

MINUTES FOR APPROVAL

Attached for County Board consideration for approval are the minutes of the meeting dates listed below:

May 1, 2012

Closed Session

May 15, 2012

Closed Session

September 18, 2012

Recessed Meeting

A Recessed Meeting of the County Board of Arlington County, Virginia, held in Room 307 of 2100 Clarendon Boulevard thereof on Tuesday, September 18, 2012 at 3:00 p.m.

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

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

*Arrived at 3:02 p.m.

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COUNTY BOARD RECESSED MEETING

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COUNTY BOARD BUSINESS AND REPORTS

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I. COUNTY BOARD REPORTS

The Chair asked Member Fisetto to recognize volunteer Eric Sildon. Mr. Fisetto highlighted Mr. Sildon's contributions as a member and Chair of the Park and Recreation Committee and many advisory commissions over the past 12 years.

Chair Hynes announced the 2012 Landscape Recognition Awards and welcomed Anne Wilson, Chair of Arlington's Beautification Committee and member Lola Rogers, to present the 2012 Landscape Recognition Awards. The awards were presented to: Cherrydale Baptist Church, Horizons East-West, Fairlington Villages and the Hartford Building.

The Chair introduced Chief Deputy Treasurer Carla de la Pava, who presented the annual Treasurer's Delinquent Tax Report. The Code of Virginia (§ 58.1-3924) requires that the Treasurer maintain lists of delinquent taxes, and report on these lists to the local governing body.

The Chair declared September 15-21, 2012 as "Affordable Housing Education Week" and read the proclamation to thank the people and organizations who work to preserve and expand affordable housing in Arlington.

The Chair also declared September 9-15, 2012 as "Suicide Prevention Week," and read the proclamation which was accepted by Julia Stephens from Arlington's Crisis Link. Ms. Stephens stated that in the last year, CrisisLink handled more than 9,000 phone calls, nearly 800 of which were suicide-related, and 96% were successfully de-escalated.

The Chair announced the second anniversary of Capital Bikeshare, which now has over 1,670 bikes at more than 175 stations. Board Member Jay Fisetto read a proclamation declaring September 20, 2012 as "Capital Bikeshare Day." To view the Bikeshare system and new plans, please visit www.BikeArlington.com.

Board Member Libby Garvey read a proclamation declaring September 2012 as National Preparedness Month and September 23-29, 2012 as Arlington's "Community Preparedness Week." Chair Hynes announced a Community Forum on Emergency Preparedness on September 27, 2012 at the Career Center, and the Great Shake Out Earthquake Drill on October 18, 2012. For more information, please visit www.arlingtonva.us and search "OEM."

Chair Hynes announced a new County recognition program for employers who hire people with disabilities. A small star-shaped decal with the words "Include-Empower-Support" will be appearing in the windows of Arlington businesses this fall. October is also National Disability Employment Awareness Month, which raises awareness about disability employment issues and acknowledges the contributions of America's workers with disabilities.

The Chair announced the completion of structural concrete at the Arlington Mill Community Center, which was celebrated with a "topping out" ceremony. The Arlington Mill Community Center and garage is slated for completion in July 2013.

Chair Hynes provided an update on the loss of the 9-1-1 system during the "derecho" storms of June 29, 2012. The Chair stated that local municipalities are working together to ensure that this does not happen again. Governor McDonnell also has initiated an effort to ensure the safety of the Commonwealth by appointing a 9-1-1 Sub Panel, as part of his Secure Commonwealth Panel. The Governor has appointed Board Member Jay Fiset and Jack Brown, Arlington County Director of the Office of Emergency Management to the Panel.

The Chair announced the launch of a new virtual town square, called PLACE Space, where organizations and people can come together and share information. To join, please visit arlingtonplacespace.us. The Chair also announced that she will be meeting with many of the "PLACE Partners," which includes civic associations, non-profits, affinity groups, commissions, and many community leaders to discuss ways to involve even more residents in the initiative.

Chair Hynes announced a public forum for the new affordable housing study to be held on September 22, 2012 at the Wakefield High School cafeteria. The ideas heard at the forum will help shape the draft scope and process of the housing study. The Housing Commission will consider the draft on October 11, 2012 followed by the County Board's consideration later in October.

