

A Regular Meeting of the County Board of Arlington County, Virginia, held in Room 307 of 2100 Clarendon Boulevard thereof on Saturday, February 20, 2010 at 8:30 a.m.

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

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

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*** PUBLIC COMMENT**

Audrey Clement, Co-Chair of the Arlington Green Party, informed the Board that the Green Party has filed suit against the I-66 spot improvements.

Robert Atkins inquired about the use of education funds in Arlington Public Schools.

Esther Browning inquired why the Lubber Run Amphitheater was being dismantled without giving the community any notice or opportunity to comment on it.

Johnny Watson presented a petition to the Board for the establishment of a year-round shelter to assist homeless County residents with finding housing and employment.

Jim Hurysz first reported a pothole on S. 31st Street and S. Evans, in the Fairlington neighborhood. Mr. Hurysz also commented on the the County's budget priorities.

Wayne Kubicki sought clarification from the Board why the County was considering increasing the school transfer at a rate of \$8,900 per student whereas information from Arlington Public School staff reported that their incremental costs of adding additional students was \$5,500 per student.

Carrie Johnson expressed her gratitude to staff for their work in clearing the County roads during the recent snow storms. She also asked that it be made clear to businesses and institutions what was the County's expectations of them for clearing sidewalks along their sites.

Gordon Simonett, President of the Arlington Young Democrats Club, thanked the County for their snow removal efforts and asked for the consideration of a snow removal ordinance to ensure the "walkability" of the County after snow storms, in particular for those who depend on public transportation. He noted that sidewalks that had not been cleared forced pedestrians to walk on the roads.

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*** CONSENT ITEMS (ITEMS 1-21) CITIZENS INTERESTED IN REMOVING AN ITEM FROM THE CONSENT AGENDA MUST SUBMIT A SPEAKER SLIP TO THE CLERK AT THE SATURDAY, FEBRUARY 20, 2010, MEETING BEFORE 9 A.M. PUBLIC TESTIMONY ON REMOVED ITEMS WILL OCCUR AT THE RECESSED MEETING ON TUESDAY, FEBRUARY 23, 2010, AT 6:30 P.M. (NO TESTIMONY TAKEN ON SATURDAY).**

On a motion by CHRISTOPHER ZIMMERMAN, Vice Chairman, seconded by BARBARA A FAVOLA, Member and carried by a vote of 5 to 0, the voting recorded as follows: JAY FISETTE, Chairman - Aye, CHRISTOPHER ZIMMERMAN, Vice Chairman - Aye, BARBARA A FAVOLA, Member - Aye, MARY HYNES, Member - Aye, J. WALTER TEJADA, Member - Aye, approved the County Manager's recommendation for all consent items #2 through #6, #9, #11 through #19, and #21. Requests for full hearing were submitted for items #1, #7, #8, #10 and #20 and are scheduled for hearing at the February 23, 2010 County Board Recessed Meeting.

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SITE PLANS/AMENDMENTS/REVIEWS

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2. SP #167 SITE PLAN AMENDMENT FOR A ROOFTOP SIGN AT THE CRYSTAL PARK PROJECT; LOCATED AT 2121 CRYSTAL DRIVE, (RPC#: 34-020-234).

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

BE IT ORDAINED that, pursuant to application SP #167 on file in the Office of the Zoning Administrator for an amendment to a special exception for a site plan for a rooftop sign at the Crystal Park project for the parcel of real property known as 2121 Crystal Drive (RPC#: 34-020-234), approval is granted for a 318 square foot rooftop sign on the west façade of 2121 Crystal Drive, and the parcel so described shall be used according to the approval requested by the application, subject to all previously approved conditions and revised condition #34:

34. a. The applicant agrees to limit the ~~rooftop~~ signs for the building at 2121 Crystal Drive to two (2) rooftop signs as follows: one (1) rooftop sign on the east facade, consistent with the location and design as shown on the drawings submitted to the County from Jack Stone Signs, Drawing #7719, and approved by the County Board on December 12, 2009.; and one (1) rooftop sign on the west façade, consistent with the location and design as shown on the drawings submitted to the County from Jack Stone Signs, Drawing #7719, dated 1/15/10, and approved by the County Board on February 20,2010. The total area of ~~such rooftop~~ all signs for 2121 Crystal Drive shall not exceed 493.2 812 square feet . [Clerk's note: as set forth in the document entitled "Addendum 2-20-10-A – SP#167" attached for the public record to these minutes.]
- b. The applicant agrees that the rooftop signs for the building at 2121 Crystal Drive shall be illuminated only as shown on the plans from Jack Stone Signs, Drawing #7719. The applicant agrees that the rooftop signs shall not be illuminated between the hours of Midnight and 6 a.m., seven days per week. The developer agrees to install a rheostat or other appropriate variable resistor that will allow the developer to adjust (decrease) the rooftop sign's lighting intensity. The developer further agrees that if the County Manager finds that the intensity of the rooftop sign's lighting has an adverse effect on the surrounding area, the developer will, within 24 hours notice from the County Manager, reduce the intensity of the lights to a level that, in the County Manager's reasonable judgment, will no longer have such an adverse effect.
- c. Minor changes to the approved rooftop signs at 2121 Crystal Drive may be approved administratively by the Zoning Administrator. For the purposes of the preceding sentence, minor changes shall include only the following: (i) a minor adjustment in the location of the

sign to meet field conditions (less than 1 foot in any direction); All other changes to the approved rooftop signs will require site plan approval or amendment.

