

A Recessed Meeting of the County Board of Arlington County, Virginia, held in Room 307 of 2100 Clarendon Boulevard thereof on Tuesday, September 28, 2010 at 3:00 p.m.

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

ALSO PRESENT: MICHAEL B. BROWN, County Manager
STEPHEN MacISAAC, County Attorney
HOPE L. HALLECK, Clerk

oooo0oooo

COUNTY BOARD RECESSED MEETING

oooo0oooo

I. COUNTY BOARD REPORTS

Chairman Fisetete welcomed Colonel Carl Coffman, Joint Base Commander of Myer-Henderson Hall and Mr. Dave Hartshorn, Air Compliance Manager with Virginia Department of Environmental Quality, who announced that Joint Base-Myer Henderson Hall has been recognized by the Virginia Environmental Excellence Program. Mr. Hartshorn recognized the Joint Base Myer-Henderson Hall Directorate of Environmental Management team and presented a plaque to Colonel Coffman and Francis Douglas, Director, Directorate of Environmental Management to recognize Joint Base Myer-Henderson Hall for attaining an "Exemplary Environmental Enterprise" or "E3" designation from the Virginia Environmental Excellence Program.

Chairman Fisetete introduced Arlington's Beautification Committee Chair, Ms. Lola Rogers to present the 2010 Landscape Recognition Awards along with the Chair and members of Arlington's Beautification Committee. These awards recognize Arlington businesses, commercial properties, and non-profit organizations that have helped enhance the appearance and environmental sustainability of Arlington through landscape initiatives, providing educational outreach on the importance of Arlington's "green infrastructure", and managing Arlington's Notable Tree Program.

The Chairman provided an update on the Community Energy & Sustainability Task Force. The Task Force recently held a worksession with the County Board and is on track to present its report to the County Board in April, 2011. The Task Force is hosting our second public Community Energy Forum on Thursday, Oct. 21, at Wakefield High School, from 6-9 p.m. Visit www.arlingtonva.us/energyplan for more information.

Chairman Fisetete provided an update on the Arlington Green Games, a year-long friendly competition for commercial property owners, managers and office tenants to reduce costs while reducing emissions. Registration opens in mid-October and a launch event will be held on October 19.

The Chairman also announced the start of the Green-It Workshop Series, free workshops to include Energy & Garden Education Weekend, a Rain Barrel Workshop and Homeowner Raingarden Workshop. The full schedule can be found at www.arlingtonva.us/des.

The Chairman announced the Capital Bikeshare program, which launched last week. The program is a collaboration between the DC Department of Transportation and Arlington County. It is the largest bike sharing system in the United States, with 1100 bikes at 114 stations. The Chairman showed a short news video about the Capital Bikeshare launch event. Participants can sign up at www.capitalbikeshare.com.

Chairman Fisetto announced Farm-to-Table month and Arlington's 2010 Local Foods, Local Chefs program. In addition to restaurant discounts, activities also include tours of farmers markets, as well as workshops and lectures. Please visit www.fieldtoforkva.org for more information.

Mr. Zimmerman announced improvements being made to the ART 75 Route to extend back towards Shirlington Village, which was suggested by members of the community.

Ms. Hynes announced that September is Preparedness Month. On September 25, more than 100 participants successfully participated in a functional exercise conducted by two of Arlington's Emergency Support Functions, ESF-17 (Volunteer Management) and ESF-8 (Public Health). The objectives of the exercise were to exercise the ability to stand up and manage a Volunteer Reception Center (VRCO) by activating and engaging Volunteer Emergency Support Team (VEST) volunteers, assess the ability to integrate spontaneous, uninjured volunteers into Public Health emergency response activities and to test Arlington and regional communication capabilities.

Ms. Hynes this fall, motorists in the Arlington Heights, Boulevard Manor and Rock Spring neighborhood will begin seeing signs that read "Keep Kids Alive, Drive 25." These neighborhoods were selected for the first phase of the program because of their measured, high traffic speeds and because of their location near and elementary school. Ms. Hynes showed additional traffic signs which will be placed in each of these neighborhoods.

On motion by MARY HYNES, Member, seconded by CHRISTOPHER ZIMMERMAN, Vice Chairman 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, the Board adopted the following Resolution In Opposition to Predatory, Usurious Lending Practices in Virginia, with additional direction that the cover letter of the resolution be sent to all members of the Arlington legislative delegation and all Northern Virginia delegates in the General Assembly:

WHEREAS, the County Board of Arlington County, Virginia represents the residents of the County of Arlington;

WHEREAS, the County Board of Arlington County, Virginia believes the residents of Arlington County remain concerned over what are perceived to be predatory, usurious lending practices in Arlington County and elsewhere in the Commonwealth, including practices that can exploit dedicated, brave women and men called to serve in the United States armed services;

WHEREAS, the County Board of Arlington County, Virginia shares these continuing concerns and intends through this Resolution to express the collective sentiments and will of Arlington residents that the General Assembly and Governor of Virginia need to take action to prohibit all predatory, usurious lending practices;

WHEREAS, the County Board of Arlington County, Virginia commends the General Assembly for previous actions on payday and motor vehicle title lending which limit the amount and frequency of these types of loans, require cooling off periods between the payoff of a loan and the making of a new loan, make extended payment plans available on these types of loans, and make the Virginia law applicable to these types of loans made via the internet; and

WHEREAS, it is essential that the General Assembly and the Governor of Virginia make it a high priority at the next legislative session to enact laws strictly prohibiting and deterring all predatory, usurious lending practices in the Commonwealth of Virginia.

NOW, THEREFORE, BE IT RESOLVED by the County Board of Arlington County, Virginia that, at the next legislative session, the General Assembly and the Governor of the Commonwealth of Virginia are hereby requested to enact laws strictly prohibiting and deterring all predatory, usurious lending practices, including but not limited to provisions that would:

1. Limit the effective interest rate charged by payday lenders, car title lenders and similar businesses to 36% per year, calculated as an effective annual percentage rate including all fees or charges, except for a reasonable initial processing fee, for any consumer credit extended in the Commonwealth of Virginia;
2. Prohibit a creditor's use of a personal check or other device as a means, directly or indirectly, to gain access to a consumer's bank account;
3. Incorporate into the Virginia Code the protections regarding consumer credit as reflected in the Virginia Small Business Loan Act and the Military Lending Act, 10 United States Code Section 987; and
4. Preserve local government authority to regulate the number and location of such predatory lending businesses through its zoning powers and other authority.

