

A Recessed Meeting of the County Board of Arlington County, Virginia, held in Room 307 of 2100 Clarendon Boulevard thereof on Tuesday, April 24, 2012 at 3:01 p.m.

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

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

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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 Chair welcomed special guests from the Arlington County Beautification Committee to present the Notable Tree Awards to owners of Arlington's winning trees. The Chair introduced Mrs. Lola Rogers, Chair of the Beautification Committee who introduced the other committee members. Chairman Hynes congratulated this year's Notable Tree Award winners.

The Chair provided an update on the PLACE initiative. In March, a series of Open House sessions were held to kick off the initiative and the PLACE task force is currently reviewing feedback to determine next steps. Open Door Mondays continue to be held each week. For more information, please visit: <http://arlingtonplace.us/>.

Chair Hynes introduced a video about the PAL program which encourages everyone to share the streets safely. For more information, please visit: www.walkarlington.com

The Chair announced that nominations are open for Arlington's 2012 Harambee Ceremony. The ceremony, now in its 14th year, honors Arlington's African American elders who have contributed to the community. Nominations must be received by June 29, 2012. For more information go to www.arlingtonva.us/dpr.

The Chair announced the Helen Hayes award ceremony, in which the Signature Theater and the Synetic Theater each received five awards.

Chair Hynes shared that May 12 is Neighborhood Day, including the Arlington Kids Read Community Read-a-Thon Kickoff at Central Library, Highland Park Overlee-Knolls Family Fun Day outside Westover Library, Fairlington Day on the grounds of Fairlington Community Center and the Ashton Heights Yard Sale. For more information, please visit: www.arlingtonva.us, and search "Neighborhood Day."

The Chair announced a seminar on making compost in conjunction with Earth Day. The seminar will be held on May 16 through the Virginia Cooperative Extension service. For more information, please visit www.arlingtonva.us, and search "Green It."

In an effort to help injured turtles and wildlife in Arlington, the Long Branch Nature Center is hosting the 2012 5K Turtle Trot on May 19 in Bluemont Park. To read more, please visit www.arlingtonva.us, search "Turtle Trot 5K," or go to Active.com.

Vice Chair Tejada announced recent efforts to promote bicycling in Arlington. Mr. Tejada stated that May is National Bike Month, and read a proclamation declaring May as Arlington Bike Month. Mr. Tejada also announced that the Capital Bikeshare program is undergoing an expansion, which will add 24 new stations in the Rosslyn-Ballston corridor.

The Vice-Chairman announced that every Tuesday is bike night in Arlington. Two-Wheeled Tuesdays are being held in cooperation with Bike Arlington, where cyclists can get tips and hear discussions on different biking topics. In May and June, the sessions will be held at 2100 Clarendon Boulevard from 7-8:30 p.m. For more information, please visit www.bikearlington.com/twt.

Mr. Tejada provided information on Bike to Work day is Friday, May 18. Pit stops will be in Rosslyn-Ballston, Crystal City and Rosslyn. For more information or to register, visit: www.biketoworkmetrodc.org.

Vice Chairman Tejada stated that the Phoenix Bikes Fun Ride will take place in September. Mr. Tejada will report back with more information closer to the date.

Mr. Fisetta showed a presentation from the Animal Welfare League of Arlington displaying animals available for adoption.

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II. APPOINTMENTS

A motion was made by MARY HYNES, Chair to:

Appoint Libby Garvey to represent the Arlington County Board on the following:

Northern Virginia Regional Commission for a term ending December 31, 2012

Chesapeake Bay and Water Resources Policy Committee of the Metropolitan Washington Council of Governments for a term ending December 31, 2012

Arlington Commission for the Arts

Appoint Leonardo Sarli for a term ending April 30, 2015

Arlington Solid Waste Authority

Appoint Libby Garvey for a term ending December 31, 2012

Arlington Commission on Long-Term Care Residences

Reappoint Lynwood Sinnamon for a term ending April 30, 2015

Arlington Community Services Board

Appoint Moira Saucedo for a term ending June 30, 2015

Ballston BID

Appoint Talmadge Williams Member- At-Large

Appoint Joseph Petty Member- At-Large

Environment & Energy Conservation Commission

Appoint Daniel Broder for a term ending April 30, 2015

Historical Affairs and Landmark Review Board

Appoint Nathan Ulricks for a term ending April 30, 2015

Sesquicentennial of the American Civil War Committee

Appoint Walter DeGroot

Appoint Sandra Green

Urban Agriculture Task Force

Appoint Lincoln Cummings representing the Commission on Aging

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

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III. REGIONAL REPORTS

The Chair provided an update on Metro. She announced an in-depth study of bus service on the Wilson Boulevard Line (Routes 1A,B,E,F,Zand 1C) taking place, including several upcoming meetings to seek customer feedback. For more information, please visit www.metrobus-studies.com.