The Chair announced that Arlington will host the National StoryCorps Project, from September 24 – October 20, 2012. The Mobile Booth will be located at Columbia Pike Branch Library and Career Center. To participate, please visit www.storycorps.org or call 800-850-4406.

Chair Hynes announced Walk and Bike to School Day 2012, to be held on October 3 at Oakridge Elementary School, in partnership with Arlington Public Schools. For useful tips on walking and biking to school, please visit WalkArlington.com and BikeArlington.com.

The Chair also announced that the 10th annual Dogtober Day & Barker's Bash, which will be held on October 6, 2012 at Lacey Woods Park. There will be contests and games for dogs and their owners.

The Chair provided a reminder that the Voter registration deadline for the November election is October 15, 2012. For more information, please visit www.arlingtonva.us, and search "voter."

Board Member Christopher Zimmerman announced September 22, 2012 as World Car Free Day. The international event encourages people to find alternative transportation. This year, World Free Car Day will be on September 22, 2012 and several events and exhibits related to World Car Free Day will be showcased at Clarendon Day. For more information, please visit www.carfreemetrodc.org.

M. Zimmerman announced that the County's Annual tree distribution program will be Saturday, October 13, 2012 at the County's nursery facility, which is located at the behind the baseball field at Four-mile Run near George Mason Drive. To register, please visit www.arlingtonva.us and search on "tree distribution".

Mr. Zimmerman announced a campaign to save trees. He introduced Urban Forestry Commission member and Tree Steward Nora Palmatier, who discussed the Choking Hazard campaign. For more information, please visit: www.Treestewards.org.

A motion was made by CHRISTOPHER ZIMMERMAN, Member, seconded by J. WALTER TEJADA, Vice Chairman, to approve a resolution concerning the "Citizens United" case and the threat to free and fair elections. The motion was adopted and carried by a vote of 5 to 0. The voting recorded as follows: MARY HYNES, Chair - Aye, J. WALTER TEJADA, Vice Chairman - Aye, JAY FISETTE, Member - Aye, LIBBY GARVEY, Member - Aye and CHRISTOPHER ZIMMERMAN, Member – Aye.

ARLINGTON COUNTY BOARD
Resolution concerning the "Citizens United" case
and the threat to free and fair elections

WHEREAS, We the people adopted and ratified the United States Constitution to protect the free speech and other rights of individuals, not corporations; and,

WHEREAS, the United States Supreme Court's decision in *Citizens United v. Federal Election Commission* overturned longstanding precedent prohibiting corporations (and unions) from spending general treasury funds in our elections; and,

WHEREAS, *Citizens United v. Federal Election Commission* and related federal court decisions have unleashed a torrent of money in our political process unmatched by any campaign expenditure totals in United States history; and,

WHEREAS, *Citizens United v. Federal Elections Commission* and related federal court decisions present a serious and direct threat to our nation's republican democracy, while standing in direct contrast to our local Arlington commitment to good government, civic and civil discourse, and broad participation in local decision-making; and,

WHEREAS, Article V of the United States Constitution empowers and obligates the people and states of the United States of America to use the constitutional amendment process to correct those egregiously wrong decisions of the United States Supreme Court that go to the heart of our democracy and republican self-government; and,

WHEREAS, the people and states of the United States of America have strengthened the nation and preserved liberty and equality for all by using the amendment process throughout our history, including erroneous Supreme Court decisions; now, therefore,

BE IT RESOLVED that the County Board of Arlington, Virginia commends the efforts of Congressmen James P. Moran and Gerald E. Connolly to address this issue; and,

BE IT FURTHER RESOLVED that the County Board of Arlington, Virginia supports the growing call for an amendment to the U.S. Constitution to reverse the effects of *Citizens United v. Federal Elections Commission* and restore fair elections to the American people.

Vice-Chairman Walter Tejada announced that Festival Latinoamerica, part of the Hispanic Heritage Month celebration, will be held on September 30, 2012 at Kenmore Middle School with free admission. Hispanic Heritage Month is September 15-October 15, 2012.

The Vice-Chairman announced the third annual Arlington Fun Ride, to benefit Phoenix Bikes on October 6, 2012 starting at Barcroft Park. The ride includes short and longer trails. The event includes a bicycle rodeo for kids, stops along the way and a zumba class at the end.