On a motion by BARBARA A. FAVOLA, Member, 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, the Board accepted the Advisory Group Report on Little Pimmit Run Downstream Impacts and direct the County Manager to identify funding strategies to implement the priority recommendations offered by the Advisory Group within the context of the CIP. [Clerk's note: as set forth in the document entitled "Addendum 9-28-10-A1-Little Pimmit Run" attached for the public record to these minutes.]

[Addendum 9-28-10-A1-Little Pimmit Run](#)

Ms. Favola announced that October is Domestic Violence Awareness Month and read excerpts from the following proclamation signed by the Chairman:

WHEREAS, domestic violence is a serious crime that affects people of all races, ages, gender, and income levels; and

WHEREAS, domestic violence is widespread and affects over 4 million Americans each year; and

WHEREAS, one in three Americans have witnessed an incident of domestic violence; and

WHEREAS, children that grow up in violent homes are believed to be abused and neglected at a rate higher than the national average; and

WHEREAS, domestic violence costs the nation billions of dollars annually in medical expenses, police and court costs, shelters, foster care, sick leave, absenteeism, and non-productivity; and

WHEREAS, only a coordinated community effort will put a stop to this heinous crime; and

WHEREAS, Domestic Violence Awareness Month provides an excellent opportunity for citizens to learn more about preventing domestic violence and to show support for the numerous organizations and individuals who provide critical advocacy, services and assistance to victims;

NOW, THEREFORE, I, Jay Fissette, Chairman of the County Board of Arlington, Virginia, do hereby proclaim the month of October as DOMESTIC VIOLENCE AWARENESS MONTH in Arlington County and urge our residents to work together to eliminate domestic violence from our community.

Mr. Tejeda announced the One Nation Working Together event, including a rally on the steps on the Lincoln Memorial on October 2 and a march seeking immigrant rights and equal opportunities.

On a motion by J. WALTER TEJADA, Member, seconded by BARBARA A. FAVOLA, Member and carried by a vote of 5 to 0, the voting recorded as follows: JAY FISSETTE, Chairman - Aye, CHRISTOPHER ZIMMERMAN, Vice Chairman - Aye, BARBARA A. FAVOLA, Member - Aye, MARY HYNES, Member - Aye, J. WALTER TEJADA, Member - Aye, the Board adopted the following Resolution Promoting Community Safety in Accordance with Constitutional Principles:

WHEREAS, Arlington County strives to be a diverse and inclusive world-class urban community where people unite to form a caring, learning, participating, sustainable community in which each person is important; and

WHEREAS, Arlington County has a racially, ethnically, and culturally diverse population and more than one third of our residents are Hispanic/Latino, African-American, Asian-American or multi-racial; and

WHEREAS, nearly one quarter of Arlington residents were born outside of the United States, and Arlington County public school children speak 93 languages and hail from 124 countries; and

WHEREAS, public trust in law enforcement officers and their reciprocal respect for the rule of law are vital to promoting public safety; and

WHEREAS, the mission of the Arlington County Police Department is to reduce the incidence of crime and improve the quality of life in Arlington County by making it a place where all people can live safely and without fear; and

WHEREAS, it is not the role of Arlington County law enforcement to enforce federal immigration laws; and

WHEREAS, it is long-standing policy that Arlington County law enforcement has not and will not perform immigration status checks on our residents or visitors, and has not and will not arrest individuals to determine their immigration status; and

WHEREAS, the Arlington County Police Department is committed to a community-oriented policing strategy which emphasizes collaboration with other county agencies as well as partnerships with advocacy groups and neighborhood associations, and to a respect for the Constitutional rights and personal dignity of all people in Arlington; and

WHEREAS, in Arlington County we believe our capacity to maximize public safety depends on the ability of our residents to interact with our local law enforcement authorities without fear due to actual or perceived race, national origin, ethnicity, or immigration status; and

WHEREAS, the United States Constitution vests the federal government with the sole authority to prescribe the rules governing which foreign nationals are granted entrance into the country and the sole responsibility for determining who among them may stay; and

WHEREAS, there are concerns among Arlington County law enforcement and our residents that the Secure Communities Initiative will create divisions in our community and promote a culture of fear and distrust of law enforcement that threatens public safety and makes communities less safe; and

WHEREAS, in a letter to Representative Zoe Lofgren dated September 8, 2010, U.S. Secretary of Homeland Security Janet Napolitano said, "if a local law enforcement agency chooses not to be activated in the Secure Communities deployment plan, it will be the responsibility of that agency to notify its local ICE field office of suspected criminal aliens," indicating that jurisdictions have the option of not participating in the program; and

WHEREAS, the unilateral imposition of the Secure Communities Initiative on Arlington County law enforcement agencies has deprived the residents of Arlington County, its elected officials, and its law enforcement officials of the opportunity to give full and proper consideration to the impact the program may have on our community, including the possibility of not activating the program.

