

**BLUEMONT CIVIC ASSOCIATION**  
**MARCH 21, 2013**  
**Arlington Traditional School**  
**EXECUTIVE BOARD MEETING**

Attendance: George Rovder, President; Mark Haynes, 1<sup>st</sup> VP; Dan Laredo, 2<sup>nd</sup> VP; Nancy O'Doherty, Treasurer; Larry Smith, Neighborhood Conservation (NC) Representative; Suzanne Sundburg, Civic Federation Delegate; Laura Brothers, Webmaster; Nora Palmatier, Parks & Recreation Liaison; Alan Sundburg, Chair of Bylaws Review Committee; Ed Fendley, Co-Chair of Sidewalk Safety Committee; member James McMullin, who took minutes; and member André Provencher,

Call to Order: A quorum established, Rovder called the Executive Board meeting to order at 7:04 pm.

Approval of Minutes: Haynes moved and Rovder seconded approval of the Executive Board minutes from the February 27 meeting as published on the Bluemont Civic Association (BCA) website; same approved unanimously.

Summary Reports of Officers & Committee Chairs:

- Neighborhood Conservation: Rovder attended the February NC meeting on behalf of Larry Smith, who was not able to attend. Rovder found it interesting; he shared that the Lyon Park Citizens Association (LPCA) had asked the County to increase the amount for an approved NC project by 25%. LPCA made its presentation to the Neighborhood Conservation Advisory Committee (NCAC) with reasons for the budget increase for this project (inflation, scope change, staff change). The NCAC approved the cost increase. S. Sundburg added that the time between approval and construction is often drawn out, and thus cost increases are common for these types of projects. The original cost of \$498K established in 2010 had risen to \$623K. Also Rovder relayed that there was a presentation from the Dept. of Environmental Services on Arlington watershed retrofit studies on the decrease of permeable areas. The County is trying to emphasize the reduction of impervious surfaces, identifying runoff and encouraging use of micro rain gardens and water diversion where possible.
- Safeway Task Force: Haynes reported that the BCA Executive Board would meet with developer Mark Silverwood and Safeway on 3/28/13, to be followed on 4/3/13 by a special BCA membership meeting with same – which is open to the public. The Executive Board meeting would be open to all BCA members in good standing. The goal for the BCA membership at its 4/24/13 meeting will be to vote on the BCA's position / recommendation for Safeway's redevelopment. Laredo recommended to Haynes and Rovder that an email be sent to Safeway Task Force members outlining what their role would be at the 3/28 and 4/3 meetings. S. Sundburg noted that Haynes and David Van Wagner are the co-chairs of the Safeway Task Force and accordingly should take the lead at the meeting on 4/3/13. Haynes noted that things were moving fast with discussions vis á vis Safeway in terms of scheduling, etc. Rovder noted that the task force should assist with questions and communication at the meeting with Silverwood but believes he, as BCA President, and the Executive Board should be the lead at the 4/24/13 meeting.
- Sidewalk Safety Task Force: Fendley met with County staff member Tim McIntosh regarding the request as set forth in a BCA November 2012 letter to the County Board requesting a meeting to discuss the reconfiguration of Wilson Boulevard. No official reply from County as of yet. Rovder will follow up with the clerk of the Board on the Nov. letter. Rovder stated that during the general membership meeting McIntosh would be on hand to help address whether Wilson's reconfiguration would work as an NC project. The BCA has no NC project in the funding queue and needs to identify a project soon so that the BCA doesn't lose the opportunity to accrue funding points.
- Bylaws Review Committee (BRC): Alan Sundburg stated that the BRC has held two meetings. The next meeting is scheduled for Sunday, 3/24/13. A. Sundburg reported that the BRC had 2 bylaws and 2 standing rule proposals to be reviewed at the general membership meeting, and he presented the same.