Chair Hynes added that buses will replace rail on the Blue line between Rosslyn and Pentagon for the weekend of April 27–29 due to station closures.

Board Member Garvey announced the April is Donate Life Month and encouraged people to sign up to be organ, eye and tissue donors. She read a proclamation declaring April as Donate Life Month in Arlington. People can designate their choice to donate on their driver's license, or by visiting: www.donatelifevirginia.org.

Vice Chair Tejada presented the preliminary results of the Point in Time Count of the homeless in the Washington Metropolitan region which took place on January 25. The study showed a slight increase in the number of homeless families. 58 families with a total of 111 children are currently homeless in Arlington. 35% of all homeless adults in the region in families are employed. For more information on how Arlington addresses homelessness, please visit: www.arlingtonva.us and search "homeless."

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IV. COUNTY MANAGER REPORT

The County Manager introduced Larry Slattery, Water Pollution Control Plant (WPCP) Bureau Chief who provided an update on the WPCP Master Plan and the accomplishments in the program. The Manager highlighted some statistics about the project so far. The project has involved \$568 million, two years of planning, eight years of design and construction, 9 County Departments working together and a core team of 92 staff who work on the project in addition to doing their regular jobs. The project so far has resulted in a 33% increase in capacity at the plant and no bypasses for two years. The Manager thanked Mr. Slattery, Carol Smithers, Plant Maintenance Manager and John Garrett, Plant Operations Manager and presented them with a plaque for their efforts.

The Manager provided an update on the Capital Improvement Plan (CIP) including a recent community forum held to solicit input from the community. Residents may continue to give input on the CIP and other programs at Open Arlington at: www.arlingtonplace.us/openarlington. The full schedule of CIP meetings is available at: <http://www.arlingtonva.us/Departments/CountyBoard/CountyBoardMain.aspx>.

CLOSED MEETING; CERTIFICATION OF CLOSED MEETING DISCUSSIONS

A motion was made by MARY HYNES, Chairman, seconded by J. WALTER TEJADA, Vice Chairman, to convene a closed meeting as authorized by Virginia Code sections 2.2-3711.A.3 and 7 for the purposes of discussing:

three matters involving the disposition of public owned real property; and one matter involving the acquisition of real property for public purposes where, in each instance, discussion in public could adversely affect the County's negotiating position; and

consultation with the County Attorney and appropriate staff concerning the following:

The County's authority to condition a use permit based on the ownership and management of a business;

The applicability of the Freedom of Information Act to electronic communication;

The County's authority to deny requested amendments to site plan conditions and to enforce previously approved conditions; and

The County's authority to regulate signage on County owned property.

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

The Board met in a closed meeting from 4:22 p.m. to 6:31 p.m.

A motion was made by MARY HYNES, Chairman, seconded by WALTER TEJADA, 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

- Ms. Hynes - Aye
- Mr. Tejada - Aye
- Mr. Fisetete – Aye
- Ms. Garvey – Aye
- Mr. Zimmerman – Aye

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

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Chair Hynes introduced Martin Ogle, who is retiring as the Chief Naturalist and Manager for the Northern Virginia Regional Park Authority after 27 years at Potomac Overlook Park. She presented Mr. Ogle with a proclamation honoring his years of service.

The Chair presented the 2011 Bill Thomas Outstanding Park Service Volunteer Award Winners as part of Volunteer Recognition Month in April. This award is the highest recognition bestowed in support of the Department of Parks and Recreation. The Chair introduced Paul Holland, Chairman of the Park and Recreation Commission, who presented the awards.

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CONSENT ITEMS (ITEMS REMOVED FROM THE CONSENT AGENDA SATURDAY, APRIL 21, 2012)

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16. U-3326-12-1 USE PERMIT FOR RESTAURANT PROVIDING LIVE ENTERTAINMENT AND DANCING AT PINES OF ITALY; LOCATED AT 3111 COLUMBIA PIKE (RPC# 25-012-044).