NOW, THEREFORE, BE IT RESOLVED, THAT:

1. Arlington County remains firmly committed to the protection of civil rights and civil liberties for all people;
2. The Arlington County Board re-affirms the Arlington County Police Department's commitment to the following:
 - a. the Arlington County Police Department does not monitor, stop, detain, question, interrogate, search or investigate a person solely for the purpose of determining that individual's immigration status;
 - b. the Arlington County Police Department has a long standing policy regarding racial profiling that prohibits law enforcement action against an individual based solely on that individual's race, ethnicity, or national origin rather than on reasonable suspicion or probable cause;
 - c. the Arlington County Police Department does not initiate a criminal investigation based solely on information or suspicion that an individual has committed a civil violation by residing in the United States without proper authorization; and
 - d. unless required by a criminal investigation, the Arlington County Police Department does not inquire about the immigration status of any crime victim or witness, nor do they refer such information to federal immigration enforcement authorities;
 - e. the Arlington County Police Department does not request passports, visas, "green cards," or travel documents, unless they are required to establish or verify an individual's identity;
 - f. a person's right to file a police report, participate in police-community activities, or otherwise benefit from police services is not contingent upon citizenship or immigration status;
3. The Arlington County Board commends the Arlington County Police Department and Arlington County Sheriff's Office for their commitment to a robust dialogue with our community regarding the Secure Communities Initiative. The Board calls on all parties to continue to work together to develop a joint strategy to minimize the negative impacts of the program on our community and to maintain the safety of all County residents without regard to actual or perceived race, national origin, ethnicity or immigration status. Particular emphasis should be placed on the program's potential impacts on the ability of law enforcement to prevent, respond to and prosecute crimes involving domestic violence and human trafficking;
4. The Arlington County Board calls on the United States Congress to enact meaningful and comprehensive immigration reform that provides a path to citizenship, provides the

resources necessary to ensure an effective and timely processing of those eligible for legal permanent residency or naturalization; and promotes the integration of immigrants into our community;

5. The Arlington County Board calls on federal immigration enforcement agencies to not impose federal mandates which are burdensome to local agencies or which interfere with the effectiveness of community oriented policing strategies, which have proven effective in reducing crime;
6. The Arlington County Board wishes to discontinue participation in the Secure Communities program. The County Manager is directed to formally notify Immigration and Customs Enforcement (ICE) and the Virginia State Police of Arlington's intent to withdraw from the program and to meet with representatives of both agencies to:
 - a. definitively outline the procedure and actions required for Arlington County to not participate in the Secure Communities program, and
 - b. identify the actions that would be required of Arlington County regarding notification to ICE of "suspected criminal aliens" once Arlington becomes a non-activated community.

oooo0oooo

II. APPOINTMENTS

On a motion by JAY FISETTE, Chairman, 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, the Board made the following appointments:

Advisory Board on Trespass Vehicle Towing

Appoint Captain David Herbstreit, ACPD, as voting member
Sergeant David Clenace, ACPD, as voting member

Reappoint and Designate Susan Anderson, Clarendon Alliance, as non-voting member
Nancy Iacomini, resident, as voting member
Charles Clohan, Northern Virginia Apartment Association, as non-voting member
Al Leach, Al's Towing, as voting member
Bruce MacQueen, Bozzuto Group, as non-voting member
John O'Neill, Advanced Towing, as voting member
Detective Matthew Owens, ACPD, as voting member
Fred Scheler, Henry's Wrecker Service, as voting member
Ralph Wilcher, AAA/Auto Club, as non-voting member

Arlington Commission on Long-Term Care Residences

Appoint Renee Gannon
Claire Jacobson

Arlington Solid Waste Authority

Appoint and Designate Greg Emanuel as the alternate for Jay Fiset
Michael Clem as alternate for Mary Hynes

Artisphere Advisory Board

Appoint Wayne Westbrook
Todd Ray
Karen Riordan
John Chambers

Eric Brewer

Civil Service Commission

Reappoint Pauline Ellison

Commission on Aging

Appoint Joan McDermott
Molly Davis
Lena Wang
Lincoln Cummings

Reappoint Candice Rose

Commission for the Arts

Appoint Mark Longo

Community Development Citizens Advisory Committee

Appoint Michael Spotts as Buckingham Neighborhood Representative

Disability Advisory Commission

Reappoint Elizabeth Akinola
Hartley "Lee" Jones

Environment and Energy Conservation Commission

Reappoint Scott Bauer

Historical Affairs and Landmark Review Board

Appoint Darren Hannabass

Industrial Development Authority

Reappoint Les Bergin

Neighborhood Traffic Calming Committee

Appoint Linley Mancilla
Kevin O'Connor

Planning Commission

Reappoint Terry Savela for a term to expire September 30, 2012

Partnership for Children, Youth and Families

Reappoint and Designate Linda Henderson as Chair

Public Facilities Review Committee

Appoint and Designate Jeffrey Certosimo as Housing Commission Representative

Sports Commission

Reappoint Doug Ross
Natalie Roy

Tenant-Landlord Commission

Reappoint and Designate Nicholas E. Dellinger as Landlord Representative

On a motion by JAY FISETTE, Chairman, seconded by CHRISTOPHER ZIMMERMAN, Vice Chairman 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, the Board adopted the following revised Charter for the Fiscal Affairs Advisory Commission (FAAC):

Arlington County Fiscal Affairs Advisory Commission Charter

1. Purpose

The Fiscal Affairs Advisory Commission is an advisory group appointed by the County Board to provide counsel to the County Board on matters pertaining to Arlington County budgets and other fiscal matters.

2. Business Mission

The Fiscal Affairs Advisory Commission's primary responsibility is to advise the County board during the annual operating budget process and the bi-annual Capital Improvement Plan (CIP) process. The Commission, following the guidance of the County Board, reviews the County Manager's budget and CIP proposals and provides recommendations to the County Board with respect to those proposals. The Commission also reviews other fiscal matters that arise during the course of the year and provides recommendations to the County Board regarding those matters.

3. Membership

Size of the Commission: The size of the Fiscal Affairs Advisory Commission shall be fifteen members.

Representation: The Fiscal Affairs Advisory Commission shall be comprised of a broad range of citizen from various geographic areas of the County.

Chair and Vice Chair: The County Board shall appoint a Chair and Vice Chair to serve a term of one year. The County Board may, at its discretion, reappoint the Chair or Vice Chair to serve in the position for additional terms.

Term of Commission Membership: Each Commission member shall serve a two-year term, with a general limit of three full terms.

4. Committees

The Commission Chair shall establish or reconstitute Committees of the Fiscal Affairs Advisory Commission as necessary and appropriate to review the budget and propose recommendations to the full Commission regarding the same and to address issues deemed important and relevant by either the County Board or the Commission. Committees shall be formed from the Membership of the Commission. The Chair shall appoint a Committee Chair to coordinate any activities of the Committee.