Rovder noted that Barbara Wien had volunteered and been appointed to serve on the Nominating Committee. S. Sundburg said the bylaws required at least 2 more members to serve on this committee, and it must assemble a slate of candidates in May 2013.

Secretary: This office is vacant currently. James McMullin is serving temporarily to take minutes.

Newsletter Editor: S. Sundburg reported that member Aimee Blanchard expressed interest in performing this role, and Sundburg is working with her to get her oriented, etc.

Newsletter Designer: Haynes recommended Cindy Matlack for this position and complemented the design for the March issue. S Sundburg asked for and received permission from the Executive Board to hire Matlack as the contractor/designer for the April issue. She estimated the cost as approximately \$50–\$60/issue but said it depends on each issue's size and complexity. This option appears to be the least expensive. She noted the designer uses Adobe InDesign, which is the industry standard software for layouts.

S. Sundburg discussed advertising issues. O'Doherty asked how billing and collections would be handled (and by whom) for newsletter advertisers. Barbara Wien had previously volunteered to help solicit ads from local businesses. Rovder stated that Provencher would work to ensure that ads sent to him would be made camera-ready for the graphic designer. S. Sundburg stated that in the past no invoicing or newsletter samples had been sent to the advertisers, and thus collections had been a problem. O'Doherty said she preferred that the newsletter advertising person do the accounts receivable for ads and then she would follow up on collections.

Someone asked whether ads should be prepaid. S. Sundburg said that sometimes prepayment doesn't work—for example, no newsletter was produced for the month of February. She noted that typically payment occurs after the ads are run. Rovder promised to ask Barbara Wien if she would be willing to send out invoices for ads or if another person needed to do this.

Webmaster: Brothers announced she is working to update the website.

Communications outreach: S. Sundburg noted that a postcard had been sent out to all BCA members providing notice for the special March 3/28/13 and April 4/3/13 meetings regarding the Safeway redevelopment proposal.

Sundburg also reviewed the articles that would be needed for the April neighborhood-wide newsletter, including an update on the Wilson Blvd. reconfiguration and the disposition of the Peck site plan's traffic-calming funds. Ed Fendley agreed to provide draft articles on the traffic-calming project and Wilson Blvd. [Sundburg submitted her Civic Federation update to the Executive Board electronically. See Attachment 1.]

New Business: Rovder reported that developer JBG's attorneys had filed a site plan amendment for 800 N. Glebe Road. JBG wants to change the use permitted for the ground-floor retail space so that Va. Tech can operate a conference center on the first floor. Rovder said he had suggested the community might find this change more palatable if it were to receive some consideration in return, including the ability hold BCA meetings free of charge in the proposed space. He and the Board planned to meet onsite at 800 N. Glebe on 4/17/13 (tentatively) with Walsh Colucci, who is representing JBG, to discuss this issue. S. Sundburg noted that Staples, which was supposed to be a community benefit, had not returned to the site.

A motion to adjourn was made and seconded by Rovder at approximately 7:30 pm.

## **Attachment 1 — Civic Federation Update for March 2013**

### **Civic Federation Update, March 2013**

#### **3/5/13 Meeting**

I missed the March 5, 2013, Civic Federation meeting. The two main programs at that meeting were a School Board

budget presentation and the county's proposed energy plan. For more information about the School Board FY2014 budget, visit <http://www.apsva.us/budget>. Details on the new Community Energy Plan (CEP) and the Community Energy Implementation Framework (CEIF) are included in the Civic Federation's March newsletter (<http://civfed.com/home/wp-content/uploads/2013/02/Newsletter-2013.3.pdf>) and on the county website <http://freshaireva.us/2012/04/energyplan/>. The County Board plans to adopt the CEP at its June meeting. It is currently soliciting feedback; questions or comments may be sent to [energyplan@arlingtonva.us](mailto:energyplan@arlingtonva.us).