Following a duly advertised public hearing at which there were speakers, a motion was made by JAY FISETTE, Member, seconded by LIBBY GARVEY, Member to defer consideration of the subject use permit to the September 15, 2012 County Board Meeting. The motion was adopted and carried by a vote of 5 to 0. The voting recorded as follows: MARY HYNES, Chair - Aye, J. WALTER TEJADA, Vice Chairman - Aye, JAY FISETTE, Member - Aye, LIBBY GARVEY, Member - Aye and CHRISTOPHER ZIMMERMAN, Member – Aye.

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18. U-3332-12-2 USE PERMIT FOR LIVE ENTERTAINMENT AND DANCING AND FOR AN OUTDOOR CAFE ON A PUBLIC EASEMENT AT WILLIAM JEFFREY'S TAVERN; LOCATED AT 2301 COLUMBIA PIKE (RPC# 25-017-098).

Following a duly advertised public hearing at which there were no speakers, a motion was made by LIBBY GARVEY, Member, seconded by JAY FISETTE, Member to:

- A. Approve the subject use permit for live entertainment and dancing, subject to the conditions of the staff report, with a County Board review in one (1) year (April 2013).
- B. Defer consideration of the use permit for an outdoor café to the May 19, 2012 County Board meeting.

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

Conditions (for live entertainment and dancing only):

- 1. The applicant agrees that live entertainment and dancing at 2301 Columbia Pike Suite 100 shall be permitted only between the hours of 11:00 a.m. and 1:30 a.m.
- 2. The applicant agrees to comply with, by way of illustration and not limitation, 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 dancing is not permitted until the applicant obtains a Dance Hall Permit from the Zoning Office.
- 4. The applicant agrees that on-site dedicated security shall be provided from 9:00 p.m. until closing on nights when live entertainment and/or dancing is permitted. The on-site security may consist of "in-house" staff, so long as that staff is dedicated to only security during the hours of live entertainment and/or dancing.
- 5. 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 and/or dancing except for the purposes of entry, egress, and other intermittent uses, such as serving an outdoor seating area. Under no circumstances shall live

entertainment and/or dancing be permitted outside of the building or broadcast over loudspeakers outside the building. The applicant agrees that doors shall not be propped open during live entertainment and/or dancing.

- 6. The applicant agrees that all staff serving alcohol to customers shall have TIPS (Training for Intervention Procedures) certification. The applicant agrees to keep a record of TIPS training certification for all restaurant staff, including all new staff, and submit this information upon the County's request.
- 7. 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.
- 8. 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 live entertainment and dancing 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 and dancing. The name, telephone number, and electronic mail address (if one is established) shall be submitted to the Zoning Administrator and a copy sent to the Columbia Heights Civic Association, and the Penrose Neighborhood Association.

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20. [3506 COLUMBIA PIKE](#)

- A. Z-2533-11-1 Rezoning from "R-5" One-Family, Restricted Two-Family Dwelling Districts to "CP-FBC" Columbia Pike Form Based Code Districts; for property located at 3506 Columbia Pike (RPC# 26-001-019)
- B. U-3334-12-1 - Use Permit for the development of 247 multi-family dwelling units, 12 stacked flats, 44 townhouses and 15,079 square feet of retail; approval of a comprehensive sign plan; and modification of use regulations for alley location, location of building entrances and signs; located at 3400, 3506, and 3514 Columbia Pike and 1100 and 1110 S. Glebe Road (RPC# 26-001-018, -019, -020, -071, and -072).

Following a duly advertised public hearing at which there were speakers, a motion was made by CHRISTOPHER ZIMMERMAN, Member, seconded by JAY FISETTE, Member to defer the subject request for a rezoning and use permit to the May 7, 2012 Planning Commission and May 19, 2012, County Board meetings. The motion was adopted and carried by a vote of 5 to 0. The voting recorded as follows: MARY HYNES, Chair - Aye, J. WALTER TEJADA, Vice Chairman - Aye, JAY FISETTE, Member - Aye, LIBBY GARVEY, Member - Aye and CHRISTOPHER ZIMMERMAN, Member – Aye.