d. ~~The applicant agrees that, for the building at 2121 Crystal Drive, also known as Crystal Park 2, the permitted area for signs other than rooftop signs shall be limited to 318.8 square feet.~~

[Board Report #2](#)

[Addendum 2-20-10-A – SP#167](#)

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3. SP #387 SITE PLAN AMENDMENT REQUEST, FOR A COMPREHENSIVE SIGN PLAN AT THE ALEXAN; LOCATED AT 2400 24TH ROAD S., (RPC#: 11-012-029).

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

BE IT ORDAINED that, pursuant to application SP #387 on file in the Office of the Zoning Administrator for an amendment to a special exception for a site plan for comprehensive sign plan at The Alexan for the parcel of real property known as at 2400 24th Road South (RPC# 11-012-029), approval is granted and the parcel so described shall be used according to the approval requested by the application, subject to all previously approved conditions and revised condition #47:

47. The developer agrees to develop and submit a comprehensive sign plan and that all exterior signs (including identification and directional signage) shall be consistent with the guidelines contained in "Sign Guidelines for Site Plan Buildings and with Section 34 of the Zoning Ordinance or with a comprehensive sign plan approved by the County Board. The Zoning Administrator shall determine whether the signs meet the standards of the guidelines and the Ordinance. No sign permits will be issued until a comprehensive sign plan is approved. The developer agrees to obtain approval from the Zoning Administrator of the comprehensive sign plan before the issuance of the first Certificate of Occupancy. The developer agrees that such a comprehensive sign plan shall include directional signs showing access to the retail parking. All proposed rooftop signs, defined as all signs that are 35 feet or more above the ground, shall require a site plan approval or amendment.
 - a. The developer agrees that all project signs shall be consistent with either "The Blade Sign Option" or "Option B" (but not both) of the comprehensive sign plan prepared by Color Ad Signs and Exhibits and dated January 26, 2010 and approved by the County Board on February 20, 2010. The developer further agrees that all signs shall be of the number, size, location, design, materials, and structure shown on the comprehensive sign plan and in the chart in the staff report. In particular, all signs shall be of the size shown on the sheet dated January 26, 2010 and entitled "Alexan Twenty Four Signage Plan". Sign lighting shall conform to the requirements of the Zoning Ordinance. The total project sign area shall not exceed 93 square feet if the applicant chooses "The Blade Sign Option" or 75 square feet if the applicant chooses "Option B", excluding the one (1) permitted temporary leasing banner sign of 120 square feet [Clerks note: as set forth in the document entitled "Addendum 2-20-10-B – SP#387" attached for the public record to these minutes.]
 - b. The developer agrees that minor changes to the approved signs may be approved administratively by the Zoning Administrator. For the purposes of the preceding sentence, minor changes shall include only the following: (i) a minor adjustment in the location of a sign

to meet field conditions (less than 1 foot in any direction); or (ii) a minor change in the area of an individual sign (less than 5%).

- c. The developer agrees that the one (1) temporary leasing banner sign of 120 square feet permitted by this site plan amendment must be removed within one (1) year of the issuance of the shell and core certificate of occupancy.
- d. The developer agrees, for the two (2) lighted building name signs approved by this site plan amendment, to install a rheostat or other appropriate variable resistor that will allow the developer to adjust (decrease) the rooftop signs' lighting intensity. The developer further agrees that if the County Manager finds that the intensity of the rooftop signs' lighting has an adverse effect on the surrounding area, the developer will within 24 hours notice from the County Manager, reduce the intensity of the lights to a level that, in the County Manager's reasonable judgment, will no longer have such an adverse effect.

[Board Report #3](#)

[Board Report #3-Supplemental](#)

[Addendum 2-20-10-B – SP#387](#)

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USE PERMITS REQUEST/REVIEWS/AMENDMENTS

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4. U-3111-0402 USE PERMIT FOR A TEENAGE PARENTING PROGRAM; PREMISES KNOWN AS 1439 NORTH QUINCY STREET (RPC#: 15-040-048).

On the consent agenda vote, after a duly advertised public hearing, the Board declined to renew the use permit for a teen parenting program due to lapse of use.

[Board Report #4](#)

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5. U-3192-08-2 USE PERMIT AMENDMENT FOR THE ADDITION OF A TODDLER PROGRAM TO AN EXISTING PRESCHOOL; LOCATED AT 4701 ARLINGTON BOULEVARD (RPC#: 20-025-001).

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

BE IT ORDAINED that, pursuant to application U-3192-08-2 on file in the Office of the Zoning Administrator for a special exception for a use permit for the addition of a toddler program to an existing preschool for the parcel of real property known as 4701 Arlington Boulevard (RPC #20-025-001), approval is granted and the parcel so described shall be used according to the use permit approval requested by the application, subject to the modified conditions of the staff report, with a County Board review in one (1) year (February 2011):

Modified Conditions

- 1. The applicant (as used in these conditions, the term "applicant" shall mean the owner, the applicant and all successors and assigns) agrees to comply with the conditions set forth below.