5. Meetings

The Commission will meet monthly at the Commission's discretion typically on the third Thursday of the month. During the budget season, the Commission will meet as needed to complete the work regarding the budget.

0000000000

III. REGIONAL REPORTS

Ms. Favola announced that she and Mr. Tejada received an achievement award on behalf of Arlington County at the National Association of Counties Annual Conference for the Quincy Park Interpretive Recycling Center.

Ms. Hynes reported on the Helicopter Community Forum, held on September 22, attended by 50 residents and organized by Ms. Hynes and Fairfax County Supervisor Gerry Hyland. The forum included presentations from the Federal Aviation Administrations Regional Administrator Carmine Gallo, Commander of the Air Operations Command for the Military District of Washington, Colonel Scott Sandborn and several community organizations directly impacted by helicopter flyovers.

oooo0oooo

IV. COUNTY MANAGER REPORT * PRESENTATION OF DELINQUENT TAXES

The Chairman introduced Arlington County Treasurer, Frank O'Leary, who made a presentation on the County's delinquent tax accounts. On a motion by BARBARA A. FAVOLA, Member, seconded by JAY FISETTE, Chairman 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, the Board adopted the following Resolution Concerning Annual Lists of Delinquent Taxes Submitted by the Treasurer:

Be it resolved by the County Board of Arlington, Virginia that:

1. Pursuant to Code of Virginia §58.1-3924, the Treasurer is directed to certify to the Director of Real Estate Assessments the 2010 list of real estate on the Arlington Land Book improperly placed thereon or not ascertainable;
2. Pursuant to Code of Virginia §58.1-3924, the Treasurer is directed to publish those real estate and personal property accounts he deems advisable, that is those accounts which equal or exceed \$1,000.00 from the lists mentioned in subdivisions 2 and 3 of Virginia Code §58.1-3921 in 2010; and
3. Pursuant to Code of Virginia §58.1-3924, the Treasurer is given credit for the tax amounts included in the lists mentioned in subdivisions 4 and 5 of Code of Virginia §58.1-3921 in 2010; and
4. Pursuant to Code of Virginia Code §58.1-3933, the Treasurer is directed to continue to collect delinquent taxes on subjects other than real estate until the expiration of the appropriate statute of limitations (§58.1-3940).

Following the presentation, Mr. O'Leary recognized staff for their successful implementation of the ACE program: Missy Siwik, Arlington County, Delena Bratton, FAST, and Christina McIvor, FAST.

The Manager presented a revenue and expense forecast for the fiscal year 2012 budget. Program cuts are expected, residential real estate revenues are expected to be flat, commercial revenues are expected to be slightly positive. Other revenues are anticipated to be flat to slightly positive.

The Manager and staff provided an East Falls Church Research and Analysis Report, a status report on the East Falls Church Plan as directed by the County Board on July 10, 2010. [Clerk's note: as set forth in the document entitled "Addendum 9-28-10-A-East Falls Church" attached for the public record to these minutes.]

[Addendum 9-28-10-A-East Falls Church](#)

CLOSED MEETING; CERTIFICATION OF CLOSED MEETING DISCUSSIONS

On a motion by JAY FISETTE, Chairman, seconded by CHRISTOPHER ZIMMERMAN, Vice Chairman 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 HUGHES HYNES, Member - Aye, J. WALTER TEJADA, Member - Aye, the Board met in a closed meeting from 4:53 p.m. to 6:44 p.m., as authorized by §§2.2-3711.A.1, 3, and 7 of the Virginia Code, for the purposes of discussing the following:

Discussion of two personnel matters;

one matter involving the disposition of public property and the acquisition of real property for public purposes where discussion in public would adversely affect the County’s negotiating position; and

one matter requiring discussion with staff and consultation with, and the provision of legal advice by, the County Attorney concerning the use of incentive zoning and other enabling authority to implement planning provisions contained in the comprehensive plan, sector plans, and other planning documents;

one matter requiring consultation with the County Attorney concerning the claim of Melvino Technologies Limited and ArrivalStar, SA; and

one matter requiring consultation with the County Attorney concerning Civil Action No. CL08-1395 pending in the Arlington County Circuit Court.

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

Member & Vote

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

oooo0ooooo

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

oooo0ooooo

CONSENT ITEMS (ITEMS REMOVED FROM THE CONSENT AGENDA SATURDAY, SEPTEMBER 25, 2010)

oooo0ooooo

2. COLONIAL VILLAGE

After a duly advertised public hearing at which there were speakers, on a motion by MARY HYNES, Member, 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, the Board took the following actions:

A. Adopted the following ordinance:

BE IT ORDAINED that, pursuant to application PDSP #161 and SP-8 on file in the Office of the Zoning Administrator for amendment to the phased development site plan and site plan for the parcel of real property known as located at 1702, 1704, 1706, 1708, 1714, 1716, 1718, 1720, 1722, 1724, 1726, 1728, 1730, 1732 and 1734 N. Troy St. and 2101, 2103, 2105, 2107, 2109, 2113, 2115 18th St. N. (RPC: 16-030-027 and 16-026-505) approval is granted and the parcel so described shall be used according to the approval requested by the application, subject to the conditions in the staff reports and the additional condition that the applicant shall provide the name, address, and phone number of an on-going community liaison to the Zoning Administrator and to the surrounding civic association presidents, in order to effectively address neighborhood concerns. [Clerk's note: as set forth in the document entitled "Addendum 9-28-10-B-PDSP#161" attached for the public record to these minutes.]

[Addendum 9-28-10-B-PDSP#161](#)

[Board Report #2A](#)

[Board Report #2A-Attachment](#)

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

B.

