

A Regular Meeting of the County Board of Arlington County, Virginia, held in Room 307 of #1 Courthouse Plaza thereof on Saturday, July 7, 2007, at 8:34 a.m.

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

ALSO PRESENT: RON CARLEE, County Manager  
STEPHEN A. MacISAAC, County Attorney  
PETER FALLON, Planning Commission  
MELISSA BONDI, Citizens Advisory Commission on Housing  
PETER OWEN, Transportation Commission  
ANTOINETTE COPELAND, Clerk

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**PUBLIC COMMENT.**

Robert Atkins spoke about identification of addresses on County and Schools buildings.

Steven Wyner spoke on behalf of the Aurora Highlands Civic Association regarding the need for a complete sidewalk system in the neighborhood.

Mark Churchill spoke in opposition to any proposed relocation of the Cherrydale Fire Station to the Bromptons site.

Mark Antell of the North Rosslyn Civic Association spoke about civic participation in future planning efforts for the Wilson School and fire station site.

John Antonelli spoke about public facilities at the Thomas Jefferson Community Center site and private advertisements on this public site.

Wayne Kubicki spoke about the upcoming public meeting of the Northern Virginia Transportation Authority to be held on July 12, 2007, and related proposed taxes and fees.

John Swallow spoke about issues relating to the Arlington County Police Department and the courts system.

June O'Connell spoke on compliance of the Navy League/Banner College with site plan conditions.

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**CONSENT ITEMS (ITEMS 1-47, AND ITEMS 49, 50 AND 58).**

On motion by Mr. Zimmerman, seconded by Mr. Ferguson and carried by a vote of 5 to 0 recorded as follows: PAUL FERGUSON, Chairman - Aye; J. WALTER TEJADA, Vice Chairman - Aye; BARBARA A. FAVOLA, Member - Aye; JAY FISETTE, Member - Aye; and CHRISTOPHER ZIMMERMAN, Member - Aye, the Board approved all the consent items included below, except for items #7, 34, 49, 50, and 58 which were removed from the consent agenda and/or scheduled for public hearing at the July 9, 2007 Recessed Meeting.

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**SITE PLANS/AMENDMENTS/REVIEWS**

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- 1. SP #25 SITE PLAN AMENDMENT: WATERVIEW OFFICE L.P., COMPREHENSIVE SIGN PLAN, ROOFTOP LIGHTING, AMEND CONDITION #64 AND #67 REGARDING PUBLIC ART; 1919 N. LYNN ST. (WATERVIEW, RPC #16-018-004, -006, -010).**

After duly advertised public hearings, the Board took the following actions:

- A. Deferred the subject site plan amendment request of Waterview Office L.P., for a comprehensive sign plan and rooftop lighting to the September 8, 2007, County Board meeting and approved the subject site plan

amendment request to amend conditions #64 and #67 regarding public art.

B. Approved the following site plan amendment by ordinance:

BE IT ORDAINED that, pursuant to application SP #25 on file in the Office of the Zoning Administrator for an amendment to a special exception for a site plan to amend conditions #64 and 67 relating to public art for the parcel of real property known as 1919 N. Lynn street (RPC #16-018-004,-006,-020), approval is granted and the parcel so described shall be used according to the approval requested by the application, subject to the following amended conditions #64 and 67:

64. The developer agrees to make a contribution to the Public Art Fund in the amount of \$500,000 in lieu of providing public artwork. Such contribution shall be made prior to the issuance of the first tenant certificate of occupancy for the office building or upon the approval of an artist's final design proposal by the Arlington Arts Commission, whichever shall occur first. The developer agrees that the County may locate public art within the County's easement for public sidewalk at Waterview. Such public art shall be in accordance with the Public Art Policy. The developer agrees to participate as a voting member of the Artist Advisory Panel which will review the selected artist's concept, as per the County-Initiated Project Guidelines.

67. Deleted.

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- 2. **THIS ITEM WAS REMOVED FROM THE AGENDA BEFORE THE MEETIN -- SP #53 SITE PLAN AMENDMENT (CARRY-OVER): SHARON LOCKWOOD, ROOFTOP SIGN; 1401 LEE HIGHWAY (KEY BRIDGE MARRIOTT, RPC#16-004-001).**

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- 3. **SP #92 SITE PLAN AMENDMENT (CARRY-OVER): BUILDING MODIFICATIONS; 1325 WILSON BLVD. (HYATT, RPC#16-036-005).**

The Board approved the subject site plan amendment by adoption of the following ordinance:

After a duly advertised public hearing, the Board adopted the following ordinance:

BE IT ORDAINED that, pursuant to application SP #92 on file in the Office of the Zoning Administrator for an amendment to a special exception for a site plan for modification of existing building façade for the parcel of real property known as 1325 Wilson Boulevard (RPC #16-036-005), approval is granted and the parcel so described shall be used according to the approval requested by the application, subject to all previous conditions and the following new condition #30:

30. The applicant agrees that the proposed façade and streetscape materials will be installed in a manner consistent with the material specifications boards submitted to staff, dated July 7, 2007, and approved by the County Board on July 7, 2007.

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- 4. **SP #106 SITE PLAN REVIEW: OUTDOOR RESTAURANT/RETAIL SEATING PLAN; PREMISES KNOWN AS 2756, 2762, 2766, 2768, 2770, 2772, 2774, 2780 S. QUINCY ST., 4013, 4014, 4015, 4017, 4019, 4021, 4025, 4028, 4029, 4031, 4039, 4043, 4044, 4047, 4052, 4053 S. 28TH ST., 2772 S. ARLINGTON MILL DRIVE (RPC #29-020-003, -004, -005, -006, -007, -008, -009, -010, -011, -012, -013, -014, -015, -016, -017, -018, -019, -020, -021, -022, -023, -024; 29-019-024).**

After a duly advertised public hearing, the Board deferred to the September 8, 2007 meeting the subject site plan review for an outdoor restaurant/retail seating plan for the above-referenced properties, which include: Charlie Chiang's Restaurant, Curious Grape, Extra Virgin Restaurant, Aroma Restaurant, Aladdin's Eatery, Bonsai Grill, Guapo's, T.H.A.I. in Shirlington, Luna Grill, Bistro Bistro, Maggie Moos, Capitol City Brewing Company, Best Buns Bread Company, and Carlyle Restaurant.

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- 5. **SP #167 SITE PLAN REVIEW: TO CONVERT APPROXIMATELY 11,000 SQUARE FEET OF FIRST FLOOR OFFICE AND FOR A DAY CARE USE; 2451 CRYSTAL DRIVE (RPC #34-020-243).**

After a duly advertised public hearing, the Board deferred consideration of the renewal of the site plan amendment to the July 2008 County Board meeting.