2. The applicant agrees to meet the requirements of the Child Care Ordinance, the Community Code Enforcement Office, the Environmental Health Bureau, and the Fire Marshal's Office, including acquiring the required assembly permit prior to the issuance of a certificate of occupancy.
3. Child Care staff shall make the final determination on the appropriate number of children to be included in the programs, not to exceed ~~65~~ 115 children total, and the final determination ensuring the public/teacher ratios for the group.
4. The applicant shall work with Child Care staff to provide appropriate sized groups of children who could occupy the on-site outdoor play space at any given time. The applicant agrees to work closely with the Child Care staff in the development of any changes to the outdoor play space.
5. The applicant agrees that children receiving care shall be escorted from the drop off to and from the building by staff at all times.
6. The applicant agrees that children receiving care shall be escorted from the play area to and from the building by staff at all times.
7. The applicant agrees that the hours of operation are Monday through Friday between 8:30 a.m. and 4 p.m. The school year runs from September through May, followed by a three week summer school in June.

[Board Report #5](#)

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6. U-3213-09-1 USE PERMIT RENEWAL, FAMILY DAY CARE HOME FOR NINE (9) CHILDREN; 1523 N. RANDOLPH ST. (RPC#: 06-014-108).

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

BE IT ORDAINED, that pursuant to application U-3213-09-1 on file in the Office of the Zoning Administrator for renewal of a special exception for a use permit for a family day care home for nine (9) children, for the parcel of real property known 1523 N. Randolph St. (RPC# 06-014-108), approval is granted and the parcel so described shall be used according to the use permit approval requested by the application, subject to all previous conditions and added condition #4 of the staff report, with a County Board review in three (3) years (February 2013):

4. The applicant agrees not to park on the front lawn of the property and to use their existing driveway for off-street parking.

[Board Report #6](#)

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9. U-3242-09-1 USE PERMIT TO PERMIT STRUCTURAL ADDITIONS WITH NO INCREASE IN

DENSITY TO AN EXISTING NONCONFORMING APARTMENT COMPLEX FOR BUCKINGHAM VILLAGE 3; LOCATED AT 307 NORTH GEORGE MASON DRIVE (RPC #20-023-002).

On the consent agenda vote, after a duly advertised public hearing, the Board deferred consideration of the use permit request to the March 13, 2010, County Board meeting.

[Board Report #9](#)

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VACATIONS, EASEMENTS, RIGHTS OF WAY, ENCROACHMENTS & LEASES

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11. APPROVAL OF A LICENSE AGREEMENT BETWEEN THE COUNTY BOARD OF ARLINGTON COUNTY, VIRGINIA, AS LICENSOR, AND LEGAL SERVICES OF NORTHERN VIRGINIA, INC., AS LICENSEE, FOR USE OF 142 SQUARE FEET OF OFFICE SPACE IN THE ARLINGTON COUNTY COURTHOUSE BUILDING, ROOM 11C01, LOCATED AT 1425 NORTH COURTHOUSE ROAD, ARLINGTON, VIRGINIA (RPC#: 17015011).

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

1. Approved the License Agreement (attached to the staff report) between the County Board and Legal Services of Northern Virginia, Inc. for the use of Room 11C01 located in the Arlington County Courthouse building at 1425 North Courthouse Road, Arlington, Virginia, RPC #17015011. [Clerk's note: as set forth in the document entitled "Addendum 2-2-10-C-Legal Services Lease" attached for the public record to these minutes.]
2. Authorized the Real Estate Bureau Chief, or his designee, to execute, on behalf of the County Board, the License Agreement, and all related documents, subject to approval as to form by the County Attorney.

[Board Report #11](#)

[Addendum 2-2-10-C-Legal Services Lease](#)

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12. APPROVAL OF TWO LICENSE AGREEMENTS BETWEEN THE COUNTY BOARD OF ARLINGTON COUNTY, VIRGINIA, AS LICENSOR, THE DESTINATION SALES AND MARKETING GROUP, LTD., AS LICENSEE, AND THE CONVENTION STORE, INC., AS LICENSEE, FOR SPACES IN A PORTION OF A BUILDING LOCATED AT 1501 WILSON BOULEVARD, ARLINGTON, VIRGINIA (RPC#: 16033001).

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

1. Approved the License Agreement (attached to the staff report) between The County Board of Arlington County, Virginia, as Licensor, and The Destination Sales and Marketing Group, Ltd., as Licensee, for the use of a portion of 11,132 square feet of office space in a portion of a building located at 1501 Wilson Boulevard, Arlington, Virginia (RPC # 16033001); [Clerk's note: as set forth in the document entitled "Addendum 2-20-10-D – RPC#16033001" attached for the public record to these minutes.]
2. Approved the License Agreement (attached to the staff report) between The County Board of Arlington County, Virginia, as Licensor, and The Convention Store, Inc., as Licensee, for the use of a portion of 11,132 square feet of office space in a portion of a building located at 1501 Wilson Boulevard, Arlington, Virginia (RPC # 16033001). [Clerk's note: as set forth in the document entitled "Addendum 2-20-10-D – RPC#16033001" attached for the public record to these minutes.]
3. Authorized the Real Estate Bureau Chief, or his designee, to execute, on behalf of the County Board of Arlington County, Virginia, the Amendment, the ATP License, the CIC License, and all related documents, all subject to approval as to form by the County Attorney.

