

# Arlington County Civic Federation

*The civic voice of Arlington for 82 years*

## Newsletter

November, 1998

Volume 83, No. 3

### *November Meeting:*

One week later than usual!

**November 10th**

### **Legislative Package**

**7:30 pm, Tuesday, November 10**

**John T. Hazel Conference Center**

**Columbia Arlington Hospital**

**1701 N. George Mason Drive**

**This month's meeting will be held on the second Tuesday to avoid election day.** We will debate and adopt the Federation's Legislative Package, our annual request to Arlington's state legislators for action in Richmond and for local and Congressional legislators as well. To give you a chance to consult in your neighborhood before the meeting, the Legislation Committee distributed its draft at the October meeting and we are including it in this newsletter. At our October meeting, we adopted a special rule for this meeting that requires new additions to the report to be presented to Committee Chair Nancy Graham in writing before meeting day or no later than 7:15 pm on meeting night in 75 copies. Our program will start promptly and end as close to 9:30 as possible.

### **Traffic Calming Program Report Ready for December County Board Meeting**

The ad hoc committee appointed by the County Board to prepare a Traffic Calming program for Arlington has completed its work, and a final report will be distributed in early November. The Board will take it up and perhaps adopt the recommendations for a new program at its December 12 meeting. The Federation will discuss it at our December meeting the week before.

The Federation's three active representatives on the committee ensured us a neighborhood voice in shaping the program. For the first time it will provide Public Works with an extensive array of measures to slow speeding cars in your neighborhood and deal with excessive cut-through traffic. The committee is recommending the establishment of a Neighborhood Traffic Calming Committee as a subcommittee of the Transportation Commission, with members from that Commission, the Civic Federation, NCAC and non-affiliated citizens. If you do not receive your copy of the report by November 17th, call Richard Best in Public Works at 228-3689.

## 1999 Legislative Package

### 1. Administration of Government, Generally

#### A. Public Employee Ethics. (1)

Supports legislation requiring that state ethics brochures be provided to public officials and employees, who must certify in writing that they have read it before they assume their state or local government positions. (2) Urges a legislative study on replacing the existing Virginia Senate and House Ethics Advisory Panels with a comprehensive state/local ethics commission.

**B. Requirement of State-Owned Industrial Facilities to Develop Environmental Management Plans.** Supports legislation to develop and implement pollution-prevention plans and to establish a state office to coordinate and provide technical assistance.

**C. Initiative and Referendum.** Requests the Governor of Virginia to appoint a bipartisan study commission to examine how the adoption of initiative and referendum would mesh with Virginia's traditions and weigh the assets and liabilities of I & R.

### 2. Authorities

**Baseball Stadium Authority.** Supports repeal of the Virginia Stadium Authority, Virginia Code section 15.1.227-71.

### 3. Aviation

**National Airport.** Strongly opposes any liberalization of standards at National Airport.<sup>i</sup>

### 4. Conservation (environment)

**A. Strengthen Performance of Department of Environmental Quality.** Requests the Governor to direct the Department of Environmental Quality to implement all outstanding recommendations of the Joint Legislative Audit and Review Commission's (JLARC) 1997 report titled "Review of the Department of Environmental Quality." This report included 56 recommendations to strengthen DEQ's operation and performance and the Commonwealth's ability to protect its atmosphere and waters from pollution or impairment.<sup>ii</sup> Requests the General Assembly to initiate a follow-up review of the State's implementation of JLARC's 1997 recommendations.

**B. Appropriation of Resources.** Encourages the Virginia General Assembly to appropriate the necessary resources to enforce environmental regulations effectively so that health and the environment are protected.<sup>iii</sup>

**C. Importation of Trash.** Strongly urges Governor Gilmore, our congressional delegation, and the General Assembly to pursue all available avenues to prevent additional importation of trash into Virginia until the state task force and the natural resources secretary can complete their investigations and make recommendations.<sup>iv</sup>

## 5. Counties, Cities, and Towns

***Office of Inspector General.*** Supports authorizing the establishment of an Office of Inspector General for the County to audit and review County performance in contracting, construction of facilities, purchasing, and sale of land or other resources to assure appropriateness of expenditures.<sup>v</sup>

## 6. Crimes and Offenses Generally

**A. *Sodomy Laws.*** Supports prohibition of prosecution under the sodomy law except in conjunction with another charge.

**B. *Sexual Orientation.*** Supports the addition of sexual orientation to the coverage of antidiscrimination and Hate Crimes laws.

**C. *Aggressive Panhandling.*** Requests that the Arlington County Board be authorized to adopt an ordinance to make it unlawful for any person to panhandle in an aggressive manner, to panhandle within fifteen feet of an automatic teller machine, or to panhandle from any operator of a motor vehicle while standing in a roadway median or on a travel lane.

## 7. Criminal Procedure

***21-Day Rule.*** Supports modification of the 21-Day Rule (Rule 1.1 of the Virginia supreme court) to permit courts to consider potentially exculpatory evidence which is submitted beyond the 21-day period currently allowed in capital cases.