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**USE PERMITS REQUEST/REVIEWS/AMENDMENTS**

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**6. U-2167-78-1 USE PERMIT REVIEW: COMPREHENSIVE SIGN PLAN, AUTOMOBILE SERVICE STATION; PREMISES KNOWN AS 2835 WASHINGTON BLVD. (SHELL, RPC # 18-031-005).**

After a duly advertised public hearing, the Board approved the subject site plan amendment by adoption of the following ordinance:

BE IT ORDAINED that, pursuant to application U-2167-78-1 on file in the Office of the Zoning Administrator for renewal of a special exception for a use permit for a comprehensive sign plan and automobile service station for the parcel of real property known as 2835 Washington Blvd. (RPC #18-031-005), 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 with annual administrative reviews, and a review by the County Board in three years (July 2010).

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**7. THIS ITEM WAS REMOVED FROM THE CONSENT AGENDA FOR HEARING AT THE JULY 9, 2007 RECESSED MEETING -- U-2556-87-5 USE PERMIT AMENDMENT & REVIEW: EXTEND TIME TO COMMENCE EXPANSION OF CHILD CARE CENTER; 2425 N. GLEBE ROAD (CHMS, LLC, RPC #02-062-006).**

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**8. U-2607-88-1 USE PERMIT AMENDMENT: DORMITORY FOR MAXIMUM 21 OCCUPANTS (DOORWAYS, THE ARLINGTON COMMUNITY TEMPORARY SHELTER).**

After a duly advertised public hearing, the Board deferred consideration of the subject use permit review U-2607-88-1 to the July 2008 County Board meeting.

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**9. U-2664-90-5 USE PERMIT AMENDMENT: HALF-DAY PRESCHOOL; PREMISES KNOWN AS 3313 ARLINGTON BLVD. (FAITH LUTHERAN CHURCH, RPC #19-039-067).**

After a duly advertised public hearing, the Board approved the subject use permit amendment U-2664-90-5 by adoption of the following ordinance:

BE IT ORDAINED that, pursuant to application U-2664-90-5 on file in the Office of the Zoning Administrator for amendment of a special exception for a use permit for the Faith Lutheran Church Council for a half-day pre-school for the parcel of real property known as 3313 Arlington Blvd. (RPC #19-039-067), 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 with a review by the County Board in five years (July 2012).

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**10. U-2823-94-4 USE PERMIT REVIEW: PANEL ANTENNAE AND EQUIPMENT CABINETS ON WATER TOWER; PREMISES KNOWN AS 2400 N. WAKEFIELD ST. (SPRINT PCS/LEE PUMPING STATION, RPC #05-005-072).**

After a duly advertised public hearing, the Board renewed the subject Use Permit Review U-2823-94-4 by adoption of the following ordinance:

BE IT ORDAINED that, pursuant to application U-2823-94-4 on file in the Office of the Zoning Administrator for renewal of a special exception for a use permit for panel antennae and equipment cabinets on water tower for the parcel of real property known as 2400 N. Wakefield St. (RPC #05-005-072), 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 with a review by the County Board in one year (July 2008).

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**11. U-2969-99-1 USE PERMIT REVIEW: SELF-STORAGE FACILITY; 1001 N. FILLMORE ST. (RPC#18-024-018).**

After a duly advertised public hearing, the Board renewed the subject Use Permit Review U-2969-99-1 by adoption of the following ordinance:

BE IT ORDAINED that, pursuant to application U-2969-99-1 on file in the Office of the Zoning Administrator for renewal of a special exception for a use permit for a self-storage facility for the parcel of real property known as 1001 N. Fillmore St. (RPC #18-024-018), 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, with annual administrative review, and a review by the County Board in three years (July 2010).

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**12. U-3088-04-1 USE PERMIT: YOGA SCHOOL AND RETAIL SALES; PREMISES KNOWN AS 3811 LEE HIGHWAY (SUN AND MOON YOGA STUDIO, RPC #05-051-001).**

After a duly advertised public hearing, the Board renewed the subject Use Permit Review U-3088-04-1 by adoption of the following ordinance:

BE IT ORDAINED that, pursuant to application U-3088-04-1 on file in the Office of the Zoning Administrator for renewal of a special exception for a use permit for a yoga school and retail sales for the parcel of real property known as 3811 Lee Highway (RPC #05-051-001), 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 review by the County Board in five years (July 2012).

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**13. U-3091-04-1 USE PERMIT: PARENT'S DAY OUT PROGRAM AND PRE-SCHOOL; PREMISES KNOWN AS 3701 LORCOM LANE. (CHERRYDALE UNITED METHODIST CHURCH, RPC #04-022-019).**

After a duly advertised public hearing, the Board renewed the subject Use Permit Review U-3091-04-1 by adoption of the following ordinance:

BE IT ORDAINED that, pursuant to application U-3091-04-1 on file in the Office of the Zoning Administrator for renewal of a special exception for a use permit for a parent's day out program and pre-school for the parcel of real property known as 3701 Lorcom Lane (RPC #04-022-019), 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 review by the County Board in five years (July 2012).

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**14.A. U-3092-04-2 USE PERMIT: CHILDREN'S TUMBLING, FITNESS, AND ACTIVITY CENTER; PREMISES KNOWN AS 2425, 2499, 2503, 2509 N. HARRISON ST. (FIT KIDS, INC., RPC #02-073-084).**

After a duly advertised public hearing, the Board renewed the subject Use Permit Review U-3092-04-2 by adoption of the following ordinance:

BE IT ORDAINED that, pursuant to application U-3092-04-2 on file in the Office of the Zoning Administrator for renewal of a special exception for a use permit for a children's tumbling, fitness, and activity center for the parcel of real property known as Lee Harrison Shopping Center, 2425, 2499, 2503, 2509 North Harrison Street (RPC #02-073-084), 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 with County Board review in five years (July 2012).

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**14.B. U-3113-04-3 USE PERMIT REVIEW: TAE KWON DO STUDIO; 2425, 2499, 2503, 2509 N. HARRISON ST. (TKD LIFE SKILLS, INC., RPC #02-073-084).**

After a duly advertised public hearing, the Board renewed the subject Use Permit Review U-3113-04-3 by adoption of the following ordinance:

BE IT ORDAINED that, pursuant to application U-3113-04-3 on file in the Office of the Zoning Administrator for renewal of a special exception for a use permit for Tae Kwon Do Studio for the parcel of real property known as Lee Harrison Shopping Center, 2425, 2499, 2503, 2509 North Harrison Street (RPC #02-073-084), 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 with County Board review in three years (July 2010).

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15. **U-3162-06-3 USE PERMIT (CARRY-OVER): TO INSTALL AN UNMANNED RADIO TELECOMMUNICATIONS FACILITY ON THE ROOFTOP OF AN EXISTING BUILDING AND LOCATE BASE RADIO EQUIPMENT ON THE GROUND IN A NEW FENCED COMPOUND, NEW CINGULAR WIRELESS PCS LLC, COLUMBUS CLUB OF ARLINGTON, 5115 LITTLE FALLS ROAD (RPC #02-024-027).**

After a duly advertised public hearing, the Board accepted withdrawal of the subject use permit U-3162-06-3.