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23. [APPROVAL OF OPEN-AIR MARKET LICENSE AGREEMENTS BETWEEN THE COUNTY BOARD OF ARLINGTON COUNTY, VIRGINIA, AS LICENSOR, AND THE FOLLOWING ENTITIES AS LICENSEES: 1\) CLARENDON ALLIANCE, INC. ON PROPERTY LOCATED AT CLARENDON](#)

CENTRAL PARK (RPC NO. 19-001-001); II) COLUMBIA PIKE REVITALIZATION ORGANIZATION, INC. ON PROPERTY LOCATED AT 2820 COLUMBIA PIKE (RPC NO. 32-005-004); III) BALLSTON BUSINESS IMPROVEMENT CORPORATION (TWO LICENSE AGREEMENTS) ON PROPERTY LOCATED AT BALLSTON WELBURN SQUARE (RPC NO. 14-050-031 AND -009), AND IV) THE CIVITAN CLUB OF ARLINGTON VIRGINIA, INC. IN A GARAGE STRUCTURE LOCATED WITHIN THE I-66 RIGHT-OF-WAY BETWEEN N. QUINCY STREET AND N. STAFFORD STREET (NO RPC NO.), ARLINGTON COUNTY, VIRGINIA.

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

- A. Approved: Five Open-Air Market License Agreements between the County Board of Arlington County, Virginia, as Licensor, and the Following Entities as Licensees: i) Clarendon Alliance, Inc. on property located at Clarendon Central Park (RPC #19-001-001); ii) Columbia Pike Revitalization Organization, Inc. on property located at 2820 Columbia Pike (RPC # 32-005-004); iii) Ballston Business Improvement Corporation (two License Agreements) on property located at Ballston Welburn Square (RPC# 14-050-031 and -009), and iv) The Civitan Club of Arlington Virginia, Inc. in a Garage Structure located within the I-66 Right-of-Way between N. Quincy Street and N. Stafford Street (no RPC No.), Arlington County, Virginia.
- B. Authorized: the Real Estate Bureau Chief, or his designee, to execute on behalf of the County Board, the License Agreements, subject to approval of such Agreements as to form by the County Attorney.

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

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- 38. REQUEST TO ADVERTISE AMENDMENTS TO THE COMPREHENSIVE PLAN - MASTER TRANSPORTATION PLAN - MAP TO ADD A NEW SEGMENT OF NORTH TAZEVELL STREET EXTENDING APPROXIMATELY 210 FEET TO THE SOUTH FROM ITS CURRENT TERMINUS AT NORTH CARLIN SPRINGS ROAD, INTO THE BLOCK BOUNDED BY NORTH GLEBE ROAD, HENDERSON ROAD, NORTH THOMAS STREET AND NORTH CARLIN SPRINGS ROAD.

Following a duly advertised public hearing at which there were speakers, a motion was made by CHRISTOPHER ZIMMERMAN, Member, seconded by JAY FISETTE, Member to authorize the advertisement in May of public hearings on the proposed amendments to the Comprehensive Plan - Master Transportation Plan - Map to add a new segment of North Tazewell Street extending approximately 210 feet to the south from its current terminus at North Carlin Springs Road, into the block bounded by North Glebe Road, Henderson Road, North Thomas Street and North Carlin Springs Road, to be heard by the Planning Commission and the County Board at meetings concurrent with those for consideration of the site plan amendment to SP #72 for the development of 650 North Glebe Road. The motion was adopted and carried by a vote of 5 to 0. The voting recorded as follows: MARY HYNES, Chair - Aye, J. WALTER TEJADA, Vice Chairman - Aye, JAY FISETTE, Member - Aye, LIBBY GARVEY, Member - Aye and CHRISTOPHER ZIMMERMAN, Member – Aye.

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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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ADDITIONAL ITEMS

A motion was made by MARY HYNES, Chair, seconded by J. WALTER TEJADA, Vice Chairman to approve settlement agreement and release between Barroso Inc., and the Arlington County Board. The motion was adopted and carried by a vote of 5 to 0. The voting recorded as follows: MARY HYNES, Chair - Aye, J. WALTER TEJADA, Vice Chairman - Aye, JAY FISETTE, Member - Aye, LIBBY GARVEY, Member - Aye and CHRISTOPHER ZIMMERMAN, Member – Aye.

ADJOURNMENT

Without objection, at 8:00 p.m., the Board adjourned the meeting.

MARY HYNES, Chair

ATTEST:

HOPE L. HALLECK, Clerk
Approved: May 19, 2012