# 32-005-004 and street rights-of-way); Crystal City 1851 S. Bell St. (RPC# 34-026-037); Rosslyn 1700 block N. Oak St. (RPC#16-035-001 and street rights-of-way); Courthouse (RPC# 18-002-001 and street rights-of-way), and I-66 Garage between N. Quincy St. and N. Stafford St. (I-66 right-of way). The motion was 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.

[Board Report #29](#)

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OTHER

- 32. ADOPTION OF PRELIMINARY CALENDAR YEAR 2012 COUNTY BOARD MEETING SCHEDULE.**

Following a duly advertised public hearing at which there were speakers, a motion was made by JAY FISETTE, Member, seconded by MARY HYNES, Member adopt the preliminary Calendar Year 2012 County Board Meeting Schedule. The motion was 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. [Clerk's note: as set forth in the document entitled "Addendum-11-29-11-D- Preliminary CY 2012 Meeting Schedule" attached for the public record to these minutes.]

[Board Report # 32](#)

[Addendum-11-29-11-D- Preliminary CY 2012 Meeting Schedule](#)

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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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41. FISCAL MATTERS

A. Fiscal Year (FY) 2011 Closeout and Re-appropriation into FY 2012

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

1. Adopt the revised FY 2011 County government appropriation resolution shown on Attachment 1. [Clerk's note: as set forth in the document entitled "Addendum-11-29-11-E- FY2011 Appropriation Resolution" attached for the public record to these minutes.]
2. Allocate from the FY 2011 General Fund Balance the following amounts based on County Board policy, prior actions of the County Board, and staff evaluations:
 - a. \$22,888,567 for the FY 2012 budget, already appropriated in April 2011 as part of the FY 2012 adopted budget;
 - b. \$50,240,906 to the General Fund Operating Reserve, including \$40,192,725 related to prior Board action to increase the reserve to 4.0 percent and \$10,048,181 to increase the reserve to 5.0 percent of the General Fund budget in FY 2012 to meet County Board policy and address rating agency criteria;
 - c. \$5,000,000 to the County's Self Insurance Reserve;
 - d. \$18,723,886 net to affordable housing programs from unexpended FY 2011 Affordable Housing Investment Fund allocations and loan repayments, and appropriate to Non-Departmental (101.91102) (\$20,445,613 expense, \$1,721,727 HUD Home revenue);
 - e. \$2,385,573 in restricted revenue from seized assets, and appropriate \$105,593 to the Commonwealth Attorney (101.20701) and \$2,279,980 to Police (101.31423);
 - f. \$32,064,816 from the FY 2011 General Fund Balance and appropriate \$19,876,297 to the Schools after adjusting for unappropriated expenditure savings, revenue increases, and the Schools share of the General Fund Operating reserve.
3. Allocate \$1,383,036 to the existing Budget Stabilization and Safety Net Contingent and appropriate \$750,000 to Non-Departmental (101.91102) and \$633,036 to the Department of Human Services (101.51108)
4. Allocate \$1,550,000 to FY 2013 for Metro and Waste-to-Energy plant.
5. Allocate \$2,537,394 in unspent master lease balances that have been committed as part of prior year CIPs but not yet spent, particularly in the technology area and appropriate to Non-Departmental (101.91102).

6. Allocate \$1,897,170 toward employee compensation resulting from employee leave payouts due to mandatory retirements for certain employees participating in the County's DROP program and the reclassification of several non-uniform public safety and general employee positions identified to be significantly below comparative pay studies and appropriate to Non-Departmental (101.91102).
7. Amend the FY 2012 County Budget by approving the appropriations in Attachment 2. This attachment includes an encumbrance carryover of \$230,734 and a net General Fund carryover (expense minus revenue) of \$7,667,336 for miscellaneous incomplete projects and FY 2012 funding needs.
8. Allocate \$16,817,853 to FY 2012 pay-as-you go capital and appropriate to Fund 313 as a transfer to capital from the General Fund (101.91107).

The motion was 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.

[Board Report #41 A](#)

[Addendum-11-29-11-E- FY2011 Appropriation Resolution](#)

- B. [Fiscal Year \(FY\) 2013 Operating Budget Guidance and FY 2013-2022 Capital Improvement Plan Guidance.](#)

Following a duly advertised public hearing at which there were speakers, a motion was made by MARY HYNES, Vice Chairman, seconded by CHRISTOPHER ZIMMERMAN, Chairman to provide the FY 2013 Budget Guidance and Direction to Manager for Preparation of FY 2013 Budget with one minor change on Attachment 1. The motion was 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. [Clerk's note: as set forth in the document entitled "Addendum-11-29-11-F- FY2013 Budget Guidance" attached for the public record to these minutes.]

Following a duly advertised public hearing at which there were speakers, a motion was made by CHRISTOPHER ZIMMERMAN, Chairman, seconded by MARY HYNES, Vice Chairman, to provide FY2013 – 2022 Capital Improvement Plan Guidance to the County Manager. The motion was 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. [Clerk's note: as set forth in the document entitled "Addendum-11-29-11-G- CIP FY2013-2022 Guidance" attached for the public record to these minutes.]

[Board Report #41 B](#)

[Addendum-11-29-11-F- FY2013 Budget Guidance](#)

[Addendum-11-29-11-G- CIP FY2013-2022 Guidance](#)

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42. [**SP #18 SITE PLAN AMENDMENT OF 1812 HOLDINGS, LLC TO MODIFY SITE PLAN CONDITION #87, AND ADD A NEW CONDITIONS #99; LOCATED AT 1812 AND 1850 N. MOORE ST. \(RPC# 16- 037-004, AND -005\).**](#)

Following a duly advertised public hearing at which there were speakers, a motion was made by JAY FISETTE, Member, seconded by BARBARA A. FAVOLA, Member to adopt the ordinance to approve a site plan amendment to SP #18, subject to all previously approved conditions and revised Condition #87, and new Condition #99. The motion was 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. [Clerk’s note: as set forth in the document entitled “Addendum-11-29-11-H- SP #18” attached for the public record to these minutes.]

[Board Report #42](#)

[Board Report #42-Supplemental Report](#)

[Addendum-11-29-11-H- SP #18](#)

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ADDITIONAL ITEMS

AUTHORIZATION FOR SUBMISSION OF APPLICATIONS TO THE VIRGINIA DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL (ABC) FOR LICENSES FOR EVENTS AT ARTISPHERE

A motion was made by CHRISTOPHER ZIMMERMAN, Chairman, seconded by MARY HYNES, Vice Chairman to authorize the County Manager or her designee to take such actions as are necessary to obtain Virginia Department of Alcoholic Beverage Control licenses for the sale of alcoholic beverages at Artisphere, including, but not limited to, the submission of Alcoholic Beverage Control license applications with the County Board as the applicant or co-applicant with a third party or parties providing food and beverage service at Artisphere.

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ADJOURNMENT

Without objection, at 9:48 p.m. the Board adjourned the meeting.

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CHRISTOPHER ZIMMERMAN, Chairman

ATTEST:

HOPE L. HALLECK, Clerk
Approved: December 10, 2011