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16. **U-3176-07-1 USE PERMIT: KESHNET CHILD DEVELOPMENT CENTER, INC., CHILDCARE CENTER (40 CHILDREN); 758 S. 23RD ST. (RPC #36-039-013).**

After a duly advertised public hearing, the Board approved use permit U-3176-07-1 by adoption of the following ordinance:

After a duly advertised hearing, the Board adopted the following ordinance:

BE IT ORDAINED that, pursuant to application U-3176-07-1 on file in the Office of the Zoning Administrator for a special exception for a use permit for a childcare center for the parcel of real property known as 758 S. 23rd St. (RPC #36-039-013), approval is granted and the parcel so described shall be used according to the use permit approval requested by the application, subject to the following conditions and with County Board review in one year (July 2008):

1. The applicant agrees that the hours of operation will be weekdays from 8 a.m. to 2 p.m. with a maximum capacity of 24 children. Provided, however, that the Child Care Office may determine the final number of children that can be served in the program following the required renovations and improvements to the site. This number may be modified based on appropriate space ratios. The applicant agrees not to provide care for more than 24 children at any one time, or such other number as the Child Care Office has determined can be accommodated and as evidenced by the certificate of occupancy.
2. The applicant agrees to meet all requirements of the Child Care Ordinance, Community Code Enforcement Office, Environmental Health Bureau and the Fire Marshal's Office, including securing the appropriate assembly permit prior to the issuance of a Certificate of Occupancy.
3. The applicant agrees that all outdoor play shall be planned at scheduled intervals acceptable to the Child Care Office to minimize potential neighborhood impacts. The applicant agrees to obtain the Child Care Office's approval of a plan for such play as minimizing neighborhood impacts prior to the issuance of any certificate of occupancy for the child care use on the site.
4. The applicant agrees to require parents of children attending the program (or persons designated by the parents) to escort their children to and from the center at all times.
5. The applicant agrees to provide written correspondence to the parents of the children in care explaining the procedures for dropping off and picking up children in accordance with the parking agreement with Sheltered Occupational Center (SOC). Evidence of this letter must be provided to the Zoning Administrator prior to the issuance of a certificate of occupancy for a child care center and must remain in effect throughout the duration of the child care center use. Should this agreement be terminated, the applicant agrees to provide another executed written agreement between the applicant and owner of the private parking area to provide

off-street parking for pick-up and drop-off to the Zoning Administrator within 30 days of termination of the prior parking agreement.

6. The applicant agrees that all child care center staff parking will be accommodated either on site or in another off-street parking area. The applicant further agrees to provide signs on each of its designated parking spaces which indicate that those parking spaces are designated for the child care center's exclusive use.

7. The applicant agrees to designate a neighborhood liaison to communicate with nearby residents and neighbors to address concerns that may be related to this child care center. The name and telephone number of the liaison shall be submitted by the applicant to the Zoning Administrator, as well as to the Aurora Highlands Civic Association, prior to issuance of any building permit.

8. The applicant is aware and agrees that the required Virginia State and Arlington County Child Licenses will not be issued prior to the issuance of a certificate of occupancy for a child care center.

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**VACATIONS, EASEMENTS, RIGHTS OF WAY, ENCROACHMENTS & LEASES**

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**17. AUTHORIZATION TO ACCEPT DEEDS OF EASEMENT FOR THE DEPARTMENT OF ENVIRONMENTAL SERVICES PROJECT ON PROPERTIES LOCATED AT 5350 LEE HIGHWAY, 2425 N. HARRISON ST. AND 5400 LEE HIGHWAY.**

The Board adopted the motion attached to the staff report, dated May 4, 2007, designated as Exhibit 1, approving Deeds of Easements and authorizing execution thereof for the properties located at 5350 Lee Highway, 2425 North Harrison Street and 5400 Lee Highway.

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**18. THIS ITEM WAS REMOVED.**

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**19. THIS ITEM WAS REMOVED.**

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**20. AUTHORIZATION TO ACCEPT DEEDS OF EASEMENTS AND DEEDS OF TEMPORARY EASEMENT AND CONSTRUCTION AGREEMENTS (COLLECTIVELY "DEEDS") FOR THE DEPARTMENT OF ENVIRONMENTAL SERVICES PROJECT ON PROPERTIES LOCATED AT 237 N. GLEBE ROAD, 301 N. GLEBE ROAD, 250 N. GLEBE ROAD, 4235 N. PERSHING DRIVE, 4104 4TH ST. NORTH AND 4206 2ND ROAD NORTH.**

The Board adopted the motion attached to the report dated June 14, 2007, as further amended by the supplemental report dated July 3, 2007, including Exhibit 1, approving Deeds of Easements and Deeds of Temporary Easement and Construction Agreements concerning properties at, and in the vicinity of N. Glebe Road and N. Pershing Drive, and authorizing execution thereof, including reallocating compensation from \$4,500 for Deeds of Easements for the four properties located at 237 North Glebe Road, 301 North Glebe Road, 250 North Glebe Road, and 4235 North Pershing Drive to \$6,000 for the properties at 301 North Glebe Road, 250 North Glebe Road, and 4235 North Pershing Drive, with the total compensation of \$18,000 remained unchanged from the prior report of June 14, 2007.

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**ORDINANCES AND PLANS**

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**21. ORDINANCE TO AMEND BOUNDARIES OF VOTING PRECINCTS AND POLLING PLACE LOCATIONS, PURSUANT TO CH. 3, ARTICLE 3 OF TITLE 24.2, ELECTIONS, OF CODE OF VIRGINIA, TO AMEND**

**BOUNDARIES OF THE CURRENT CLARENDON 014 AND VIRGINIA SQUARE 040 PRECINCTS AND CHANGE THE POLLING PLACE FOR VIRGINIA SQUARE PRECINCT 040 FROM CENTRAL LIBRARY, 1015 N. QUINCY ST., TO GEORGE MASON UNIVERSITY, 3401 FAIRFAX DR.; AND AMEND BOUNDARIES OF THE CURRENT AURORA HILLS 003 (750 S. 23RD ST.) AND CRYSTAL CITY 006 (1501 CRYSTAL DR.) PRECINCTS TO CREATE A NEW PRECINCT, CRYSTAL PLAZA 050, USING CRYSTAL PLAZA, 2111 JEFFERSON DAVIS HIGHWAY, AS A POLLING PLACE.**

After a duly advertised public hearing, the Board approved the advertised proposed amendments to the ordinance on precincts and polling places by adoption of the ordinance attached to the report dated June 15, 2007, which makes the following changes:

1) Amends the boundaries of the current Clarendon 014 and Virginia Square 040 Precincts and change the polling place for the Virginia Square Precinct 040 from Central Library, 1015 North Quincy Street, to George Mason University, 3401 Fairfax Drive.