Mr. Tejada proclaimed September, 2012 as Comité Pro-Bolivia month to honor the volunteer work of the organization on the occasion of their 25th Anniversary.

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II. APPOINTMENTS

A motion was made by MARY HYNES, Chair to:

Arlington Commission on Long-Term Care Residences

Appoint John Kozar for a term ending September 30, 2014

Appoint Leslie Walsh for a term ending September 30, 2014

Citizens Advisory Commission on Housing

Appoint Rolf K. Blank for a term ending September 30, 2016

Civil Service Commission

Reappoint Patrick Murphy for a term ending September 30, 2016

Community Development Citizens Advisory Committee

Reappoint Larry Withers for a term ending September 30, 2015

Commission on Aging

Reappoint Donald Miller for a term ending September 30, 2015

Appoint Andrea Walker for a term ending September 30, 2015

Appoint Laurie Young for a term ending September 30, 2015

Commission on the Status on Woman

Appoint Jacqueline Penalver for a term ending September 30, 2015

Appoint Courtney Hill for a term ending September 30, 2015

Commission for the Arts

Appoint Janet Kopenhaver for a term ending September 30, 2015

Economic Development Commission

Appoint Lisa Sturtevant for a term ending September 30, 2015

Emergency Preparedness Advisory Commission

Appoint Ray Bennett representing Virginia Hospital Center for a term ending September 30, 2015

Reappoint Kim Klingler for a term ending September 30, 2015

Reappoint Jim Pebley for a term ending September 30, 2015

Reappoint Neil Robinson for a term ending September 30, 2015

Reappoint Claire Rubin representing Citizen Corp Council for a term ending September 30, 2015

Reappoint Steve Kral as an Arlington Public School parent representative for a term ending September 30, 2015

Reappoint Jackie Snelling representing the Civic Federation for a term ending September 30, 2015

Environment & Energy Conservation Commission

Reappoint Sarah Meservey for a term ending September 30, 2015

Fiscal Affairs Advisory Commission

Appoint Aimee Dawson for a term ending September 30, 2014

Appoint Doug Drewry for a term ending September 30, 2014

Appoint Oliver Kim for a term ending September 30, 2014

Appoint Dante Lorenzana for a term ending September 30, 2014

Appoint Mark Thomas Morze for a term ending September 30, 2014

Information Technology Advisory Commission

Appoint Martha Moore for a term ending September 30, 2015

Public Facilities Review Committee

Appoint Elizabeth Gearin as the Parks & Recreation representative for a term ending September 30, 2014

Appoint Jason Widstorm as the Fiscal Affairs Advisory Commission representative for a term ending September 30, 2014

Reappoint Jeffrey Certosimo as the Housing Commission representative for a term ending September 30, 2014

Reappoint Jana Lynott as the Transportation Commission representative for a term ending September 30, 2014

Rosslyn Business Improvement Corporation Board

Reappoint Mark Schwartz for a term ending June 30, 2014

Sports Commission

Reappoint Asha Patton Smith for a term ending September 30, 2015

Transportation Commission

Reappoint Jana Lynott for term ending September 30, 2015

Teen Network Board

Appoint for terms ending September 30, 2013:

Talbia Abudullah

Shalma Akther

Maggie Burgos

Amira Chamma
Lysa Diarra
Kim Eldridge
Hiruy Ephrem
Asia Farooq
Daniel Flor
Andrea Green
Margaret Koskinen
Deborah Melendez
Andrew O'Duden
Brian Tran
Carina Marquez

Reappoint for terms ending September 30, 2013:

Devon Brown
Gladys Castellon
Kateri Gajadhar
Mor-Devi Hav
Catie Mitchell
Vincenza Montante
Anna Tramposch
Rosie Tramposch
Jackie Verrecchia

Urban Agriculture Task Force

Appoint Puwen Lee for a term ending March 31, 2013

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

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III. REGIONAL REPORTS

Chair Hynes announced upcoming Metrobus Service Changes, including new vehicles on 16F Columbia Pike-Federal Triangle and 16Y Columbia Pike-Farragut Square routes, effective October 1, 2012. Both routes will have the new Blue MetooExtra buses which indicate faster, limited-stop service.