1. Allocated up to \$2,500,000 in FY 2011 AHIF funds (101.495130.91102), of which \$1,100,000 will be placed in a County-held contingency account while commitments for other financing sources are obtained, and equity and interest rates are finalized, to Wesley Housing Development Corporation, or its designated County-approved ownership affiliate, to assist with the rehabilitation of Colonial Village Apartments (101.456300.91102). The financing assistance is in the form of a subordinated, residual receipts loan, subject to the terms and conditions outlined in this report.
2. Authorized the County Manager to execute the required documents for a loan for up to \$2,500,000 to Wesley Housing Development Corporation 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 #2B](#)

oooo0oooo

15. U-2968-99-1 USE PERMIT RENEWAL FOR OUTDOOR SEATING AT HARD TIMES CAFE LOCATED AT 3028 WILSON BLVD. (RPC # 18-012-003).

After a duly advertised public hearing at which there were no speakers, on a motion by MARY HYNES, Member, seconded by CHRISTOPHER ZIMMERMAN, Vice Chairman and carried by a vote of 5 to 0, the voting recorded as follows: JAY FISSETTE, Chairman - Aye, CHRISTOPHER ZIMMERMAN, Vice Chairman - Aye, BARBARA A. FAVOLA, Member - Aye, MARY HYNES, Member - Aye, J. WALTER TEJADA, Member - Aye, the Board adopted the following ordinance

BE IT ORDAINED that, pursuant to application U-2968-99-1 on file in the Office of the Zoning Administrator for use permit review for outdoor seating at Hard Times Café for the parcel of real property known as 3028 Wilson Blvd. (RPC # 18-012-003), approval is granted and the parcel so described shall be used according to the approval requested by the application with up to 8 (eight) seats, placed only between the tree pits on North Highland Street a County Board review in six (6) months (March 2011) at which time the County will entertain a different proposal including Wilson Boulevard, subject to all previous conditions, the following two (2) new conditions and one revised condition.

New Conditions #4 and #5:

4. The applicant agrees that the use permit shall be subject to review by the County Board upon a change in the tenancy of the subject property.

5. The applicant agrees to sweep the restaurant's sidewalk frontage daily.

Revised Condition #1:

1. The outdoor cafe is permitted on the North Highland Street frontage only, until the next scheduled County Board review in six (6) months (March 2011), at which time the outdoor cafe will be permitted on Wilson Boulevard only. The outdoor cafe shall extend no more than three (3) feet into the sidewalk and no tables are to be placed within five (5) feet of any street tree ~~grates~~ pits. The number of seats used in the outdoor cafe will be limited to a maximum of 14 seats. Furniture used on the outdoor cafe, including tables, chairs, post and link separators, umbrellas and planters, shall be removed and not stored in front of the restaurant when the cafe is not in use. During the next scheduled County Board review in ~~May~~ March 2011, the applicant agrees to submit a revised outdoor seating plan that shows the outdoor cafe on Wilson Boulevard only, with a minimum 6-foot clear sidewalk.

[Board Report #15](#)

[Board Report #15-Supplemental](#)

oooo0oooo

16. U-2973-99-1 USE PERMIT REVIEW, FOR LIVE ENTERTAINMENT LOCATED AT 4111 COLUMBIA PIKE. (PIKE PIZZA, RPC #23-033-075).

After a duly advertised public hearing at which there were no speakers, 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 FISSETTE, Chairman - Aye, CHRISTOPHER ZIMMERMAN, Vice Chairman - Aye,

BARBARA A. FAVOLA, Member - Aye, MARY HYNES, Member - Aye, J. WALTER TEJADA, Member - Aye, the Board adopted the following ordinance:

BE IT ORDAINED that, pursuant to application U-2973-99-1 on file in the Office of the Zoning Administrator for renewal of use permit amendment for the parcel of real property known as 4111 Columbia Pike (Pike Pizza) (RPC #23-033-075), 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 with an administrative review in six (6) months (March 2011) and a County Board review in one (1) year (September 2011).

[Board Report #16](#)

[Board Report #16-Supplemental](#)

ooooo0ooooo

33. APPROPRIATION OF FUNDS AND AUTHORIZATION TO EXECUTE THE MEMORANDA OF AGREEMENT WITH THE NORTHERN VIRGINIA REGIONAL COMMISSION (NVRC) TO FACILITATE ART AND ENGINEERING DESIGN SERVICES FOR THE FOUR MILE RUN TIDAL RESTORATION PROJECT.

After a duly advertised public hearing at which there were speakers, on a motion by J. WALTER TEJADA, Member, seconded by CHRISTOPHER ZIMMERMAN, Vice Chairman 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, the Board took the following actions:

1. Appropriated a total of \$40,000 of Public Art developer funds, located in the Public Art Trust and Agency Account, in the following manner:

- \$20,000 to match the \$20,000 grant received by NVRC from the National Endowment for the Arts (NEA) for sustainable design concepts for the Project by D.I.R.T. Studio of Charlottesville, Virginia.
- \$20,000 to fund NVRC's contract(s) for engineering and design services by Rummel, Klepper & Kahl, LLP, to facilitate and integrate D.I.R.T. Studio's proposed designs into engineering documents for the Project.

2. Authorized the County Manager or his designee to execute two Memoranda of Agreement (MOA) with NVRC that will:

- Govern the administration and matching funds for the contract between D.I.R.T. Studio and NVRC for the development of sustainable design concepts as per the NEA grant. This MOA also provides \$20,000 in county funding to NVRC as a match for the NEA grant. This MOA is attached as Attachment A.
- Govern the administration of the contract between Rummel, Klepper & Kahl, LLP (RKK) and NVRC for engineering services to support the design concepts proposed by D.I.R.T. Studio. This MOA also provides \$10,000 in County funding to NVRC for the cost of the engineering services. This MOA is attached as Attachment B.

[Clerk's note: as set forth in the document entitled "Addendum 9-28-10-C-NVRC-" attached for the public record to these minutes.]

3. Authorized the County Manager or his designee to execute an additional MOA with NVRC in the future, subject to review and approval as to form by the County Attorney, to provide up to \$10,000 in funding support for an anticipated contract between NVRC and RKK for additional engineering services beyond what is outlined in Attachment B. This additional MOA will be executed only if additional engineering services are needed to implement the design concepts.