2) Amends the boundaries of the current Aurora Hills 003 and Crystal City 006 Precincts to create a new precinct, Crystal Plaza 050, using Crystal Plaza, 2111 Jefferson Davis Highway, as a polling place.

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**CAPITAL PROJECTS**

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**22.A. AUTHORIZATION TO PROCURE SERVICES UNDER THE CITY OF ALEXANDRIA CONTRACT NUMBER 06-05034 WITH VANASSE HANGEN BRUSTLIN, INC. FOR STREAM RESTORATION DESIGN AND RELATED WATERSHED MANAGEMENT SERVICES. .**

The Board authorized procurement of services under City of Alexandria contract 06-05034 with Vanasse Hangen Brustlin, Inc. for stream restoration design and related watershed management services totaling up to \$500,000; and appropriated \$500,000 from the Watershed Management Fund (799.40001) to the Department of Environmental Services General Fund capital PAYG account (313.44001) to fund the work authorized under this contract, in support of the County's adopted Watershed Management Plan.

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**22.B. AUTHORIZATION OF AMENDMENT NUMBER 1 TO AGREEMENT NO. 235-05 BETWEEN THE ARLINGTON COUNTY BOARD AND VANASSE HANGEN BRUSTLIN, INC. FOR ADDITIONAL STREAM RESTORATION DESIGN WORK.**

The Board: 1) authorized Amendment No. 1 to Agreement No. 235-05 between the Arlington County Board and Vanasse Hangen Brustlin, Inc. for additional design and construction management work for the Windy Run stream restoration project not to exceed \$20,000.00 and an increased contingency of \$3,000.00, which increases the total contract amount to \$89,987.00, the total contingency to \$13,498.05, and the total contract authorization to an amount not to exceed \$103,485.05; 2) authorized the Purchasing Agent to execute the contract documents for Amendment Number 1 to Agreement Number 235-05, subject to legal review by the County Attorney; and, authorized up to \$23,000.00 from 101.437405.44103 (storm sewer maintenance) and 519.437405.43544 (sanitary sewer replacement and rehabilitation) to fund the Amendment Number 1 to Agreement 235-05.

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**23. APPROVAL OF AGREEMENT BETWEEN THE COUNTY BOARD AND THE COMMONWEALTH OF VIRGINIA, DEPARTMENT OF TRANSPORTATION FOR THE BUS STOP AND SHELTER ENHANCEMENT PROGRAM.**

The Board approved the Agreement between the County Board of Arlington, Virginia and the Commonwealth of Virginia, Department of Transportation (VDOT) for the development and administration of the Bus Stop and Shelter Enhancement Program and authorized the County Manager or his designee on behalf of the County Board to enter into the Agreement; and, appropriated \$768,000 in grant revenues to the Department of Environmental Services General Capital Improvement Fund (313.363200.43515.MA45.0319.0000.). These expenses (313.43515.MA45.0319.0000) will be fully reimbursed by VDOT. No local match is required for this project.

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**24. AUTHORIZATION OF AMENDMENT NO. 3 TO AGREEMENT NO. 35-03 BETWEEN THE ARLINGTON COUNTY BOARD AND HELLMUTH, OBATA + KASSABAUM, PC (HOK) AND ADDITIONAL FUNDS TO PROVIDE CONSTRUCTION PHASE SERVICES FOR THREE PROTOTYPE COLUMBIA PIKE SUPER STOPS.**

The Board took the following actions:

- 1) Approved a sole source award to Hellmuth, Obata + Kassabaum, PC to provide design revisions and construction phase services for three prototype Columbia Pike Super Stops.
- 2) Authorized additional funds not to exceed \$85,500 for design revisions and construction phase services for three prototype Columbia Pike Super Stops.
- 3) Authorized the Purchasing Agent to execute the contract documents, subject to legal review by the County Attorney.

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**25. APPROVAL OF AN AWARD OF CONTRACT FOR PHASE 2 SITE IMPROVEMENTS TO BARCROFT PARK, 4200 SOUTH FOUR MILE RUN DRIVE, INVITATION TO BID NUMBER 150-07.**

The Board approved the award of contract Number 150-07 in the amount of \$662,558.00 to Jeffrey Stack, Inc., and approved an allocation of \$99,382.00 as a contingency for change orders for a total contract authorization of \$761,940.00; and authorized the Purchasing Agent to execute the contract documents and all other documents to implement the above actions, subject to review of such documents by the County Attorney.

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**APPROPRIATIONS, GRANT APPLICATIONS & OTHER CONTRACTS**

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**26. AUTHORIZATION TO ALLOCATE SOME OF THE APPROVED LOCAL FUNDING FOR THE BALLSTON-MU STATION ACCESS IMPROVEMENT PROJECT TO A NEW TASK CALLED THE BALLSTON MULTIMODAL IMPROVEMENTS PROJECT AND AUTHORIZATION TO TRANSFER THE LOCAL FUNDING BALANCE FROM THE BALLSTON-MU STATION ACCESS IMPROVEMENT PROJECT TO THE ROSSLYN STATION ACCESS IMPROVEMENT PROJECT.**

The Board:

- 1) Authorized the County Manager to request that the Washington Metropolitan Area Transit Authority ("WMATA") transfer \$200,000 of the \$1,772,000 remaining local (County) funds approved for the Ballston-MU Station Access Improvement Project ("Ballston Project") to a new project, associated with the Ballston Project, to be known as the Ballston Multimodal Improvements Project ("Ballston Multimodal Project") for WMATA, after entering into an "Amended Agreement Between the Washington Metropolitan Area Transit Authority and the County Board of Arlington County, Virginia, for the Design and Approval (Phase One) of Certain Public Transportation Projects" which the County would initiate and add the Ballston Multimodal Project to such Agreement which would authorize preparation of a concept plan and cost estimate for such Project for consideration by the County Board.
- 2) Authorized the County Manager to negotiate an Amended Phase One Agreement between WMATA and the County Board, and to negotiate an "Agreement between the Washington Metropolitan Area Transit Authority and the County Board of Arlington County, Virginia, for Phase Two of the Rosslyn Station Access Improvement Project" ("Rosslyn Project") consisting of three new elevators, a mezzanine, emergency stairs, and related infrastructure improvements for consideration by the County Board.
- 3) Authorized the County Manager to request that WMATA transfer from the Ballston Project to the Rosslyn Project the balance of all remaining local (County) funds (excluding \$200,000 transferred above) approved for the Ballston Project, which balance (excluding \$200,000 transferred above) is estimated as of June 29, 2007, to be approximately \$1,572,000 after close-out of the east end tasks of the Ballston Project.
- 4) Authorized the County Manager, on behalf of the County Board, to execute the letter (attached to the July 3, 2007 report) to WMATA authorizing WMATA to expend not more than \$350,000 of County funds from the Ballston Project to the Rosslyn Project for WMATA to begin initial work for final design of the Rosslyn Station

Access Improvements and related infrastructure.