The Chair provided an update on increased ridership on the Metrobus 9E & 10E routes, particularly at the morning rush hour. These routes were expanded in May to serve Rosslyn as an alternative to the Metrorail Rush Plus service.

The Chair also announced a recent upgrade to improve real-time service information with WMATA's on-line Trip Planner. The upgrades include service alerts and advisories regarding construction, elevator outages, delays or detours.

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IV. COUNTY MANAGER REPORT

The County Manager introduced Harry Wang, Water, Sewer Streets Division Bureau Chief, who provided an overview on the County's newly updated meter reading devices and how the system protects customer privacy.

The Manager announced that the County was awarded the 2012 Best New Facility Award for Playground, Blueways, Greenways and Trails in Population Over 100,000 by the Virginia Recreation and Parks Society for Long Bridge Park. The Manager welcomed staff and Carrie Johnson of the Long Bridge Design Advisory Committee to accept the award.

The Manager announced that energy efficient LED lights have been installed in the County Board room.

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CLOSED MEETING; CERTIFICATION OF CLOSED MEETING DISCUSSIONS

A motion was made by MARY HYNES, Chairman, seconded by J. WALTER TEJADA, Vice Chairman, to convene a closed meeting as authorized by Virginia Code sections 2.2-3711.A.1, 3 and 7 for the following purposes of:

discussion concerning one personnel matter, and two matters involving the disposition of public owned real property where discussion in public could adversely affect the County's negotiating position; and

consultation with the County Attorney and relevant staff concerning:

the claims of Harris Teeter, Comstock Partners, and others relating to a sanitary sewer back up on May 11, 2012;

the County's claims for rent at 2406 South Shirlington Road; and

the County's obligations regarding the protection of personal information contained in County public records.

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

The Board met in a closed meeting from 4:39 p.m. to 6:43 p.m.

A motion was made by MARY HYNES, Chairman, seconded by WALTER TEJADA, Vice Chairman to certify that to the best of each member's knowledge that only public business matters lawfully exempted from open meeting requirements under Chapter 37, Title 2.2 of the Code of Virginia and only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed, or considered by the Board. The motion was adopted by a vote of 5 to 0 by roll call as follows:

Member & Vote

Ms. Hynes - Aye

Mr. Tejada - Aye

Mr. Fisetete – Aye

Ms. Garvey – Aye

Mr. Zimmerman – Aye

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

The Chair welcomed the Assistant Coach and several players from the Arlington Senior Babe Ruth 14U All-Star Baseball Team, who won the 14 and Under Babe Ruth Virginia State Championship.

The Chair asked Member Zimmerman to recognize volunteer Terry Savela. Mr. Zimmerman highlighted Ms. Savela's contributions as a long-term member of the Planning Commission and several other commissions and task forces, and thanked her for many years of service to the community.

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CONSENT ITEMS (ITEMS REMOVED FROM THE CONSENT AGENDA SATURDAY, SEPTEMBER 15, 2012)

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SITE PLANS/AMENDMENTS/REVIEW

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- 1. SP #91 SITE PLAN AMENDMENT TO ALLOW DECKS AND A SUNROOM TO ENCROACH ON REAR YARD SETBACKS; LOCATED AT 1923, 1941, AND 1947 N. WOODLEY ST. MODIFICATIONS OF ZONING ORDINANCE REQUIREMENTS INCLUDE REAR-YARD SETBACK REQUIREMENTS AND ENCROACHMENTS OF GREATER THAN 4 FEET INTO REAR-YARD SETBACKS FOR DECKS, AND OTHER MODIFICATIONS AS NECESSARY TO ACHIEVE THE PROPOSED DEVELOPMENT PLAN. (RPC# 07-008-037, -046, -044).

Following a duly advertised public hearing at which there were speakers, a motion was made by MARY HYNES, Chairman, seconded by J. WALTER TEJADA, Vice Chairman to defer consideration of the ordinance to approve an amendment to Site Plan #91 permitting a deck in the rear yard of the townhouses at 1923 N. Woodley St., and a sunroom in the rear yard of the townhouse at 1947 N. Woodley St., with modifications to use regulations for encroachments into rear-yard setbacks; and the request for a deck in the rear yard of the townhouse at 1941 N. Woodley Street to the November 17, 2012 County Board meeting. The motion was adopted and carried by a vote of 5 to 0. The voting recorded as follows: MARY HYNES, Chair - Aye, J. WALTER TEJADA, Vice Chairman - Aye, JAY FISETTE, Member - Aye, LIBBY GARVEY, Member - Aye and CHRISTOPHER ZIMMERMAN, Member – Aye.