[Board Report #12](#)

[Addendum 2-20-10-D – RPC#16033001](#)

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ORDINANCES, PLANS AND POLICIES

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13. AMENDMENT TO THE ORDINANCE ON PRECINCTS AND POLLING PLACES.

On the consent agenda vote, after a duly advertised public hearing, the Board approved the advertised proposed amendment to the ordinance on precincts and polling places to move the polling place for the Overlee Knolls Precinct 017 from the Resurrection Lutheran Church, 6201 Washington Boulevard, back to its permanent location at Walter Reed School, 1644 North McKinley Road. [Clerk's note: as set forth in the document entitled "Addendum 2-20-10-E- Change in Polling Places" attached for the public record to these minutes.]

[Board Report #13](#)

[Addendum 2-20-10-E- Change in Polling Places](#)

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14. ZOA-09-10A ZONING ORDINANCE AMENDMENT TO SECTION 31A, SUBSECTION E12. THIS AMENDMENT ALTERS THE STANDARD FOR COUNTY BOARD REVIEW OF APPEALS OF HISTORICAL AFFAIRS AND LANDMARK REVIEW BOARD (HALRB) DECISIONS.

On the consent agenda vote, after a duly advertised public hearing, the Board deferred consideration of the ordinance (ZOA-09-10A attached to the staff report) to amend, reenact and recodify Section 31A of the Zoning Ordinance to change the standard by which the County Board would review appeals of decisions from the HALRB to the March 13, 2010, County Board meeting.

[Board Report #14](#)

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APPROPRIATIONS, GRANT APPLICATIONS & OTHER CONTRACTS

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15. THIS ITEM WAS REMOVED.

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16. ALLOCATION OF FISCAL YEAR (FY) 2010 AFFORDABLE HOUSING INVESTMENT FUND (AHIF) FUNDS AS A LOAN TO THE ARLINGTON PARTNERSHIP FOR AFFORDABLE HOUSING (APAH) TO ASSIST WITH THE REHABILITATION OF BUCHANAN GARDENS APARTMENTS.

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

1. Allocated up to \$4,332,000 in FY 2010 AHIF funds (101.495130.91102) to the Arlington Partnership for Affordable Housing (APAH) Inc., or its designated County-approved ownership affiliate, to assist with the rehabilitation of Buchanan Gardens Apartments. The financing assistance is in the form of a subordinated, residual receipts loan, subject to the terms and conditions outlined in the County Manager’s report of February 3, 2010:
 1. The applicant shall execute a generally standard AHIF Program Agreement and loan instruments for the County loan in a form acceptable to the County Manager and the County Attorney.
 2. The County financing assistance will be in the form of a subordinated residual receipts loan, secured by the property, and repayable from fifty percent (50%) of the cash flow from the property. This loan will be made at an interest rate of 2%, compounded annually, over a term of 35 years. This loan will be subordinate to the primary mortgage of up to \$7,900,000 plus 10%. The applicant must secure a commitment for the first mortgage and a reservation commitment for low income housing tax credits prior to disbursement of any funds from the County. If the applicant is not successful in securing a reservation commitment for 9% credits during the 2010 application round, then the applicant must reapply during the 2011 application round for 9% credits. The applicant agrees to a plan for a proportionate split on all cost savings during the financing period when interest

rates are locked in and the tax credits have been purchased by an investor. This will be completed prior to settlement and no funds will be disbursed to APAH or its designated County-approved ownership affiliate until the County has approved the plan.

3. The applicant must comply with the affordable housing set-aside for the rental units as follows: One hundred (100) units shall be affordable to households earning 60% or less of AMI for 60 years. Eleven (11) units shall be affordable to households earning 50% or less of AMI for 60 years.
 4. Affordable rents shall be established in accordance with HUD rent limits set for Arlington County. Rents shall not exceed the established affordability level for the unit size, minus a utility allowance (if applicable) as per the schedule annually approved by HUD for Arlington's Section 8 Housing Choice Voucher Program or approved Section 42 utility allowances.
 5. The developer or its designee will agree to a minimum of six units accessible for persons with mobility impairments and three units accessible for with persons with visual and hearing impairments and to fully cooperate with an affirmative marketing program to market these units to households in need of such accommodation.
 6. The term of affordability shall be 60 years. However, if at any time in year 35 or later (but prior to the end of the full 60-year commitment period), APAH desires to refinance the property and is unable to refinance because the units are income-restricted, APAH may return to the County Board with a request to consider a recommendation to allow the units (or a portion thereof) to be rented at levels necessary for the financial feasibility of the refinance.
 7. The applicant, its designated ownership entity, heirs or assigns shall provide a purchase option including a right of first refusal to the County or its designee, if the developer decides to sell the property any time prior to or at the end of the 35-year affordability term, wherein the County or its designee shall have the right, but not the obligation, for a period of up to 180 days, to purchase the property at 90 percent of its then-appraised fair market value. If the owner's appraiser and County's appraiser do not concur on the fair market value of the property, the two appraisers shall select a third appraiser using the industry-standard three appraiser method to determine the fair market value.
2. Authorized the County Manager to execute the required documents for a loan for up to \$4,332,000 to APAH or its designated County-approved ownership affiliate, subject to the terms and conditions outlined in the report and authorize and direct the trustees for the County's Deed of Trust to execute the required loan and subordination documents subject to approval by the County Attorney.
 3. Authorized the County Manager, with the concurrence of the County Attorney, to act as the County Board's representative in approving financing or program revisions that are necessary to remove any ambiguity or inconsistency or which improve the County's financial security or financial position, and which changes do not adversely affect the County financially, prior to or after execution of the County's financing documents.