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**27. APPROVAL OF TWO TRI-PARTY AGREEMENTS BETWEEN THE COUNTY BOARD, THE COMMONWEALTH OF VIRGINIA, DEPARTMENT OF TRANSPORTATION (VDOT), 1) DOMINION VIRGINIA POWER AND 2) VERIZON VIRGINIA, INC., FOR THE RELOCATION AND ADJUSTMENT (UNDERGROUNDING) OF ELECTRIC, TELEPHONE AND COMMUNICATION FACILITIES AS PART OF THE VDOT-ADMINISTERED ARLINGTON BOULEVARD (U.S. 50) AND NORTH COURTHOUSE ROAD INTERCHANGE AND BRIDGE IMPROVEMENT PROJECT.**

The Board:

- 1) Authorized the County Manager to enter into an Agreement among the County Board of Arlington County, Virginia and the Commonwealth of Virginia, Department of Transportation (VDOT) and Dominion Virginia Power, subject to approval as to form of the Agreement by the County Attorney.
- 2) Authorized the County Manager to enter into an Agreement among the County Board of Arlington County, Virginia and the Commonwealth of Virginia, Department of Transportation (VDOT) and Verizon Virginia, Inc., subject to approval as to form of the Agreement by the County Attorney.
- 3) Allocated \$457,748.50 to pay for the estimated cost of both agreements, plus a 20% contingency for a total of \$549,297.00 of previously appropriated County pay-as-you go (PAYGo) funds (313.43523.VL.0320).

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**28. APPROPRIATION OF U.S. DEPARTMENT OF HOMELAND SECURITY URBAN AREA SECURITY INITIATIVE GRANT FOR THE CONTINUATION OF NATIONAL INCIDENT MANAGEMENT SYSTEM (NIMS) COMPLIANCE.**

The Board:

- 1) Appropriated in Fiscal Year 2008, \$62,000 from the U.S. Department of Homeland Security (101.375230) to the Office of Emergency Management (101.32020) for NIMS compliance coordination.
- 2) Reauthorized 1.0 FTE for a limited-term grant funded position in the Office of Emergency Management (101.32020) to act as the program manager for the UASI NIMS Compliance Support coordinator.

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**29. APPROPRIATION OF U.S. DEPARTMENT OF HOMELAND SECURITY URBAN AREA SECURITY INITIATIVE GRANT TO DEVELOP AND DELIVER TRAINING ON THE NATIONAL CAPITAL REGION FAMILY ASSISTANCE REUNIFICATION CENTER SYSTEM.**

The Board:

- 1) Appropriated in Fiscal Year 2008, \$480,835 from the U.S. Department of Homeland Security (001.374900) to the Office of Emergency Management (101.32020) to manage the development and delivery of family assistance center training.
- 2) Authorized 1.0 FTE for one year, limited-term grant funded position in the Office of Emergency Management (001.32020) to act as the project manager for the NCR Family Assistance Reunification Center grant.

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**30. APPLICATION AND APPROPRIATION OF FISCAL YEAR 2008 JUSTICE ASSISTANCE GRANT (FEDERAL FISCAL YEAR 2007 GRANT).**

The Board:

- 1) Authorized the County Manager to apply for and accept, in FY 2008, \$72,939 in non-competitive grant funds from the Bureau of Justice Assistance (BJA) under a congressionally mandated Justice Assistance Grant (JAG) award.

2) Appropriated \$72,939 in grant fund revenue from the Bureau of Justice Assistance (101.374900) to the Police Department (101.31202) for the costs associated with the JAG program in FY 2008.

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**31. ARLINGTON COMMISSION FOR THE ARTS' GRANT RECOMMENDATIONS.**

The Board approved the allocation of \$279,077 for the financial support of Arlington arts organizations and artists as recommended by the Arlington Commission for the Arts and as listed in the County Manager's June 12, 2007 report.

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**32. GRANT AWARD—THE BIG READ INITIATIVE FROM THE NATIONAL ENDOWMENT FOR THE ARTS.**

The Board:

1) Authorized the County Manager to accept \$18,000 in federal funds from the National Endowment for the Arts (NEA) and Arts Midwest from to support Arlington's participation in the Big Read national literacy initiative.

2) Appropriated \$18,000 in grant funds (101.374913) in Federal Funds from the NEA and Arts Midwest to the Department of Parks, Recreation and Cultural Resources (PRCR) FY 2008 expenses (PRCR) (101.86001) to promote the Big Read Initiative.

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**33. FISCAL YEAR 2008 GRANTS FOR THE DEPARTMENT OF HUMAN SERVICES.**

The Board:

1) Appropriated \$181,463 from Virginia Department of Social Services (101.374705) to the Department of Human Services (101.53522) for home-based Cluster Care Services.

2) Appropriated \$5,200 from the Virginia Department of Social Services (101.374704) to the Department of Human Services (101.53402) as a subsidy for Adult Day Care Services.

3) Appropriated \$85,576 from the Virginia Department of Mental Health, Mental Retardation and Substance Abuse Services (101.374501) to the Department of Human Services (101.52101) for contracted services for Community Services Board (CSB) priorities to include services for mental health, mental retardation, and substance abuse clients.

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**34. REMOVED FROM THE CONSENT AGENDA FOR PUBLIC HEARING AT THE JULY 9, 2007 RECESSED MEETING -- EMERGENCY PREPAREDNESS AND RESPONSE PROGRAM FUNDS FROM THE VIRGINIA DEPARTMENT OF HEALTH.**

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**35. REGIONAL GERIATRIC FACILITIES MENTAL HEALTH SUPPORT PROGRAM.**

The Board:

1) Appropriated \$1,050,000 from the Virginia Department of Mental Health, Mental Retardation and Substance Abuse Services (101.364501) to the Department of Human Services (DHS) (101.53301) for the creation of a Regional Geriatric Facilities Mental Health Support Program.

2) Authorized 6.0 FTE permanent grant-funded positions in DHS to operate a regional geriatric mental health program at long-term care facilities in the Northern Virginia region.