[Board Report #33](#)

[Board Report #33-Supplemental](#)

[Addendum 9-28-10-C-NVRC](#)

oooo0oooo

34. APPROVE THE AWARD OF CONTRACT TO RUMMEL, KLEPPER & KAHL, LLP FOR ENGINEERING DESIGN SERVICES FOR THE RETROFIT OF THE BEAVER POND.

After a duly advertised public hearing at which there were speakers, on a motion by CHRISTOPHER ZIMMERMAN, Vice Chairman, seconded by J. WALTER TEJADA, Member and carried by a vote of 4 to 1, 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, the Board took the following actions:

1. Approve the award of Contract Number 62-10 to Rummel, Klepper & Kahl, LLP ("RK&K") for a lump sum base cost of \$284,360, optional services of \$144,587, plus a contingency of \$42,895 for a total contract authorization of \$471,842 (321.47224).
2. Authorize the Purchasing Agent to execute the contract documents, subject to legal review by the County Attorney.

[Board Report #34](#)

oooo0oooo

47. REQUEST TO ADVERTISE AN ORDINANCE TO AMEND CHAPTER 9.2 OF THE ARLINGTON COUNTY CODE (FOOD AND FOOD HANDLING CODE).

After a duly advertised public hearing at which there were no speakers, on a motion by BARBARA A. FAVOLA, Member, seconded by MARY HYNES, Member and carried by a vote of 4 to 1, 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 - No, the Board authorized advertising for public hearing on October 23, 2010, to consider proposed ordinance amendments to Chapter 9.2 of the Arlington County Code to increase the licensure fee for permanent and mobile food establishment licenses from \$100.00 to \$285.00.

AN ORDINANCE TO AMEND CHAPTER 9.2 (FOOD AND FOOD HANDLING CODE) OF THE ARLINGTON COUNTY CODE TO INCREASE THE APPLICATION FEE FOR A FOOD ESTABLISHMENT LICENSE.

BE IT ORDAINED that Chapter 9.2 of the Arlington County Code is amended and reenacted as follows, effective on the date of adoption of this ordinance:

* * *

§ 9.2-3.1. Licenses for Food Establishments.

(a) No person shall operate a Food Establishment who does not have a valid License issued to him by the County Manager. Only a person who complies with the

requirements of this Chapter may be entitled to receive or retain a License. Licenses are not transferable.

(b) An annual application fee of ~~one hundred dollars (\$100.00)~~ two hundred eighty-five dollars (\$285.00) shall be assessed for each permanent licensed Food Establishment. A person who operates a temporary Food Establishment at a local festival, fair, or other special event and who is not otherwise licensed to operate a Food Establishment pursuant to this section shall be assessed an annual application fee of one hundred dollars (\$100.00). Mobile Food Units and Limited Service Mobile Food Units shall be assessed an annual application fee of one hundred dollars (\$100.00). Such fees shall not be applicable to Food Establishments operated by the Arlington County Public Schools; however, such fees shall apply to private vendors subcontracted by the County to operate Food Establishments. The annual fees, with the exception of mobile units, shall be based on a calendar year and shall be due and payable in the month of December or upon initial application. The annual fee for mobile units shall be due and payable in the month of June or upon initial application. The application fee shall not be prorated. An additional fee of twenty-five dollars (\$25.00) shall be assessed for Food Establishment renewal applications received after December 31 and for mobile unit renewal applications received after June 30 of the then-current calendar year.

(c) Establishments that fail to file the required application for renewal of their respective licenses will be operating without a valid license and will be subject to immediate closure in accordance with § 9.2-3.8.

* * *

(Ord. No. 02-16, 6-22-02; Ord. No. 03-11, 4-26-03; Ord. No. 06-09, 6-10-06, effective 7-1-06; Ord. No. 08-20, 10-18-08, effective 11-1-08; Ord. No. 10-17, 6-15-10, effective 7-1-10; Ord. No. 10-__, __-__-10, effective __-__-10)

[Board Report #47-Revised](#)

oooo0oooo

48. [REQUEST TO ADVERTISE ADOPTION OF THE NATURAL RESOURCES MANAGEMENT PLAN.](#)

After a duly advertised public hearing at which there were speakers, 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, the Board authorized advertisement of public hearings to be held at the October 12/14, 2010 meeting of the Planning Commission and at the October 23/26, 2010 meeting of the County Board to consider adoption of the Natural Resources Management Plan for Arlington County, as an element of the Public Spaces Master Plan (an element of the Comprehensive Plan), to provide recommendations for the preservation and protection of Arlington County’s natural resources, to include the 10 recommendations put forward by the Northern Virginia Conservation Trust in the document dated September 28, 2010

[Board Report #48](#)

[Board Report #48-Supplemental](#)

oooo0oooo

50. 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 BY DECREASING THE SPEED LIMITS ON NORTH PERSHING DRIVE FROM 2ND STREET NORTH TO ARLINGTON BOULEVARD/STATE ROUTE 50 (FORT MYER).

After a duly advertised public hearing at which there were speakers, on a motion by JAY FISETTE, 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, the Board authorized the advertisement of an October 23, 2010 public hearing to enact an Ordinance to amend, Reenact and Recodify 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 by Decreasing the Speed Limits on North Pershing Drive from Arlington Boulevard/State Route 50 (Fort Myer) to North 2nd Street.

AN ORDINANCE TO AMEND, REENACT AND RECODIFY 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 BY DECREASING THE SPEED LIMIT ON NORTH PERSHING DRIVE FROM NORTH GEORGE MASON DRIVE TO ARLINGTON BOULEVARD/STATE ROUTE 50 (FORT MYER).

I. BE IT ORDAINED that Chapter 14.2, Section 14.2-12 (a) of the Code of Arlington County, Virginia is hereby amended, reenacted and recodified to read, in pertinent part, as follows:

§ 14.2-12. Maximum and minimum speed limits.