[Board Report #16](#)

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17. AUTHORIZATIONS TO FILE FY 2011 COMMUTER SERVICES PROGRAM GRANT APPLICATIONS.

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

1. Adopted the resolution authorizing the County Manager to execute and file an application to the Virginia Department of Rail and Public Transportation ("DRPT") totaling \$1,875,000 from the Transportation Demand Management /Commuter Assistance Projects Grant Program. [Clerk's note: as set forth in the document entitled "Addendum 2-20-10-F- DRPT Resolution 1" attached for the public record to these minutes.]
2. Adopted the Resolution authorizing the County Manager to execute and file an application to DRPT totaling \$1,550,000 from the Transportation Efficiency Improvement Fund Program. [Clerk's note: as set forth in the document entitled "Addendum 2-20-10-G- DRPT Resolution 2" attached for the public record to these minutes.]

[Board Report #17](#)

[Addendum 2-20-10-F- DRPT Resolution 1](#)

[Addendum 2-20-10-G- DRPT Resolution 2](#)

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REQUESTS TO ADVERTISE

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18. REQUEST TO ADVERTISE FOR A PUBLIC HEARING FOR PROPOSED AMENDMENTS TO THE COUNTY'S MOTOR VEHICLE CODE, CHAPTER 14.2, ARTICLE 1 OF THE ARLINGTON COUNTY CODE.

On the consent agenda vote, after a duly advertised public hearing, the Board authorized the advertisement of a public hearing to be held March 13, 2010, to consider proposed amendments to the County's Motor Vehicle Code, Chapter 14.2, Article 1 of the Arlington County Code concerning the use of emerging technologies for payment of parking meters. [Clerk's note: as set forth in the document entitled "Addendum 2-20-10-H-Amendments to Chapter 14.2" attached for the public record to these minutes.]

[Board Report #18](#)

[Addendum 2-20-10-H-Amendments to Chapter 14.2](#)

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OTHER

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19. DEDICATION OF MEMORIAL PLAQUE FOR MEGHAN KIEFFER AT CHERRY VALLEY PARK.

On the consent agenda vote, after a duly advertised public hearing, the Board approved the dedication of a plaque memorializing Meghan Kieffer as recommended by the Park and Recreation Commission.

Board Report #19

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21. MINUTES.

On the consent agenda vote, after a duly advertised public hearing, the Board approved the minutes from the July 14, 2009 recessed meeting.

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REGULAR HEARING ITEMS

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22. RECEIPT OF THE COUNTY MANAGER’S PROPOSED BUDGET AND REQUEST TO ADVERTISE FISCAL YEAR 2011 BUDGET ITEMS:

- A. On a motion by MARY HYNES, Member, seconded by BARBARA A FAVOLA, Member and carried by a vote of 5 to 0, the voting recorded as follows: JAY FISETTE, Chairman - Aye, CHRISTOPHER ZIMMERMAN, Vice Chairman - Aye, BARBARA A FAVOLA, Member - Aye, MARY HYNES, Member - Aye, J. WALTER TEJADA, Member - Aye, following a duly advertised public hearing at which the public spoke, the Board took the following actions:
 - 1. Authorized the advertisement of a Calendar Year (CY) 2010 real estate tax rate of \$.952 per \$100 of assessed value for public hearing on March 25, 2010, using the following advertisement.
 - 2. Authorized the advertisement of the commercial real estate tax for transportation initiatives at the current rate of \$.125 per \$100 for public hearing on March 25, 2010, using the following advertisement.

NOTICE OF PROPOSED REAL PROPERTY TAX INCREASE

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

1. **Assessment Increase:** Total assessed value of real property, excluding additional assessments due to new construction or improvements to property, exceeds last year's total assessed value of real property by -8.2 percent.
2. **Lowered Rate Necessary to Offset Increased Assessment:** The tax rate which would levy the same amount of real estate tax as last year, when multiplied by the new total assessed value of real estate with the exclusions mentioned above, would be \$0.942 per \$100 of assessed value. This rate will be known as the "lowered tax rate."
3. **Effective Rate Increase:** The County of Arlington, Virginia proposes to adopt a tax rate of \$_____ per \$100 of assessed value. The difference between the lowered tax rate and the proposed rate would be \$_TBD_ per \$100, or _TBD_ percent. This difference will be known as the "effective tax rate increase."