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**REQUESTS TO ADVERTISE**

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- 36. **REQUEST TO ADVERTISE A GENERAL LAND USE PLAN AMENDMENT FROM "SERVICE COMMERCIAL" (PERSONAL AND BUSINESS SERVICES. GENERALLY ONE TO FOUR STORIES. MAXIMUM 1.5 FAR WITH SPECIAL PROVISIONS WITHIN THE COLUMBIA PIKE SPECIAL REVITALIZATION DISTRICT.) AND "LOW-MEDIUM" RESIDENTIAL (16-36 UNITS/ACRE) TO "LOW" OFFICE-APARTMENT-HOTEL (OFFICE DENSITY UP TO 1.5 FAR, APARTMENT DENSITY UP TO 72 UNITS/ACRE AND HOTEL DENSITY UP TO 110 UNITS/ACRE) FOR THE AREA BOUNDED BY SHEFFIELD COURT APARTMENTS TO THE NORTH, PERSHING DRIVE TO THE SOUTH, ARLINGTON BOULEVARD TO THE EAST AND GENERALLY NORTH BARTON STREET TO THE WEST.**

The Board authorized advertisement of public hearings on the aforementioned General Land Use Plan amendment to a date concurrent with public hearings for the associated site plan, rezoning and Unified Residential Development use permit applications.

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- 37. **REQUEST TO ADVERTISE "ON THE COUNTY BOARD'S OWN MOTION" SITE PLAN AMENDMENT TO MODIFY CONDITION FROM APPROVED SITE PLAN: CONDITION #63 OF SITE PLAN # 383-THE HAWTHORN, NORTH POLLARD STREET AND WILSON BOULEVARD (APPROVED APRIL 2004 AND OCTOBER 24, 2006).**

The Board authorized on the County Board's own motion advertisement of a public hearing on the subject site plan amendment for the September 8, 2007, County Board meeting.

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- 38.A. **REQUEST TO ADVERTISE A PUBLIC HEARING ON SEPTEMBER 8, 2007 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, CONCERNING THE FEES CHARGED FOR CONSTRUCTION AND RELATED PERMITS.**

The Board authorized the advertisement of a public hearing on September 8, 2007 for an Ordinance 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, concerning the fees charged for construction and related permits, as recommended in the June 15, 2007 report and the July 2, 2007 supplemental report.

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- 38.B. **AUTHORIZATION OF ADVERTISEMENT OF PUBLIC HEARINGS ON PROPOSED AMENDMENTS TO SECTION 36. ADMINISTRATION AND PROCEDURES OF THE ZONING ORDINANCE TO INCREASE APPLICATION FEES FOR REZONINGS, COMPLIANCE LETTERS, VARIANCES, USE PERMITS, SITE PLANS, BUILDING PERMITS AND CERTIFICATES OF OCCUPANCY.**

The Board adopted the resolution attached to the June 19, 2007 report and the July 2, 2007 supplemental report to authorize the advertisement of public hearings for the Planning Commission on September 4, 2007, and the County Board on September 8, 2007, on the proposed amendments to Section 36. Administration and Procedures of the Arlington County Zoning Ordinance.

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- 39. **THIS ITEM WAS REMOVED FROM THE AGENDA.**

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- 40. **REQUEST TO ADVERTISE FOR A PUBLIC HEARING ON SEPTEMBER 8, 2007, FOR PROPOSED AMENDMENTS TO CHAPTER 27 (MISCELLANEOUS ORDINANCES) OF THE ARLINGTON COUNTY CODE.**

The Board authorized advertising for a September 8, 2007 public hearing on the proposed amendments to Chapter 27 (Miscellaneous Ordinances) of the Arlington County Code (Attachment 1 to the June 15, 2007 report).

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**41. REQUEST TO ADVERTISE A PUBLIC HEARING TO CONSIDER AN AMENDMENT TO THE ARLINGTON COUNTY CODE SECTION 14.2-23.1, ORDINANCE ON USE OF PHOTO MONITORING SYSTEMS TO ENFORCE TRAFFIC LIGHT SIGNALS**

The Board authorized the advertisement of a public hearing on September 8, 2007, to consider the amendment to the Code of Arlington County, Virginia, to amend section 14.2-23.1, as attached to the County Manager's June 7, 2007 report.

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**42. REQUEST TO ADVERTISE AN AMENDMENT TO CHAPTER 14.2, (MOTOR VEHICLES AND TRAFFIC) SECTION 14.2-12(A) OF THE CODE OF ARLINGTON COUNTY, VIRGINIA CONCERNING MAXIMUM AND MINIMUM SPEED LIMITS ALONG PORTIONS OF SOUTH ARLINGTON RIDGE ROAD, 23RD STREET SOUTH, AND SPOUT RUN PARKWAY. .**

The Board authorized the advertisement of a September 8, 2007 public hearing on the amendments attached to the June 21, 2007 report to adopt an ordinance relating to Chapter 14.2, (Motor Vehicles and Traffic) Section 14.2-12(a) of the Code of Arlington County, Virginia, concerning maximum and minimum speed limits along portions of South Arlington Ridge Road, 23rd Street South, and Spout Run Parkway.

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**43. REQUEST TO ADVERTISE AN ORDINANCE TO REAUTHORIZE THE ROSSLYN BUSINESS IMPROVEMENT SERVICE DISTRICT.**

The Board authorized the advertisement for a public hearing to be held on September 8, 2007 to consider adoption of the ordinance attached to the June 15, 2007 report to extend the term of the Rosslyn Business Improvement Service District indefinitely or until terminated by the County Board.

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**OTHER**

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**44. RESOLUTION ADOPTING THE NORTHERN VIRGINIA REGIONAL HAZARD MITIGATION PLAN OF MARCH 2006.**

The Board adopted the following Resolution for the Northern Virginia Regional Hazard Mitigation Plan of March 2006:

**Arlington County, Virginia, Resolution Adopting the Northern Virginia Regional Hazard Mitigation Plan of March, 2006**

**WHEREAS**, the Disaster Mitigation Act of 2000, as amended, requires that local governments develop and adopt natural hazard mitigation plans in order to be eligible for funding under the Pre-Disaster and Hazard Mitigation Grant Programs; and

**WHEREAS**, the Virginia Department of Emergency Management (VDEM) awarded a grant to the Northern Virginia Regional Commission (NVRC) in 2004 to develop a comprehensive Regional Hazard Mitigation Plan for Northern Virginia; and

**WHEREAS**, NVRC has coordinated this planning in collaboration with the Northern Virginia Hazard Mitigation Planning Committee (which includes representatives from local planning and emergency management staffs as well as VDEM) and with professional assistance from the consulting firm Post, Buckley, Schuh & Jernigan; and

**WHEREAS**, the plan outlines actions designed to address and reduce the impact of a full range of natural hazards facing the region, ranging from hazards as floods, tornadoes, hurricanes, earthquakes, wildfires and drought; and,

**WHEREAS**, VDEM and the Federal Emergency Management Agency (FEMA) have approved the Northern Virginia Regional Hazard Mitigation Plan, pending approval by each local governing body;

**NOW, THEREFORE BE IT RESOLVED** by the Arlington County Board that the Northern Virginia Regional Hazard Mitigation Plan dated March 2006, is hereby approved and adopted for Arlington County, Virginia.

