

Bluemont Civic Association
Executive Board Meeting
September 8, 2009, 7:30 p.m.
Arlington Traditional School
855 N. Edison Street

Call to Order and Attendance

President Judah dal Cais called the meeting of the Bluemont Civic Association (BCA) to order at approximately 7:35 p.m. In attendance were Judah dal Cais, Judy Collins, Carl Drummond, Sam Ferro, Terry Serie, and Suzanne Sundburg, who took notes in the absence of Secretary Mary Thorne.

August 11, 2009, Minutes

The Executive Board voted unanimously to approve the August 11 Executive Board meeting minutes with the additional written edits submitted by Terry Serie. Once the revised minutes have been completed, they should be rerouted to the Executive Board prior to posting on the Web.

Future Speakers/Meetings

Judah dal Cais will follow up with Bob Atkins, who may be able to speak at the October 28 meeting on flu preparedness. It was suggested that dal Cais also contact police liaison Officer O'Daniel and ask him to attend the September 30 meeting in conjunction with the code enforcement speaker.

Other suggestions for future speakers included recreation department staff members who can review the many low-cost recreation options available to county families and seniors.

October 2009 Newsletter

The text deadline was set for Tuesday, October 13 (the same day as the next Executive Board meeting). No articles for October were discussed. Sam Ferro noted that the September newsletter would be printed on Thursday.

NC Update

Neighborhood Conservation (NC) Representative Carl Drummond reviewed the changes to the NC point system that is used to rank/qualify the first-priority NC projects submitted by county civic associations. A "qualified" project is one for which the neighbors on the block have approved the project through a mail-in vote (the signed petitions must be physically mailed to the county). A neighborhood's first-priority project is awarded additional points for each funding round until it has enough points to be approved. Points are not transferable from one project to another.

Drummond noted that the NC point schedule would be published shortly and that he would likely know whether BCA's first-priority project on N. Frederick Street would have a reasonable chance of being funded in the December funding round.

Parks Bond Acquisition Funds Transferred

Suzanne Sundburg noted a recent proposed motion made by the Arlington Civic Federation, which urged the County Board to restore the \$4.5 million park acquisition funds that had been diverted to other park-related projects.

I-66 Lawsuit

Sundburg also quickly highlighted the lawsuit being filed against the Virginia Department of Transportation (VDOT) for its highway spot improvement projects along I-66 inside the beltway. Sundburg routed a copy of the complaint to all Executive Board members and presented a paper copy for review at the meeting. The legal reasoning behind the complaint is similar to the lawsuit being filed by Arlington County against the high-occupancy toll (HOT) lanes that VDOT plans to construct along I-395. Pro se claimant Audrey Clement is asking for other individuals to sign on to her complaint for I-66.

Update on Proposed Development Projects and Union Jack's Pub

BCA and Planning Commission member Terry Serie provided a brief update on the status of several development projects in and around the Ballston area, including DARPA, American Service Center, the Goodyear property, and Harris-Teeter supermarket. Serie noted that Crimson Urban could still propose to build an office building (rather than a mixed-use condo/apartment building) on the Goodyear site, if the residential market does not recover sufficiently.

Serie also discussed his work, as BCA's neighborhood representative, and the progress he had made regarding the noise complaints related to the outdoor crowds and entertainment at Union Jack's pub in Ballston Common Mall (where its outdoor patio faces N. Glebe Road and the residential neighborhood). Serie noted that the owner of Union Jack's had been extremely accommodating and was actively working to lessen outdoor noise after 10 pm. Another source of noise, Rock Bottom Brewery's patio area (next to Union Jack's) was grandfathered in under an earlier site plan amendment and is not subject to annual permit review as is Union Jack's. Serie reported that the county will ask Rock Bottom to comply voluntarily with noise abatement efforts and that the County is looking into how to provide some sort of periodic review of its permit. Serie presented a rough draft of a letter to the County Board that endorses the conditions for noise abatement on which Union Jack's and the nearby townhouse communities have collaborated. The Executive Board unanimously approved a motion authorizing BCA officers to work with Serie to finalize the letter, which ultimately will be signed by Judah Dal Cais.

For the future, Serie was not optimistic about the neighborhood's ability to have the county enforce the prohibition against "noise disturbance" by a person or group of persons in the County's Noise Control Ordinance. A recent Virginia Supreme Court decision (Bradley S. Tanner, et al. V. City of Virginia Beach; April 17, 2009) appears to have severely limited counties'/localities' ability to enforce their current noise ordinances, "reasonable person" noise disturbance definitions, and prohibitions when the noise is generated by humans as opposed to mechanisms like engines, etc. Once

the west side of Glebe Road (between the Mazda dealership, Goodyear, Exxon and Wilson Blvd.) is developed, Serie is concerned that nearby neighbors may have few regulatory options to effectively control disruptive noise, especially in the evening, generated by patrons of any bars or restaurants that may be located on the ground floor of the new buildings.

Bluemont Village Center (BVC) Working Group Update

Dal Cais asked Sundburg to recap the most recent meeting of the BVC working group, which met recently with Virginia Tech graduate student Jane Kim. Kim is a design engineer who currently works for Arlington County's Department of Environmental Services (DES) in the Engineering and Capital Projects Division—her job responsibilities center on the NC Program and urban walkways. She is working on a master's degree in urban planning and has expressed an interest in helping BCA develop a survey tool and a forum that BCA will use to identify parameters for development along Wilson Boulevard commercial strip that may be included in BCA's updated *NC Plan*.

Kim asked for some time to review zoning and other county materials that may be pertinent. She also suggested that it still might be possible for BCA to work with a Virginia Tech urban planning class in the spring; she will follow up with Professor Shelley Mastran to discuss the idea. Dal Cais will follow up with Kim to schedule a walking tour of the area.

D&V Auto Service Center/Penske Rental Truck Update

Drummond reported that Zoning Administrator Melinda Artman had issued a cease and desist order against the owner of the property where D&V Auto Service Center is located at 5201 Wilson Boulevard. It is Artman's opinion that D&V does not have the proper permits/zoning variances to operate the rental truck sideline or the full-service auto repair business at that location. The issue was raised after a resident in the townhouse community abutting the property complained to the County Manager's Office about the rental trucks that were parked along N. Frederick Street.

The property owner (as opposed to Robbie Guenther, who is the business owner) applied for the permits Artman identified as being required, but then Artman rejected the owner's permit application. The property owner is appealing that decision.

Adjournment

Dal Cais adjourned the meeting at approximately 8:35 pm.