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

4. **Proposed Total Budget Increase:** Based on the proposed real property tax rate and changes in other revenues, the total budget of Arlington County will exceed last year's revised budget by _TBD_ percent.
5. The County also proposes to maintain the real estate tax for properties used for or zoned to permit commercial and industrial uses at the current rate of \$.125 per \$100. Revenue from this tax is dedicated for transportation initiatives.

A PUBLIC HEARING ON THE INCREASE WILL BE HELD ON MARCH 25, 2010, AT 7:00 P.M. OR AS SOON THEREAFTER AS POSSIBLE AT THE COUNTY BOARD ROOM, 2100 CLARENDON BLVD, ARLINGTON COUNTY, VIRGINIA. AFTER THE HEARING, THE COUNTY BOARD MAY ADOPT A TAX RATE LOWER THAN \$0.____ PER \$100 OF ASSESSED VALUE, BUT IT CANNOT ADOPT A HIGHER RATE.

A copy of the proposed resolution fixing the real estate tax rate for CY 2010 is on file and available for review in the Office of the Clerk to the County Board, Room 300, #1 Courthouse Plaza, 2100 Clarendon Boulevard, weekdays between the hours of 8:00 a.m. and 5:00 p.m.

Hope Halleck, Clerk
Arlington County Board

[Board Report #22.A.](#)

- B. On a motion by CHRISTOPHER ZIMMERMAN, Vice Chairman, seconded by J. WALTER TEJADA, Member and carried by a vote of 5 to 0, the voting recorded as follows: JAY FISETTE, Chairman - Aye, CHRISTOPHER ZIMMERMAN, Vice Chairman - Aye, BARBARA A FAVOLA, Member - Aye, MARY HYNES, Member - Aye, J. WALTER TEJADA, Member – Aye, following a duly advertised public hearing at which the public spoke, the Board authorized the advertisement of a public hearing on March 25, 2010, on the proposed Calendar Year 2010 personal property tax rate of \$5.00 per \$100 of assessed value using the following resolution and for public service corporations the real estate tax rate as requested to be

advertised in the prior agenda item.

RESOLUTION FIXING COUNTY PERSONAL PROPERTY LEVY

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

1. That there be levied for the year 2010 a tax of \$5.00 per one hundred dollars of assessed valuation on all taxable tangible personal property as defined in Sections 58.1-3500, 58.1-3501, 58.1-3502, 58.1-3503, 58.1-3506 and on machinery and tools as defined by Section 58.1-3507 of the Code of Virginia, except as otherwise provided in this paragraph. Without any limitation on the foregoing provisions, such property shall be considered to include all automobiles and trucks of public service corporations based upon the duly certified assessment thereof by the State Corporation Commission. Excluded from the levy of this paragraph (1) are the following:

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

2. That pursuant to Section 58.1-3506.A.1 O. there be levied for the calendar year 2010 a tax as outlined in the prior agenda item (26.A) on all manufactured homes as defined in Section 36-85.3 of the Code of Virginia and pursuant to Section 58.1-2606 on all other tangible personal property of public service corporations based upon the duly certified assessment of the State Corporation Commission.

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

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

Hope Halleck, Clerk
Arlington County Board

[Board Report #22.B.](#)

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

Member - Aye, following a duly advertised public hearing at which the public spoke, the Board took the following actions:

- C. Authorized the advertisement of a public hearing on March 25, 2010, for a proposed Calendar Year 2010 tax rate for the 2nd Road North Service District of \$0.153 that is in addition to the current real estate rate using the "Resolution Fixing Personal Property Levy" in item 22B above.

[Board Report #22.C.](#)

- D. Authorized the advertisement of a public hearing on March 25, 2010, for a proposed Calendar Year (CY) 2010 tax rate for the Rosslyn Business Improvement Service District ("Rosslyn BID") of \$0.080 that is in addition to the current real estate rate, using the "Resolution Fixing Personal Property Levy" in item 22B above.

[Board Report #22.D.](#)

- E. Authorized the advertisement of a public hearing on March 25, 2010, for a proposed Calendar Year (CY) 2010 tax rate for the Crystal City Business Improvement Service District ("Crystal City BID") of \$0.043 that is in addition to the current real estate rate, using the "Resolution Fixing Personal Property Levy" in item 22B above.

[Board Report #22.E.](#)

- F. Authorized the advertisement a public hearing on the proposed amendment to Chapter 26, Article 1 of the Arlington County Code (Utilities Ordinance) and authorize the advertisement for a public hearing to be held on March 25, 2010, for proposed rate increases in the water sewer services. This proposed amendment would increase the water rate by no more than \$0.08, from \$3.42 to \$3.50 per thousand gallons and the sewer rate by no more than \$0.46, from \$7.78 to \$8.24 per thousand gallons.