[Board Report #1](#)

[Board Report #1-Supplemental Report \(Revised Recommendation\)](#)

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USE PERMITS REQUEST/REVIEWS/AMENDMENTS

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- 3. SP-401-U-12-1 USE PERMIT ASSOCIATED WITH A SITE PLAN FOR LIVE ENTERTAINMENT WITH DANCING AT GREENE TURTLE, 900 N. GLEBE ROAD (RPC# 14-053-058).

Following a duly advertised public hearing at which there were speakers, a motion was made by JAY FISETTE, Member, seconded by LIBBY GARVEY, Member to approve the requested use permit for live entertainment with dancing at the Greene Turtle, subject to the conditions in the staff report dated August 30, 2012, and in this supplemental report, with an administrative review in six (6) months (March 2013) and a County Board review in one (1) year (September 2013), with amendments to the conditions. The motion was adopted and carried by a vote of 5 to 0. The voting recorded as follows: MARY HYNES, Chair - Aye, J. WALTER TEJADA, Vice Chairman - Aye, JAY FISETTE, Member - Aye, LIBBY GARVEY, Member - Aye and CHRISTOPHER ZIMMERMAN, Member – Aye. [Clerk's note: text to be added is shown in underline, text to be deleted is shown in strikethrough.]

1. The applicant agrees that live entertainment is permitted only from 5 p.m. to 12 a.m. Sunday through Wednesday, and 5:00 p.m. to 1:30 a.m. Thursday, Friday, Saturday and the eve of all legal Federal Holidays as well as St. Patrick’s Day, Cinco de Mayo, and Halloween.
2. The applicant agrees to comply at all times with the Arlington County noise ordinance. The Applicant further agrees that the windows and doors shall remain closed during the times of live entertainment, except for servers coming and going from the outdoor café. The applicant agrees that, under no circumstances shall live entertainment be permitted outside of the building or permitted to be broadcast over loudspeakers outside of the building.
3. The applicant agrees to comply with all requirements of applicable County and State Ordinances, the Environmental Health Bureau, and the Fire Marshal, the Police Department and the Alcohol Beverage Control Board.
4. The applicant agrees that dancing is not permitted until the applicant obtains a Dance Hall Permit from the Zoning Office.
5. The applicant agrees to designate a neighborhood liaison to communicate with nearby residents and neighbors to address concerns which may be related to the live entertainment and an onsite liaison that shall be available during the hours of the business operation to receive and respond to community concerns regarding the live entertainment. The name and telephone number shall be submitted to the Zoning Administrator and a copy sent to the Ballston-Virginia Square, ~~and~~ Bluemont Civic Associations, and to the Continental Condominium Owners Association and the Jordan Manor Apartments.
6. The applicant agrees that games and activities for patrons, such as “cornhole” and the like, that do not involve electronic amplification may occur outdoors, but such activity shall cease by 10 p.m. Sunday-Wednesday and 11 p.m. Thursday-Saturday.
7. The applicant agrees that the use permit for live entertainment shall be reviewed by the County Manager or her designee upon any change of tenancy of the subject space currently occupied by the Greene Turtle (900 N. Glebe Road). The applicant also agrees to notify the County Manager or designee in writing before a change of tenancy of the subject space.
8. The applicant agrees to clean the sidewalk on both the N. Glebe Road and 9th Street North each morning, including sweeping cigarette butts and litter that may have accumulated from any outdoor seating area, if applicable.

[Board Report #3](#)

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CAPITAL PROJECTS

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21. APPROVAL OF AN AWARD OF CONTRACT FOR THE CONSTRUCTION OF A SPRAYGROUND IN VIRGINIA HIGHLANDS PARK LOCATED AT 1600 SOUTH HAYES STREET. INVITATION TO BID NUMBER 509-13.