### **Revenues & Expenditures (R&E) Committee Update**

Given the limited number of weekends available for budget review, the earlier-than-usual due date for the R&E report, and the modification of the special rule prohibiting changes to R&E's budget document from the floor (see <http://civfed.com/home/wp-content/uploads/2013/01/Newsletter-2013.2.pdf>, p. 2), R&E will not submit its usual budget review and analysis report nor will it comment on other committee recommendations. Instead, at the meeting on April 9, R&E will present a document that discusses emerging budget-related trends, past and present. Other committees may make presentations to Civic Federation delegates at the April 9 meeting and may ask for Civic Federation support of their committee-specific FY2014 budget recommendations.

### **Planning & Zoning (P&Z) Committee Noise Ordinance Update**

Committee members Martha Moore, Larry Mayer, and Peter Owen met with staff on 3/8/2013 about the Noise Control code revisions. Below is a summary of our meeting. Staff participants were Bob Brosnan, Director of CPHD; Gary Greene, Manager of Code Enforcement; and Dana Wilson, Code Supervisor. Representing the Police Department on this issue were Captain Franz Desamour; Captain Karen Herchenroder, District 1; Captain Charles "Andy" Penn, District 2; and Captain Brett Butler, District 3.

Bob Brosnan led the meeting. Below is a summary of our discussions pertaining to two documents that P&Z sent to staff on 12/3/2012.

Staff agreed to P&Z's principles on the noise ordinance except for the last three items. P&Z The objected to staff's stated goal of making minimal changes to the Noise Control code to address the removal of the "reasonable person standard" by the Virginia Supreme Court. Brosnan explained that due to limited staff availability, the Noise Control code could be revised in two phases: In the first step, staff would make a limited number of revisions, and it would make additional revisions in the future when the County Board identified it as a priority.

Discussion of the last three items is recapped below:

*1. Where dBA noise limits are used in the Noise Control code, they should be based on actual staff measurements of current noise — especially for activities about which people have complained and for which complaints are anticipated. This will help ensure that the limit are neither too strict nor too lenient.*

The current code and staff's revision sets decibel (dBA) maximums by Zoning District and in some cases by daytime and nighttime. Greene indicated that he thought the levels were consistent with other jurisdictions. However, given the age of the current code, some Zoning Districts were left out. Staff plans to revise the table to incorporate the missing Zoning Districts

During the discussion, P&Z suggested the following alternative approaches for setting maximum noise levels:

- Replacing zoning districts with noise zones — perhaps on a map — based on arterial streets, which would acknowledge that some areas of Arlington are noisier;
- Setting limits based on a level above the ambient noise level (a practice followed in many other US jurisdictions), which would take into consideration the varying background noise levels in different parts of Arlington; and
- Having different levels for specialized activities such as construction, which is temporary and expected to be noisier than day-to-day activities.

Staff was unwilling to make such major changes at this time, but may consider it in the future.

P&Z also noted staff's significant wording change to the code's dBA table. The current code applies the dBA levels to the noise-receiving site; the revision applies the dBA levels for the noise-generating site. We explained that this was a major change that is not related to the reasonable person standard, which staff says was the primary driver

of what changes they made.

Greene explained how Code Enforcement measures noise — where they point the device and where they stand to take measurements, which he said justified the change. Brosnan acknowledged that this was a major policy change and that he would discuss it further with staff.

*II. The use of permits to regulate noise is appropriate when briefly written objective standards seem inadequate or must be applied to widely varied circumstances.*

P&Z gave existing examples. By the end of this discussion, Brosnan agreed to meet with other staff to consider this approach.

*III. Prior to a complaint and upon written request by a respective noise producer (owner, occupant, operator, or agent), staff may take dBA measurements without penalty.*

P&Z noted that people have neither an inherent ability to judge whether they are exceeding the limits nor the equipment and training to take actual measurements — and that if they ask Code Enforcement to take measurements, they will be cited with a warning. Greene countered that he does not have adequate staff to provide this service and suggested that they hire professionals. We countered that there should be a way to pay a small fee to staff, such as \$50 to take a test measurement.