## 8. Dangerous or Hazardous Substances or Chemicals

***Notification of Use of Lawn Pesticides.*** Supports adoption of a rule requiring commercial lawn-care firms to post signs for 24 hours before and 48 hours after chemical lawn treatment similar to a pre-spray notification already in place for gypsy moth application.

## 9. Education

**A. *State Funding Formula.*** Opposes any efforts to change the formula for state funding that would result in less funding for Arlington Public Schools.

**B. *Public School Opening.*** Supports allowing local school boards to control their public school calendars. Currently in Virginia, by state law, the school year cannot begin before Labor Day. This denies school boards the flexibility that may be needed when establishing the school calendar.<sup>vi</sup>

## 10. Energy Conservation and Resources

***Recycling Goal of 40% by 2000.*** Supports adoption of a state recycling goal of 40% by the year 2000 and comparative progress reports by jurisdictions.

## 11. Housing

Supports restoration of General Assembly funding for the Virginia Housing

Partnership Fund to the level of \$8 million per annum.

## 12. Insurance

**A. Insurance Rates.** Supports a law to prohibit insurance companies from raising rates when the insured motorists in accidents are found to be not "at fault."

**B. Third-Party Notification.** Supports mandatory third-party notification so that incapacitated persons would not lose insurance coverage automatically if they should inadvertently miss a payment.

## 13. Partnerships

**5.D. Limited Partners - Access to Information.** Supports legislation that would permit citizen access to names and addresses of limited partners and their financial investments or other contributions in limited partnerships which conduct business with state or local governments of at least \$10,000 annually.<sup>vii</sup>

## 14. Property and Conveyances

**Retention of Local Zoning Authority.** Supports legislation to prohibit Commonwealth agencies from overriding local jurisdictional use plans and zoning decisions and ordinances.

## 15. State Corporation Commission

**State Corporation Commission.** Supports increasing the SCC's membership from three to five and encourages General

Assembly members to ensure that confirmation of candidates includes full disclosure review of their qualifications and records with regard to consumer issues.<sup>viii</sup>

## 16. Taxation

**A. Consumer Use Tax.** Supports repeal of the Consumer Use Tax.

**B. Economic (Fair-Market) Rent.** Recommends establishment of statewide, economic (fair-market) rent, not contract rent, as the basis for assessments of commercial property.<sup>ix</sup>

**C. Cigarette Tax.** Supports authorizing Arlington County to increase the cigarette tax in a manner similar to that of cities.

**D. Local Income Tax.** Opposes legislation that would allow a local income tax.

## 17. Transportation and Highway Safety

**A. Transportation Funding.** Urges the General Assembly to revise the state transportation funding formula to increase funding for growth areas such as Northern Virginia.

**B. Bicycle Safety.** Supports requiring the Virginia Department of Transportation to establish sufficient right-of-way for bicycles during planning and construction of state roadways and greater accommodation for bicycles on state roadways.

**C. Truck Safety.** Supports strengthening measures to improve safety of truck operations on Virginia highways, demands stronger enforcement of speed limits, urges

tougher requirements for commercial drivers' licenses.

**D. *Mass Transit.*** Supports increased funding for mass transit.

## 18. United States Government

***Professional Sports Facilities.*** Supports reintroduction and passage of Sen. Moynihan's proposed bill ("The Stop tax Exempt Arena Debt Issuance Act") to end Federal tax subsidy for professional sports facilities.

## 19. Waste Disposal

***Illegal Dumping and Littering of Waste.*** Supports legislation to allow raising of fines for illegal dumping and to enforce illegal dumping and littering laws and stricter enforcement of environmental laws.

## 20. Water and Sewer Systems

**A. *Water Quality Measurements.*** Supports the development and standardization of methods for the measurement of contaminants in storm waters and waters that feed the Chesapeake Bay.

**B. *Water Quality Improvement.*** Supports stabilization of the Virginia Water Quality Improvement Fund Act to permit qualifying localities to receive up to 50 percent of the local costs to design, test, and install biological nutrient removal technologies at waste water treatment facilities.

**C. *Nutrient Reduction.*** Encourages the Commonwealth to consider methods in addition to point source control to achieve identified nutrient reduction goals.

## Additional Resolution:

The resolution that follows received majority, but not unanimous, support. The vote was 7 favor, 3 oppose, and 2 abstentions.

## 9. Education

**C. *Dropout prevention.*** Requests passage of a dropout prevention bill. The public and non-public schools should notify the Virginia Department of Motor Vehicles whenever a student under the age of 18 drops out of school or is not making adequate progress. Upon notification, the Division of Motor Vehicles will revoke the student's driver permit or license.<sup>3</sup>

## Footnotes

<sup>i</sup> There are many safety and environmental concerns at National:

- National Airport should be designated a short-range airport, and its current perimeter should remain at 1,250 miles.
- A single master plan should be developed to coordinate efficient development and usage of MWAA airports according to the characteristics of each site, as required by existing legislation
- MWAA should permit no 2-aisle wide-body jet operations
- No loopholes should be allowed in the mandate that no more than 37 operations shall occur during any 60-minute period (the sum of takeoffs and landings; multiple sections of one flight shall not be counted as one operation only).