(a) No person shall drive any vehicle upon a highway in this county at a speed in excess of twenty-five (25) miles per hour except upon the following highways or portions thereof on which the speed limits shall be as follows:

Thirty (30) miles per hour upon:

North 10th Street between Arlington Boulevard and North Washington Boulevard.
Fairfax Drive between North Monroe Street and North Glebe Road.
George Washington Parkway, marked portions either side of Key Bridge.
Kirkwood Road from Washington Boulevard to Spout Run Parkway.
Lorcom Lane from Old Dominion Drive to Spout Run Parkway.
Nellie Custis Drive from Lorcom Lane to Military Road.
South Arlington Mill Drive from Shirlington Road to Walter Reed Drive.
North Carlin Springs Road from North Glebe Road to Arlington Boulevard.
South Carlin Springs Road from Arlington Boulevard to Columbia Pike.
Fairfax Drive from Arlington Boulevard to North Barton Street.
Little Falls Road from Yorktown Boulevard at North Kensington Street to Williamsburg Boulevard.
~~North Pershing Drive from Arlington Boulevard (Fort Myer) to North 2nd Street.~~
Quaker Lane from Shirley Highway to King Street.
Walter Reed Drive from Columbia Pike to King Street.
North Westmoreland Street from Arlington County line to Fairfax Drive.
South 15th Street from Jefferson Davis Highway to South Hayes Street.
Chain Bridge Road from North Glebe Road to Fairfax County Line.
Washington Boulevard from Kirkwood Road to Lee Highway.
Spout Run Parkway from Lee Highway to Kirkwood Road.
Williamsburg Boulevard from North Glebe Road to North 29th Street.
Yorktown Boulevard from North 26th Street to North Kensington Street.

Old Dominion Drive from Lorcom Lane to North Abingdon Street.
Military Road from North Glebe Road to Lee Highway.
South George Mason Drive from Arlington Boulevard to Fairfax County line.
South Four Mile Run Drive (West Roadway) from Columbia Pike to South Walter Reed Drive.
Washington Boulevard from North Pershing Drive to North 10th Street.
Columbia Pike from Pentagon Reservation to South Dinwiddie Street.
Army Navy Drive from South 25th Street to South Nash Street.
South Eads Street from South 15th Street to Army Navy Drive.
South Hayes Street from South 15th Street to South 12th Street.
Wilson Boulevard from North Glebe Road to Fairfax County Line.
South Four Mile Run Drive from South Walter Reed Drive to Shirlington Road.
North George Mason Drive from Yorktown Boulevard to Arlington Boulevard.
South Eads Street from South 24th Street to South Glebe Road.
North Roosevelt Street from North 17th Street to Falls Church City line.
North Sycamore Street from Williamsburg Boulevard to North Washington Boulevard.
Clarendon Boulevard from Washington Boulevard to North Oak Street.
Crystal Drive from Jefferson Davis Highway to South 12th Street.
Fairfax Drive from Little Falls Road to Washington Boulevard.
Fort Myer Drive from Key Bridge to Arlington Boulevard (including underpass).
Fort Myer Drive underpass at Wilson Boulevard.
North Glebe Road from Arlington Boulevard to Lee Highway.
Lee Highway from the Federal line at the approach to Key Bridge at Rosslyn to North Nash Street.
Lee Highway from North Quincy Street to Falls Church City Line.
North Lynn Street from Arlington Boulevard to Key Bridge.
North Meade Street from Arlington Boulevard to Jackson Avenue.
Washington Boulevard from Lee Highway to North Westmoreland Street.
Wilson Boulevard from Jefferson Davis Highway to Washington Boulevard.

Thirty-five (35) miles per hour upon:

U.S. Route 1
Old Dominion Drive from Military Road to Lorcom Lane
Columbia Pike from South Dinwiddie Street to Fairfax County line.
South Glebe Road from West Glebe Road to Jefferson Davis Highway
State Route 233 (Airport Viaduct) from Jefferson Davis Highway to Mount Vernon Parkway right-of-way.
South 5th Road from South Carlin Springs Road to Fairfax County line.
Washington Boulevard from Arlington Boulevard to North Pershing Drive.
Old Dominion Drive from North Abingdon Street to North Glebe Road.
Army Navy Drive from South Nash Street to South 12th Street.
South Joyce Street from Columbia Pike to Army Navy Drive.
North Sycamore Street from North Washington Boulevard to North 17th Street.
South Glebe Road from West Glebe Road to Arlington Boulevard.
South Hayes Street from South 15th Street to Army Navy Drive.
Old Dominion Drive from North Glebe Road to Fairfax County line.
North Glebe Road from Lee Highway to ramp from Military Road.
Lee Highway from North Veitch Street to North Quincy Street.
Spout Run Parkway from George Washington Memorial Parkway to Lee Highway.

Forty (40) miles per hour upon:

* * *

Forty-Five (45) miles per hour upon:

* * *

Fifty (50) miles per hour upon:

* * *

Fifty-Five (55) miles per hour upon:

* * *

II. The remaining sub-subsections of § 14.2-12(a) not hereby amended shall remain as previously enacted.

[Board Report #50](#)

[Board Report #50-Supplemental--Revised Recommendation](#)

ooooo0ooooo

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

ooooo0ooooo

58. CRYSTAL CITY

1. After a duly advertised public hearing at which there were speakers, 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, the Board adopted the document titled Board Guidance for the Implementation and Elaboration of the Crystal City Sector Plan dated Sept 28, 2010, and The Resolution to Adopt the Crystal City Sector Plan (Attachment 2) as well as the further revisions to the Plan identified by the Board during its deliberations. Further we direct staff, to the extent that the Board Guidance differs from text changes in the Matrix and subsequent staff identified changes to the Sector Plan document (Exhibit 1-A) (including all changes identified in the 9/24/10 County Manager Supplemental Report), the wording and intent of the Board Guidance shall govern.