When P&Z finished its discussion of principles, it reviewed the P&Z mark-up of staff's draft of the revised code. P&Z was permitted to discuss three topics from the mark-up. P&Z selected noise from people at gatherings, noise from school-sponsored events on school property, and exceptions to the Noise Control code during an emergency.

Greene distributed a sheet that he had prepared in advance that addressed four topics, which the group then discussed. These topics had not been fully vetted by other senior staff but below is a summary of three of Greene's proposed revisions:

*(1) An addition to the enumerated act list that addressed noise from people gatherings*

- This restriction was roughly consistent with what P&Z asked for in its mark-up.
- Captain Penn further explained that the police would probably be expected to enforce this and that he and other officers would not know the Zoning Districts for an area. Thus, they could not enforce that restriction effectively.
- P&Z suggested that rather than applying restrictions to R districts, the ordinance should apply where there is a "residential use" or an existing "dwelling," which would be obvious to police.

*(2) An addition to the enumerated act list that addressed noise from lawn and garden maintenance equipment*

- Two similar restrictions were provided — also roughly consistent with what P&Z asked for in its mark-up.

*(3) A "tweak" to the exemption in the staff draft for school-sponsored events on school property*

- This tweak inserts "unamplified" before "band performances and practices," in the current staff draft. This change requires further examination and discussion.

Finally, the group discussed Noise Code exemptions during an emergency. Emergency Preparedness Advisory Commission (EPAC) had sent a letter recommending exemptions consistent with what P&Z included in its mark-up. Brosnan appeared to agree with the exemption for testing and using generators, whether portable or installed, but indicated that staff still needed to discuss applying the use exemption to anything other than a county manager-declared emergency. (FYI: Although the current Noise Control code references a process for applying for an exemption, there is no form, contact person, or way to get an exemption in non-business hours.)

Many important items were not discussed (or fully discussed) due to lack of time. Staff seemed somewhat open to another meeting, but it was left open. Some unresolved items are listed below:

(1) Definitions — Most of P&Z definitions in the mark-up related to additions made in other sections of the code. However, two changes related to the definition of holidays and holiday eves. (Important: P&Z inserted the holidays listed in the Virginia statute that staff said applied.)

(2) Construction Noise

- A change in the hours for outdoor construction

- A change in the decibel level for continuous noise based on OSHA standard
- (3) School-sponsored events on school property [See above.]
  - (4) Events on county park property
  - (5) Special Events — Expanding the times for holidays and/or holiday eves
  - (6) Restriction on amplified church bells — Staff's draft provided an exemption for church bells and carillons. P&Z asked whether that meant unamplified bells, and staff said yes, so P&Z added "unamplified" to its mark-up, as many church “bells” are actually amplified electronic bell sounds rather than actual bells and this should be considered when adopting the wording.
  - (7) Changes to the “Prohibited Acts” related to electronic devices and musical instruments that will enable people to play and practice acoustic musical instruments — especially school-aged children.
  - (8) P&Z’s new restriction in Prohibited Acts that addresses Outdoor Café noise at Nighttime. (This may already be addressed by staff's addition above.) It needs to apply both to cafés occupying the ROW and to private property. There is a proposed revision to the Zoning Ordinance for outdoor cafés on private property, and P&Z needs to understand how the Noise Control code applies.
  - (9) Consolidating emergency procedures into one section (per P&Z’s principle)
  - (10) Providing internal references to “Exemptions and Prohibited Acts” so people know they apply

P&Z will provide this meeting summary to staff and seeking its input about potential next steps. Brosnan commented that the urgency to revise the current Noise Control code had been somewhat reduced by the police department’s indication that it can and is enforcing noise violations. Thus, there seems to be more time to work with staff and no urgent deadline to get a resolution to the Civic Federation for delegates to consider — something P&Z will be sure to confirm.