- MWAA should permit no commercial flight operations between the hours of 10:00 a.m. and 7:00 a.m.
- MWAA should develop immediately a plan for preventing the flow of highly poisonous de-icing solutions from flowing into the Potomac River
- Detailed measurements should be made of all airport-polluting substances that result from all land and air vehicles.
- Congress should ensure that there are no international flights at this airport.

<sup>1</sup> The JLARC Report summary also provided a DEQ report card on the 9 major agency functions reviewed. These functions were rated as satisfactory, satisfactory with improvement needed, and unsatisfactory. Only the air enforcement function, was rated satisfactory. Five of the 9 major functions were rated unsatisfactory. These included: protecting the State's waters from impairment, inspections, water enforcement, environmental planning/analysis, and internal management. Three functions, protecting the State's air quality, permitting, and monitoring, were rated satisfactory with improvement needed.

<sup>1</sup> This includes providing required and necessary state resources and enforcement.

<sup>1</sup> The Washington Post reported on September 19 that New York City has contracted with Waste Management, Inc., a Houston company, to import 2,400 tons of trash per day to its East Coast landfills, including four it operates in Virginia. Virginia is already the second largest importer of trash in the nation, and the additional dumping would increase the amount imported by about 30

percent. Environmentalists are concerned about the impact on fragile areas, while the tourist industry is concerned about possible adverse effects on tourism. The counter argument is that importation of trash brings jobs to low-income areas in central and southern Virginia.

<sup>1</sup> The Inspector General shall operate independently but shall provide periodic reports to the County Board and the courts as may be required.

<sup>1</sup> Allowing school to begin prior to Labor Day should have no fiscal impact in Northern Virginia. Reason given for school not beginning before Labor Day is to allow employers a sufficient pool of summer laborers.

<sup>1</sup> Citizens must present bona fide public interest reason for this information and the partnership or its agent must provide this information within ten business days at a reasonable cost to the requester.

<sup>1</sup> The State Corporation Commission regulates state corporations in the same way that the Securities and Exchange Commission regulates at the Federal level. The SCC has often been perceived as not sufficiently protective of consumer interests. The Federation believes a body as powerful as the SCC should have broader, more diverse representation than its present membership permits.

<sup>1</sup> Although the Virginia Supreme Court has ruled that contract rent may be used, the Federation has opposed its use because it usually lowers commercial assessments shifting more of the real estate tax burden to homeowners.

lowers commercial assessments shifting more of the real estate tax burden to homeowners.

<sup>1</sup> Legislation could be modeled on a "No Pass, No Drive" law enacted in North Carolina. Legislation should include hardship rules for special cases, e.g., students who need a license because of a sick or ailing parent, the need to pursue work that contributes significantly to the family's welfare, or because of a student's extended illness.

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## **Sustainability Roundtable Will Have Environmental Focus**

In September a group of environmentalists led by Arlingtonians for a Clean Environment launched the Arlington Sustainability Roundtable, a forum for discussion and action on a broad-ranging agenda of environmental issues. The sustainability buzzword is linked to efforts to promote rational change in our communities to arrange them better for everyday living, with jobs and shopping close to home to minimize transportation costs, energy-efficient buildings, environmentally friendly parks and yards, recycled everything and alternatives to climbing in a car every time you leave home. The group did some visioning at its October meeting on how to get started on sustainability in Arlington.

Representation on the Roundtable includes the Civic Federation, the County Board's Paul Ferguson, the County Manager, the Arlington Food Co-op, Interfaith Council, Schools, Housing Corporation, Chamber of

Commerce, Public Library, Coalition for the Homeless, Heritage Alliance, Planning Commission, Environment and Energy Conservation Commission, League of Women Voters, Neighborhood Conservation Advisory Committee, architects, attorneys, Fresh Fields, National Rural Electric Cooperative Association, Urban Alternatives, Washington Gas, Friends of George Mason University, Piedmont Environmental Council, Bell Atlantic, Community Sustainability Resource Institute, Institute for Alternative Futures, Virginia Housing and Environment Network, Reading Connection, NAACP, Ethiopian Community Development Council, League of United Latin American Citizens, Sierra Club and WETA.

The Roundtable is sponsoring a program at the Central Library on November 11th featuring a presentation by David Crockett, Chairman of the Chattanooga City Council, on that city's Sustainable Development program. Once called "the dirtiest city in the U.S.," Chattanooga now has clean air, a vibrant economy and strong neighborhoods. The key was a sustainable development program that reclaimed and redeveloped the riverfront, built an aquarium and is redeveloping an old industrial district for environmentally friendly industry. Locally built electric buses now serve the community. Mr. Crockett will explain how a homegrown program harnessed the energies of citizens to accomplish all this.

**December Meeting:  
School Board and  
Traffic Calming**

USA 32

ALWAYS USE ZIP CODE



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