[Board Report #22.F.](#)

- G. Authorized advertisement of a public hearing on the proposed amendment to Chapter 26, Article 1 of the Arlington County Code and authorize the advertisement for a public hearing to be held on March 25, 2010, for proposed Infrastructure Availability Fee increases. This proposed amendment would increase the IAF from \$69 to \$72 per drainage fixture unit (DFU) for water service, and from \$95 to \$110 per DFU for sewer service.

AN ORDINANCE TO AMEND, REENACT, AND RECODIFY CHAPTER 26, ARTICLE I, SECTION 26-10, OF THE ARLINGTON COUNTY CODE, RELATING TO THE INFRASTRUCTURE AVAILABILITY FEE, EFFECTIVE JULY 1, 2010.

BE IT ORDAINED that Chapter 26, Article I of the Arlington County Code is amended, reenacted, and re-codified as follows, effective July 1, 2010.

Chapter 26

UTILITIES

ARTICLE 1. IN GENERAL

* * *

§ 26-10. Infrastructure availability fees.

(d) The infrastructure availability fee rate shall be one hundred ~~sixty-four~~ eighty-two dollars (~~\$164.00~~–~~\$182.00~~) per drainage fixture unit (dfu). For structures that are provided for water service only or sewer service only, the infrastructure availability fee shall be as follows:

Water Service only--~~\$69~~–72.00 per dfu

Sewer Service only--~~\$95~~–110.00 per dfu

* * *

[Board Report #22.G.](#)

- H. Authorized the advertisement of a public hearing on the proposed amendment to Chapter 10, Article 1 (Refuse) of the Code of Arlington County, Virginia, to be held on March 25, 2010. The amendment, if approved, would increase the annual household solid waste rate from \$325.68 to a maximum of \$344.24.

AN ORDINANCE TO AMEND, REENACT, AND RECODIFY CHAPTER 10 (GARBAGE, REFUSE AND WEEDS) OF ARLINGTON COUNTY CODE RELATING TO INCREASE IN HOUSEHOLD SOLID WASTE RATE, EFFECTIVE JULY 1, 2010
BE IT ORDAINED that Chapter 10, Article 1 of the Arlington County Code is amended, reenacted, and recodified as follows, effective July 1, 2010:

* * *

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

(a) There is hereby imposed for each single-family residential dwelling and each unit of duplex residential dwelling an annual charge of ~~three hundred twenty five dollars and sixty eight cents (\$325.68)~~ three hundred forty-four dollars and twenty-four cents (\$344.24) billed quarterly, beginning with the quarter of July 1, ~~2009~~ 2010, through September 30, ~~2009~~ 2010, for refuse collection and disposal and recycling by Arlington County.

* * *

[Board Report #22.H.](#)

- I. Adopted the resolution authorizing the advertisement of a public hearing by the County Board on March 25, 2010, on a schedule of zoning fees for Fiscal Year (FY) 2011 that would implement a 1.0% inflationary increase over the Fiscal Year 2010 fees, in order to provide for efficient administration of the County's review process; to encourage economic development; and to promote the health, safety, and general welfare of the public. [Clerk's note: as set forth in the document entitled "Addendum 2-20-10-I- Resolution for Zoning Fee Schedule" attached for the public record to these minutes.]

[Board Report #22.I.](#)

[Addendum 2-20-10-I- Resolution for Zoning Fee Schedule](#)

- J. Authorized the advertisement of a public hearing to be held on March 25, 2010, for the setting of the FY 2011 Department of Parks, Recreation and Cultural Resources (DPRCR) program fees. [Clerk's note: as set forth in the document entitled "Addendum 2-20-10-J- PRCR Program Fees" attached for the public record to these minutes.]

[Board Report #22.J.](#)

[Addendum 2-20-10-J- PRCR Program Fees](#)

- K. Authorized the advertisement for a March 25, 2010, public hearing on a proposed amendment to Chapter 26 of the Code of Arlington County, Virginia, to impose an increase to the sanitary district tax rate of \$0.003 of assessed real property value. This would bring the sanitary district tax rate to \$0.013 per \$100 of assessed real property value.

AN ORDINANCE TO AMEND CHAPTER 26 (UTILITIES) OF THE ARLINGTON COUNTY CODE RELATING TO ESTABLISHMENT OF A SANITARY DISTRICT TAX FOR THE PURPOSES OF FUNDING IMPROVEMENTS TO THE STORMWATER DRAINAGE SYSTEM, EFFECTIVE JANUARY 1, 2010,

BE IT ORDAINED that Chapter 26 of the Arlington County Code is amended as follows:

§ 26-1. Definitions.

Sanitary district. The Arlington Sanitary District, as authorized under the provisions of Chapter 161, *the Acts of Assembly of Virginia*, 1926, for which an order was entered in the Circuit Court of the County on April 25, 1930, and the boundaries of which as co-extensive with the boundaries of the County.