With Further Revisions to the Plan:

- Include examples of types of data listed in comment 4.4a of Exhibit 1-B (e.g. changes in occupancy rates in office space and hotel rooms, traffic counts on roads within or connecting to the Plan area, achievement of community services, parks, and other community amenities, etc.) to Board Guidance Document, to (f) in first bullet;
- Insert sentence after action 7 on p 136 of plan itself that reads: "Work with Crystal City multifamily property owners to explore ways to preserve the market rate affordable units for years to come.";
- Change text in 4.19 (Exhibit 1-B) "Aurora Hills Senior Center" to "Aurora Hills Community Center";
- Modify the Building Heights Map (Fig. 3.8.5), for the parcel of land at [southwest] corner of 22nd Street and Eads Street, to change the recommended height from 110 feet to 75 feet for this site, and note in the text that at this site, an additional 35 feet may be achieved by providing additional parking for Restaurant Row businesses;

[Clerk's note: as set forth in the documents entitled "Addendum 9-28-10-D- Board Guidance for the Implementation and Elaboration of the Crystal City Sector Plan; Addendum 9-28-10-E- The Resolution to Adopt the Crystal City Sector Plan; Addendum 9-28-10-F- Matrix; and Addendum 9-28-10-G-Sector Plan," attached for the public record to these minutes.]

2. After a duly advertised public hearing at which there were speakers, on a motion by BARBARA A. FAVOLA, Member, seconded by MARY HYNES, 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, the Board adopted the General Land Use Plan Resolution for the Crystal City Area. [Clerk's note: as set forth in the document entitled "Addendum 9-28-10-H- General Land Use Plan Resolution for the Crystal City Area," attached for the public record to these minutes.]

3. After a duly advertised public hearing at which there were speakers, on a motion by CHRISTOPHER ZIMMERMAN, Vice Chairman, seconded by MARY HYNES, 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, the Board adopted the Master Transportation Plan Resolution and the Resolution Affirming Arlington County's Commitment to the implementation of transportation infrastructure dated September 28, 2010. [Clerk's note: as set forth in the documents entitled "Addendum 9-28-10-I- Master Transportation Plan Resolution; and Addendum 9-28-10-J- Resolution Affirming Arlington County's Commitment to the implementation of transportation infrastructure" attached for the public record to these minutes.]

4. After a duly advertised public hearing at which there were speakers, on a motion by On motion by J. WALTER TEJADA, Member, seconded by CHRISTOPHER ZIMMERMAN, Vice Chairman 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, #4-resolution authorizing the advertisement of public hearing for TIF, the Board adopted the resolution to authorize advertisement of a public hearing for purposes of considering a proposal to establish a tax increment financing area and fund as such resolution. [Clerk's note: as set forth in the document entitled "Addendum 9-28-10-K- Resolution Establishing TIF Area and Fund" attached for the public record to these minutes.]

[Board Report #58 A-C](#)

[Board Report #58 A-C Attachment](#)

[Board Report #58-Supplemental](#)

[Board Report #58 D](#)

[Addendum 9-28-10-D- Board Guidance for the Implementation and Elaboration of the Crystal City Sector Plan](#)

[Addendum 9-28-10-E- The Resolution to Adopt the Crystal City Sector Plan](#)

[Addendum 9-28-10-F- Matrix](#)

[Addendum 9-28-10-G-Sector Plan](#)

[Addendum 9-28-10-H- General Land Use Plan Resolution for the Crystal City Area](#)

[Addendum 9-28-10-I- Master Transportation Plan Resolution](#)

[Addendum 9-28-10-J- Resolution Affirming Arlington County's Commitment to the implementation of transportation infrastructure](#)

[Addendum 9-28-10-K- Resolution Establishing TIF Area and Fund](#)

ooooo0ooooo

ADDITIONAL ITEMS

ooooo0ooooo

- 59. **APPROVAL OF AN EXCHANGE AGREEMENT BETWEEN THE COUNTY BOARD AND MR MONUMENT VIEW LLC, CONCERNING REAL PROPERTY LOCATED AT 333 AND 355 OLD JEFFERSON DAVIS HIGHWAY (RPC #S 34023001 AND 34023002), AND APPROXIMATELY 4.7 ACRES OF REAL PROPERTY BOUNDED BY 6TH STREET SOUTH, SOUTH BALL STREET, 10TH STREET SOUTH AND OLD JEFFERSON DAVIS HIGHWAY (RPC #S 34025001, 34025003, 34025004, 34025005, A PORTION OF SOUTH CLARK STREET, AND A PORTION OF RPC #34024345).**

After a duly advertised public hearing at which there were speakers, on a motion by JAY FISETTE, Chairman, seconded by CHRISTOPHER ZIMMERMAN, Vice Chairman 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, the Board took the following actions:

- 1. Approved the exchange agreement Between the County Board of Arlington County, Virginia and MR Monument View LLC, dated September 29, 2010 (Exhibit A), concerning Real Property located at 333 and 355 Old Jefferson Davis Highway (RPC #s 34023001 and 34023002), and approximately 4.7 Acres of real property bounded by 6th Street South, South Ball Street, 10th Street South and Old Jefferson Davis Highway (RPC #s 34025001, 34025003, 34025004, 34025005, 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. [Clerk's note: as set forth in the document entitled "Addendum 9-28-10-L-MR Monument View-" attached for the public record to these minutes.]

[Addendum 9-28-10-L-MR Monument View](#)

ooooo0ooooo

On a motion by JAY FISETTE, Chairman, seconded by CHRISTOPHER ZIMMERMAN, Vice Chairman 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, the Board took the following actions:

1. Accepted the Settlement, Release and License Agreement between County Board of Arlington County and Melvino Technologies Limited and ArrivalStar, S.A.
2. Authorized the County Manager to sign the Settlement, Release and License Agreement between County Board of Arlington County and Melvino Technologies Limited and ArrivalStar, S.A. (attached to the County Manager's report dated September 28, 2010), subject to the review and approval of the County Attorney.

oooo0oooo

On a motion by JAY FISETTE, Chairman, seconded by CHRISTOPHER ZIMMERMAN, Vice Chairman 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, the County Board approved the Settlement Agreement in the case of *Arlington County Board and Zoning Administrator v. Board of Zoning Appeals and R-15, LLC*, and authorize the Zoning Administrator to execute the Agreement on behalf of the County Board and herself.

oooo0oooo

ADJOURNMENT

Without objection, at 12:09 a.m., the Board adjourned the meeting.

JAY FISETTE, Chairman

ATTEST:

HOPE L. HALLECK, Clerk
Approved: October 23, 2010