

NORTHERN VIRGINIA REGIONAL COMMISSION

Minutes of the Commission Meeting Held Thursday, April 26, 2007

COMMISSIONERS

(The names of those present are highlighted)

Commissioner Hilda M. Barg
Commissioner Sharon Bulova
Commissioner Gerald E. Connolly, NVRC Vice Chairman
Commissioner W. S. Covington, III
Commissioner Joan Cross
Commissioner Steve DeBenedittis
Commissioner Joan DuBois
Commissioner Barbara A. Favola, NVRC Chairman
Commissioner Penelope A. Gross
Commissioner Catherine Hudgins
Commissioner Robert W. Lazaro, Jr.
Commissioner Harold Lippman
Commissioner Elaine N. McConnell
Commissioner Martin E. Nohe
Commissioner Harry J. Parrish, II, NVRC Treasurer
Commissioner Redella S. Pepper
Commissioner M. Jane Seeman
Commissioner Paul C. Smedberg
Commissioner Linda Smyth
Commissioner Stephen Snow
Commissioner J. Walter Tejada
Commissioner William J. Treuting, Jr.
Commissioner Bruce E. Tulloch
Commissioner Kristen C. Umstatt
Commissioner Fred E. Yohey, Jr.

County of Prince William
County of Fairfax
County of Fairfax
County of Prince William
City of Fairfax
Town of Herndon
County of Fairfax
County of Arlington
County of Fairfax
County of Fairfax
Town of Purcellville
City of Falls Church
County of Fairfax
County of Prince William
City of Manassas
City of Alexandria
Town of Vienna
City of Alexandria
County of Fairfax
County of Loudoun
County of Arlington
City of Manassas Park
County of Loudoun
Town of Leesburg
Town of Dumfries

STAFF PRESENT

G. Mark Gibb
Linda M. Tenney
Linda Summerall
Ken Billingsley
Barbara Gordon
David Schwengel
James Van Zee

Executive Director
Deputy Director
Executive Secretary
Director, Demographics
Communications Director
Regional Emergency Planning Services Director
Director, Regional Planning Services

OTHERS PRESENT

Tom Biesiadny
Bruce Bennett
Sue Rowland

Chairman, Interim Technical Committee, No. Va. Transportation Authority
Hunter Mill Road Traffic Calming Committee
SR Consulting, Inc.

CALL TO ORDER Chairman Favola called the meeting to order at 7:34 p.m.

PLEDGE OF ALLEGIANCE The Pledge of Allegiance was recited by all present.

ROLL CALL The roll was called and all members present or absent were noted for the record.

APPROVAL OF MINUTES Commissioner Parrish moved approval of the minutes of the March 22 meeting. The motion was seconded and carried, with Commissioners Umstatt, Lippman, Cross, Tulloch and Seeman abstaining.

HB 3202 As It Pertains To Transportation In Northern Virginia

Chairman Favola observed that while several Commission members sit on the boards of various transportation organizations, as many do not; therefore, an overview on the legislation empowering the Northern Virginia Transportation Authority (NVTA) should be beneficial. Mr. Gibb added that his observation over the past few weeks has been that there is a fair amount of misinformation circulating about the transportation legislation.

While waiting for Commissioner Nohe to arrive, Mr. Gibb introduced Tom Biesiadny, Chief of Coordination for the Funding Division of Fairfax County's Department of Transportation. Mr. Biesiadny also serves as the Chairman of the Interim Technical Committee of NVTA.

Tom Biesiadny

Mr. Biesiadny reviewed the funding packages contained in HB 3202. He pointed out that the amount of the one-time General Fund dollars is \$500 million, and that is contained in the Budget Bill (HB 1650), not the transportation bill. Of that amount, \$329 million is carry-over from last fiscal year. Two projects — HOT lanes on the Beltway and the widening of Route 50 in eastern Loudoun/western Fairfax — are funded from this stream.

Martin E. Nohe

Commissioner Nohe stated HB 3202 represents a compromise. The final version has the potential to be extremely beneficial to local governments in Northern Virginia. It encourages regionalism and will foster cooperation. Mr. Nohe said he especially likes the compromise on the business tax: The localities now have the option to impose a commercial real estate assessment up to 25¢ per \$100 valuation, excluding multi-family property.

Commissioner Nohe commented that the localities' staff from transportation and finance departments as well as the legislative liaisons have spent an inordinate amount of time trying to help the legislators understand HB 3202. He added that NVTA members as well as local elected officials need to set realistic expectations for the public.

Approval of NVTA actions requires three conditions be met:

- 1) two-thirds of the voting members present (i.e., 10 of 14 if all voting members are present); and
- 2) two-thirds of the local government members present (i.e., 6 of 9, if all jurisdictions are represented); and
- 3) the local government members voting in favor must represent two-thirds of the population of jurisdictions embraced by NVTA as of 2005.

The Authority can choose to implement all, some or none of the following fees:

- Local Car Tax: Additional 2%. (*Averages \$9 million/year after FY08.*)
- Grantor's Tax: \$.40/\$100 valuation. (*Averages \$171 million/year after FY08.*)
- Increase in Transient Occupancy Tax: Additional 2%. (*Averages \$25.3 million/year after FY08.*)
- Local Sales & Use Tax on Auto Repairs: 5% on labor on auto repairs. (*Averages \$33.2 million/year after FY08.*)
- Initial Vehicle Registration Fee: 1% of value. (*Averages \$64.6 million/year after FY08.*)
- Safety Inspection Fee: \$10 increase. (*Averages \$16.2 million/year after FY08.*)
- Regional Registration Fee: Additional \$10. (*Averages \$17 million/year after FY08.*)

An affirmative vote of NVTA is required to impose the above fees. There must be a 60-day public comment period before implementation. Replying to Commissioner Barg's inquiry as to how many public hearings and where they would be held, Commissioner Nohe and Mr. Biesiadny said this is still under discussion. Commissioner Nohe added that the jurisdictions could look at providing public comment opportunities at their regular board/council meetings.