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

1. Approve the Award of Contract Number 509-13 in the amount of \$520,639.00 to Southern Playground Corporation, Inc. and approve an allocation of \$52,063.00 as a contingency for change orders for a total contract authorization of \$572,702.00.
2. Authorize 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.

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

[Board Report #21](#)

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APPROPRIATIONS, GRANT APPLICATIONS & OTHER CONTRACTS

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23. ACCEPTANCE AND APPROPRIATION OF VIRGINIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT HOMELESSNESS GRANT FUNDS.

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

1. Authorize the County Manager or her designee to accept \$328,809 in Virginia Department of Housing and Community Development grant funds.
2. Appropriate \$328,809 in Virginia Department of Housing and Community Development funds (101.364900) to the Department of Human Services (101.51108) for homeless prevention activities.

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

[Board Report #23](#)

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

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REGULAR HEARING ITEMS

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41. CLEAN TECHNOLOGY BUILDING

- A. Enactment of an ordinance to vacate: 1) a public water main easement located along the southern boundary line of Parcel H2, Foster's Subdivision being the Resubdivision, vacation

and rededication of Parcel H Block 11 Aurora Heights; and 2) a portion of a public use and access easement located on Parcel H2, Foster's Subdivision Being the Resubdivision, Vacation and Rededication of Parcel H Block 11 Aurora Heights, a subdivided portion of RPC No. 15058015, with Conditions.

- B. SP #263 Site Plan Amendment to construct an approximately 157,844 sq. ft. commercial office building including approximately 7,812 sq. ft. retail, 7,000 sq. ft. childcare, 5,600 sq. ft. conference center, and 2,300 sq. ft. fitness center uses, and an approximately 6,183 sq. ft. standalone commercial retail building and modification of Zoning Ordinance requirements to parking ratio, bonus density for community facilities, LEED Gold certification, and LEED Existing Buildings certification, and exclusions from density of gross floor area associated with childcare, conference center, below grade fitness center, below grade mechanical equipment, and bathrooms, stairs and elevators on the roof, and other modifications as may be necessary to achieve the proposed development plan; located at 2201, 2305, 2311, and 2317 Wilson Boulevard, 1515 and 1519 N. Adams Street (RPC #15-058-015, 15-059-001, -002, -003, -004, -005, -006, -007, -008, -009, -010).

Following a duly advertised public hearing at which there were speakers, a motion was made by LIBBY GARVEY, Member, seconded by J. WALTER TEJADA, Vice Chairman to defer the subject site plan amendment and vacation requests to the October 20, 2012 County Board meeting. The motion was adopted and carried by a vote of 5 to 0. The voting recorded as follows: MARY HYNES, Chair - Aye, J. WALTER TEJADA, Vice Chairman - Aye, JAY FISETTE, Member - Aye, LIBBY GARVEY, Member - Aye and CHRISTOPHER ZIMMERMAN, Member – Aye.

[Board Report #41](#)

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ADDITIONAL ITEMS

A motion was made by MARY HYNES, Chairman, seconded by CHRISTOPHER ZIMMERMAN, Member to authorize the County Attorney to execute the August 28, 2012 waiver letter on behalf of the County. The motion was adopted and carried by a vote of 5 to 0. The voting recorded as follows: MARY HYNES, Chair - Aye, J. WALTER TEJADA, Vice Chairman - Aye, JAY FISETTE, Member - Aye, LIBBY GARVEY, Member - Aye and CHRISTOPHER ZIMMERMAN, Member – Aye.

A motion was made by MARY HYNES, Chairman, seconded by J. WALTER TEJADA, Vice Chairman to approve a Settlement Agreement and Release with Lucky Seven Food Mart, Inc. relating to its lease of 2406 South Shirlington Road and authorize the County Manager to sign that Settlement Agreement and Release on behalf of the County Board. The motion was adopted and carried by a vote of 5 to 0. The voting recorded as follows: MARY HYNES, Chair - Aye, J. WALTER TEJADA, Vice Chairman - Aye, JAY FISETTE, Member - Aye, LIBBY GARVEY, Member - Aye and CHRISTOPHER ZIMMERMAN, Member – Aye.

ADJOURNMENT

Without objection, at 9:20 p.m., the Board adjourned the meeting.

MARY HYNES, Chair

ATTEST:

HOPE L. HALLECK, Clerk