**BE IT FURTHER RESOLVED** that the Arlington County Board calls on the Office of Emergency Management and other County staff to work with NVRC and VDEM to assure continued compliance with the Disaster Mitigation Act of 2000 and such additional regulations and/or certifications that may be identified to guarantee local and regional preparedness for all potential hazards and disasters.

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**45. RESOLUTION IN SUPPORT OF THE NAUCK REVITALIZATION ORGANIZATION'S APPLICATION FOR THE NAUCK VILLAGE CENTER TO BE DESIGNATED AS A "COMMERCIAL DISTRICT AFFILIATE COMMUNITY" AS PART OF THE VIRGINIA MAIN STREET PROGRAM FROM THE VIRGINIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT.**

The Board adopted the following Resolution in support of the Nauck Revitalization (NRO) Application to the Virginia Department of Housing and Community Development (VDHCD) Main Street Program for designation as a "Commercial District Affiliate Community":

**RESOLUTION AUTHORIZING NAUCK REVITALIZATION ORGANIZATION TO APPLY FOR DHCD COMMERCIAL DISTRICT AFFILIATE STATUS**

WHEREAS, the Nauck Revitalization Organization desires to participate in the Department of Housing Community Development Commercial District Affiliate Program through the designation of the Nauck Village Center (Shirlington Road Special Revitalization District).

WHEREAS, the Nauck Revitalization Organization seeks to utilize its involvement in the Commercial District Affiliate Program to obtain technical assistance in order to be better assist the Nauck Civic Association and local businesses in developing activities that promote the Nauck Village Center and attract new businesses and residents to the revitalization district.

WHEREAS, the Arlington County Board supports and authorizes the Nauck Revitalization Organization's application for DHCD Commercial District Affiliate status in order to better serve the goals of the County in revitalizing the Nauck Community.

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

SECTION 1. That the Nauck Revitalization Organization would like to make application to DHCD for the Commercial District Affiliate Program with the specific goal of economically revitalizing this designated commercial district using elements from the Main Street Approach,

SECTION 2. The Main Street program is considered one of many economic and community development tools used by a locality.

SECTION 3. That the Nauck Revitalization Organization is authorized to submit this application on behalf of the Nauck Village Center in the Nauck neighborhood of Arlington, Virginia.

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**46. ASSIGNMENT TO JBG COMPANIES, OR OTHER PARTY, OF ITS INTERESTS IN DEED OF EASEMENT FOR PUBLIC PARK PURPOSES FROM ROSSLYN CENTER ASSOCIATES, L.P. ON PROPERTY DESIGNATED AS RPC NO. 16038004 LOCATED BETWEEN NORTH LYNN STREET AND NORTH MOORE STREET IN ROSSLYN AND RECORDED IN DEED BOOK 2236 AT PAGE 935 AMONG LAND RECORDS OF ARLINGTON COUNTY, AND SUBSEQUENT PERPETUAL DEED OF EASEMENT OVER SAME PROPERTY DATED JULY 27, 2004, FROM ROSSLYN CENTER ASSOCIATES, L.P.**

The Board approved the items listed below, as recommended in the report dated July 2, 2007:

A. Acceptance by the County Board of a Deed of Easement From Rosslyn Center Associates, L.P. to the County Board, Dated August 19, 1986, and Recorded in Deed Book 2236 at Page 935 Among Land Records of Arlington County, Virginia, on Property Designated as RPC No. 16038004 Located Between N. Lynn St. and N. Moore St.;

B. Acceptance by the County Board of a Deed of Easement, From Rosslyn Center Associates, L.P. to the County Board, Dated July 27, 2004, on Property Designated as RPC No. 16038004 Located Between N. Lynn St. and N. Moore St.; and

C. Assignment to Central Place, II, LLC, by the County Board, of the County's interest in a Deed of

Easement from Rosslyn Center Associates, L.P. to the County Board, Dated July 27, 2004, on Property Designated as RPC No. 16038004 Located Between N. Lynn St. and N. Moore St."

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**47. MINUTES.**

There were no minutes submitted for Board consideration for approval.

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**49. SP #407 SITE PLAN: J. SHAW, ET. AL., SIX DWELLING UNITS (RESIDENTIAL CLUSTER); 2929 N. GLEBE ROAD (RPC #03-047-003, -175).**

The Board deferred consideration of the site plan request to the September 8, 2007 County Board meeting.

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**50. GEORGE MASON UNIVERSITY PHASE II PROJECT.**

The Board deferred review of the GMU Phase II project to the September 8, 2007 County Board meeting.

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**58. U-3041-02-2 USE PERMIT AMENDMENT: ARLINGTON PUBLIC SCHOOLS, CONSTRUCT NEW SCHOOL; 5201 N. 28TH ST. (YORKTOWN HIGH SCHOOL, RPC #02-038-004).**

The Board deferred the consideration of use permit amendment U-3041-02-2 relating to Yorktown High School to the September 8, 2007 County Board meeting.

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**REGULAR HEARING ITEMS**

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**48. U-3175-07-1 USE PERMIT: ARLINGTON PUBLIC SCHOOLS AND ARLINGTON COUNTY, CONSTRUCT NEW SCHOOL AND NEW PUBLIC LIBRARY; 1644 MCKINLEY ROAD (REED SCHOOL, RPC #10-022-030).**

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

BE IT ORDAINED that, pursuant to application U-3175-07-1 on file in the Office of the Zoning Administrator for a special exception for a use permit for construction of a new school and new public library for the parcel of real property known as 1644 McKinley Rd. (RPC #10-022-030), approval is granted and the parcel so described shall be used according to the use permit approval requested by the application, subject to the conditions and modifications as set forth in the addendum to these minutes entitled "**Addendum 7-7-07-A - Use Permit U-3175-07-1 - Reed School**".

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**51. SP #408 SITE PLAN: ARLINGTON VOA (VOLUNTEERS OF AMERICA) ASSISTED LIVING RESIDENCE, INC., RENOVATE AND ADD SPACE TO ACCOMMODATE A TOTAL OF APPROXIMATELY 52 RESIDENTS; 2000 S. 5TH ST. (RPC #24-032-036).**

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

BE IT ORDAINED that, pursuant to application SP #408 on file in the Office of the Zoning Administrator for a special exception for a site plan to renovate and add space to accommodate a total of approximately 52 residents for the parcel of real property known as 2000 S. 5th St. (RPC #24-032-036), approval is granted and the parcel so described shall be used according to the approval requested by the application, subject to the conditions and modifications as set forth in the addendum to these minutes entitled "**Addendum 7-7-07-B - SP #408**".