§ 26-13. Sanitary District Tax

- (a) There is hereby imposed a sanitary district tax of \$0.010~~3~~ per one hundred dollars of assessed valuation of all taxable real estate not otherwise exempt from taxation located in the sanitary district for operating and capital expenses necessary to expand and upgrade the storm drainage (storm sewer) system. Such tax shall be effective as of January 1, ~~2008~~ 2010, and payable at the same time and in the same manner as real estate taxes are paid.
- (b) Any person assessed who fails to pay the tax installments on or before the respective payment date shall incur a penalty thereon of ten (10) percent or ten dollars (\$10.00), whichever shall be greater, but not to exceed the amount of the tax, which shall be added to the amount of taxes due from such person assessed.
- (c) Interest shall accrue on any amount past due at the same rate as real property taxes under section 27.3.1.
- (d) The Treasurer of Arlington County is authorized to collect any and all delinquent sanitary district taxes under this chapter.

[Board Report #22.K.](#)

- L. Authorized advertisement for a March 25, 2010, public hearing on an ordinance to amend Section 14.2-7 (a) Chapter 14.2, Division 1, Article (Motor Vehicles and Traffic) of the Arlington County Code to increase fines for certain parking and nonmoving violations, to be effective on July 1, 2010. [Clerk's note: as set forth in the document entitled "Addendum 2-20-10-K-Parking and Nonmoving Violations Fees" attached for the public record to these minutes.]

[Board Report #22.L.](#)

[Addendum 2-20-10-K-Parking and Nonmoving Violations Fees](#)

- M. Authorize advertising for a March 25, 2010, public hearing on proposed amendments to Chapter 14.2 (Motor Vehicles & Traffic) of the Arlington County Code, Section 14.2-73 allowing for a \$8 increase to the motor vehicle license fee from \$25 to \$33 per year.

AN ORDINANCE TO AMEND CHAPTER 14.2 (MOTOR VEHICLES AND TRAFFIC) OF THE ARLINGTON COUNTY CODE RELATING TO THE FEE CHARGED FOR MOTOR VEHICLE LICENSES

BE IT ORDAINED that Chapter 14.2 of the Arlington County Code is amended as follows:

§ 14.2-73 Motor vehicle license fee.

The motor vehicle license fee shall be the same as what is charged by the Commonwealth ~~twenty-five dollars (\$25.00)~~ for all motor vehicles designed and used for the transportation of passengers as specified in Virginia Code Section 46.2-694 (A) (1--4),(9--11), as amended. However, this amount shall not exceed

§33. The fee shall be payable prior to the issuance of a license for the first year or any portion thereof, until such time as the initial license expires. Licenses shall thereafter be renewed annually as provided for in section 14.2-71. ~~There shall be a renewal fee twenty five dollars (\$25.00)~~ The renewal fee for subsequent licensing periods shall be the same amount as is charged for the initial license fee.

This section shall not apply to motor vehicle carriers which pay a privilege tax pursuant to section 11-70 of this Code.

[Board Report #22.M.](#)

- N. [Request to advertise a public hearing on proposed amendments to Chapter 63 \(Utility Tax\) of the Arlington County Code, Section 63-2, to increase the residential utility tax rate.](#)

The Board took no action on this item.

[Board Report # 22 N](#)

- O. [Request to advertise a public hearing on proposed amendments to Chapter 63 \(Utility Tax\) of the Arlington County Code, Section 63-2, to increase the commercial utility tax rate.](#)

The Board took no action on this item.

[Board Report #22.O.](#)

- P. Authorized the advertisement of a public hearing on March 25, 2010 for the County Board to consider enactment of an Ordinance to Amend, Reenact, and Recodify Chapter 22 (Street Development And Construction), Section 22-7 of the Code of Arlington County, Virginia Concerning the Creation of Various New Charges for Engineering Services Associated with Plan Review and Approval, and a New Traffic Engineering Service Fee, to Become Effective on July 1, 2010. [Clerk's note: as set forth in the document entitled "Addendum 2-20-10-L-Chapter 22 Street Development and Construction" attached for the public record to these minutes.]

[Board Report #22.P.](#)

[Addendum 2-20-10-L-Chapter 22 Street Development and Construction](#)

- Q. Authorized the advertisement for a March 25, 2010, public hearing for setting an increase to special event fees from \$50 to \$60 an hour per sworn staffer.

[Board Report #22.Q.](#)

- R. Authorize advertisement of a public hearing on March 25, 2010, for: Ordinances to Amend, Reenact and Recodify Chapter 3, Building Code; Chapter 7, Electrical Code; and Chapter 18, Plumbing and Gas Codes of the Code of Arlington County, Virginia, to: 1) remove the building, plumbing, electrical, gas, and elevator fee schedule from the County Code and replace it with a reference to indicate that fees will be charged according to a schedule adopted by the County Board and 2) an ordinance to adopt a schedule of fees to replace the ordinance fee provisions. [Clerk's note: as set forth in the document entitled "Addendum 2-20-10-M-Building Code" attached for the public record to these minutes.]

[Board Report #22.R.](#)

[Addendum 2-20-10-M-Building Code](#)

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ADJOURNMENT

Without objection, at 11:37 a.m., the Board recessed until the February 23, 2009 Recessed Meeting.

JAY FISETTE, Chairman

ATTEST:

HOPE L. HALLECK, Clerk
Approved: June 12, 2010