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**52. ENACTMENT OF AN ORDINANCE TO AMEND AND RENACT AN ORDINANCE TO VACATE A PORTION OF A PUBLIC USE EASEMENT FOR RECREATIONAL PURPOSES, PARCEL 1 OF CRYSTAL PARK, 2451 CRYSTAL DRIVE, ARLINGTON, VIRGINIA, RPC #34-020-243, WITH CONDITIONS.**

On motion by Mr. Zimmerman, seconded by Mr. Tejada, and carried by a vote of 5 to 0 recorded as follows: PAUL FERGUSON, Chairman - Aye; J. WALTER TEJADA, Vice Chairman - Aye; BARBARA A. FAVOLA, Member - Aye; JAY FISETTE, Member - Aye; and CHRISTOPHER ZIMMERMAN, Member - Aye, the Board:

- 1) Enacted the ordinance attached to the June 29, 2007 report to amend and reenact an ordinance to vacate a 6,964.2 Square Foot portion of a public use easement for recreational purposes, Parcel 1 of Crystal Park, 2451 Crystal Drive, Arlington, Virginia, with conditions.
- 2) Authorized the Real Estate Bureau Chief, Engineering and Capital Projects Division, Department of Environmental Services, to execute, on behalf of the County Board, the deed of vacation and all related documents, subject to approval as to form of all documents by the County Attorney, regarding the above-described ordinance.

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**CLOSED MEETING; CERTIFICATION OF CLOSED MEETING DISCUSSIONS.**

On motion by Mr. Ferguson, seconded by Mr. Tejada and carried by a vote of 5 to 0, the voting recorded as follows: Mr. Ferguson Aye, Mr. Tejada - Aye, Ms. Favola - Aye, Mr. Fisetete Aye, Mr. Zimmerman Aye, the Board met in a closed meeting from 12:19 p.m. to 1:25 p.m., as authorized by §§2.2-3711.A.3 and 7 of the Virginia Code, for the purpose of discussing three matters involving the acquisition of real property for public purposes, and two matters involving the disposition of publicly held real property, where discussion in public would adversely affect the County's negotiating and bargaining position; and certain legal matters requiring consultation with the County Attorney concerning the claims of James McKinney, Betty McKinney, and James McKinney, III, and the claim of Thomas Pluta.

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

Member and Vote

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

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

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**53. APPROVAL OF AN EXCHANGE AGREEMENT BETWEEN THE COUNTY BOARD OF ARLINGTON COUNTY, VIRGINIA AND MR BOUNDARY CHANNEL LLC, BY WHICH THE COUNTY WOULD ACQUIRE APPROXIMATELY 7.09 ACRES OF REAL PROPERTY AT 333 AND 355 OLD JEFFERSON DAVIS HIGHWAY (RPC #S 34023001 AND 34023002), AND BY WHICH THE COUNTY WOULD CONVEY TO MONUMENT APPROXIMATELY 4.7 ACRES OF REAL PROPERTY ADJACENT TO 6TH**

**STREET SOUTH, 10TH STREET SOUTH AND SOUTH CLARK STREET (RPC #S 34025001, 35025004, 35025005, A PORTION OF SOUTH CLARK STREET, AND A PORTION OF RPC #34024345).**

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

1. Approved the Exchange Agreement (Exhibit A and attached as link to these minutes below) between the County Board of Arlington County, Virginia and MR Boundary Channel LLC ("Monument") by which the County would acquire approximately 7.09 acres of real property at 333 and 355 Old Jefferson Davis Highway (RPC #s 34023001 and 34023002), and by which the County would convey to Monument approximately 4.7 acres of real property adjacent to 6th Street South, 10th Street South and South Clark Street (RPC #s 34025001, 35025004, 35025005, a portion of South Clark Street, and a portion of RPC #34024345); and

2. Authorized the Real Estate Bureau Chief, or his designee, to execute the Exchange Agreement and all related documents necessary for the exchange of the properties, subject to approval as to form of all documents by the County Attorney.

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**54. CARRIED OVER FOR CONSIDERATION TO THE JULY 9, 2007 RECESSED MEETING -- APPROVAL OF AN AGREEMENT OF SALE FOR THE CONVEYANCE BY THE COUNTY BOARD OF ARLINGTON COUNTY, VIRGINIA TO WALTER SANTOS AND JULIA BENITEZ OF AN UNIMPROVED LOT LOCATED ON SOUTH NELSON STREET, KNOWN AS LOT 32, BLOCK 38, DOUGLASS PARK, ARLINGTON, VIRGINIA (RPC # 31015060).**

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**55. CLAIM OF THOMAS PLUTA.**

The Board heard the claimant and carried over to the July 9, 2007 Recessed Meeting consideration final action on the subject claim.

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**56. CLAIM OF JAMES D. MCKINNEY, JR., BETTY A. MCKINNEY AND JAMES D. MCKINNEY, III.**

The Board heard the claimant and carried over to the July 9, 2007 Recessed Meeting consideration final action on the subject claim.

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**OTHER**

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**DEED OF LEASE FOR 1638 B CRYSTAL SQUARE ARCADE, ARLINGTON, VIRGINIA, AND ACCEPTANCE OF GRANT AWARD FROM VIRGINIA NATIONAL DEFENSE INDUSTRIAL AUTHORITY AND RELATED ALLOCATION AND APPROPRIATION OF FUNDS TO ARLINGTON ECONOMIC DEVELOPMENT.**

On motion by BARBARA A. FAVOLA, Member, seconded by PAUL FERGUSON, Chairman and failed by a vote of to , the voting recorded as follows: the Board took the following actions:

1. Approved a Lease between CESC SQUARE L.L.C., and The County Board of Arlington County, Virginia at 1638 B Crystal Square Arcade, Arlington, Virginia 22202 (RPC #34020249).

2. Authorized the Real Estate Bureau Chief, or his designee, to execute the Lease on behalf of the County Board, and all related documents subject to approval as to form by the County Attorney.

3. Accepted a grant award from the Virginia National Defense Industrial Authority (VNDIA) (101.364900) and allocated \$420,000 to Arlington Economic Development (101.71001) and appropriated \$187,349 in Fiscal Year 2008."

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**AGREEMENT OF SALE FOR ACQUISITION OF PROPERTY AND IMPROVEMENTS AT 4714 26TH STREET NORTH.**

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

1. Approved the Agreement of Sale among Karlee Smith Gifford and Jonathan C. Kinney, Esquire, Successor Trustees to Sylvia Ralston Smith, Trustee, of the Sylvia Ralston Smith Revocable Trust, Dated June 28, 2006, ("Seller") and the County Board of Arlington County, Virginia ("Purchaser") for the purchase of the property and improvements known as 4714 26th Street North, Arlington, Virginia ("Property"); and
2. Authorized the Real Estate Bureau Chief, or his designee, to execute the Agreement of Sale and all related documents necessary for the acquisition, subject to approval as to form of all documents by the County Attorney.

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**ADJOURNMENT.**

Without objection, at 2:04 p.m. the meeting was recessed to July 9, 2007.

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PAUL FERGUSON, Chairman

ATTEST:

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ANTOINETTE COPELAND, Clerk  
Approved: September 8, 2007