Local jurisdictions may impose the following fees:

Commercial Real Estate Assessment Fee: Local option up to \$.25/\$100 valuation, excluding multi-family property, effective 1/1/08. (*Estimate is \$83.4 million/year after FY08, if imposed by all localities at \$.10/\$100 valuation.*)
Local Registration Fee: \$10 increase. (*Averages \$17 million/year after FY08.*)
Commercial/Residential Impact Fee: Specifics to be determined by individual locality.

It was confirmed for members that redevelopment is included under the Urban Development Areas.

Towns have the option of adopting their own impact fees. Commissioner Yohey raised the point that towns are not represented on NVTA, adding that the Town of Dumfries maintains its secondary roads.

Commissioner Lazaro requested a briefing document on the impact fees if it exists. Commissioner Nohe explained that a committee must be established but it will be advisory; it will include members of the development sector. Commissioner Tulloch pointed out the building industry is organizing against impact fees. Mr. Biesiadny confirmed that the jurisdictions may implement impact fees and proffers.

Commissioner Seeman asked about the planning advisory committee that includes towns. Commissioner Nohe confirmed the original enabling legislation had this, and NVTA needs to decide the role of the committee. [Commissioner Hudgins joined the meeting in progress.] Mr. Biesiadny added that there are a number of questions for each committee to tackle, and noted NVTA has a public comment period at its May 10 meeting.

Commissioner Lazaro raised the issue of weighted voting, wondering if it had received a ruling from the state's attorney general. He stated that weighted voting has been ruled illegal in jurisdictions in other states. Mr. Biesiadny said the attorney general has not yet made a formal ruling.

Replying to Commissioner Lippman's inquiry on NVRC's role, Mr. Biesiadny said NVRC staff will participate on the Organizational Committee and the Public Outreach Committee.

The members gave Mr. Biesiadny a round of applause. He pointed out that numerous staff from the jurisdictions have participated on NVTA's work over the past five years.

CONSENT AGENDA Commissioner Parrish moved approval of the Consent Agenda, consisting of the financial reports for March 2007. The motion was seconded and carried unanimously.

**EXECUTIVE
DIRECTOR'S
REPORT**

Mr. Gibb distributed a copy of his report. Highlights include:

- Four Mile Run: The Memorandum of Agreement among Arlington, Alexandria and NVRC for the Restoration Project has been signed. The project is funded by \$1.5 million in EPA grants.
- Rain Garden Seminar: NVRC co-hosted the second seminar with Arlington County, the Northern Virginia Soil and Water Conservation District, and the Community Appearance Alliance.
- Low Impact Development: The final report is expected in late June. The design drawings for the twelve practices are near completion and the proposal is under development for the comparative analysis of sizing methodology.
- International Partnerships: Twenty-three local elected officials from Latvia spent two days visiting NVRC, Leesburg, Herndon and Fairfax County learning about local governments, tourism and economic development. Additionally, Doug Pickford, NVRC's Director of Environmental and Heritage Resources, participated in "Transatlantic Cooperation on

Climate and Energy Issues” in Berlin and Dusseldorf, sponsored by the German government.

- Bicycle/Pedestrian Safety Guide: NVRC is working with Bike Walk Virginia and the jurisdictions’ transportation planners for a new statewide guide funded by a VDOT grant.
- NVRC in History: In 1954, NVRC (then the Northern Virginia Regional Planning & Economic Development Commission) passed a resolution supporting a UVA satellite campus in Northern Virginia. Twelve years later that satellite campus became George Mason College (now University).
- Mr. Gibb thanked Ms. Summerall, the Commission’s Executive Secretary, for acting in the same role for NVTA. The Commissioners gave her a round of applause.

CHAIRMAN’S REPORT

Chairman Favola recalled for the members a previous discussion on forming an energy committee, which will be task-oriented and time-limited. She named Commissioner Lazaro as chairman of this *ad hoc* committee and asked for volunteers.

NOMINATING COMMITTEE

Chairman Favola appointed Commissioner Umstattd to chair this year’s Nominating Committee. Commissioner Tulloch moved same, and the motion was seconded and carried unanimously. Chairman Favola appointed Commissioners Barg and Smedberg to serve.

COMMITTEE REPORTS

Communications

Commissioner Smedberg reported that the committee met immediately prior to the Commission meeting and discussed its FY08 work plan, which the members are refining. Discussion also included strategic initiatives, further branding, and outreach to the minority media.

Operations

Commissioner Parrish reported the committee is working with staff on financial reports. Staff issued an RFP for an auditor and received three proposals. The employee compensation specialist will make a presentation to the committee on the proposed employee compensation plan, and staff is working with all involved to find a mutually convenient meeting time.

OTHER BUSINESS

- Chairman Favola reported that Commissioner Tejada and Mr. Gibb have been working on minority immigration issues. Staff from the American Immigration Lawyers Association will make a presentation to the Commission next month.
- Commissioner Pepper reported that November 29, November 30 and December 7 are all possible dates for the Commission’s 60th anniversary celebration. Staff is working with the Governor’s office on his attendance.
- Commissioner Lippman raised the issue of gun control, reporting that the Falls Church City Council noted a sense of agreement about stronger gun control laws as a result of the tragedy at Virginia Tech. He asked if the Commission should update the positions it has taken over the years on gun control. Commissioner Gross reported that what she has been hearing from her constituents is concern about mental health issues and violence overall — on the radio and television, and it goes beyond the need for gun control. The Virginia Tech incident is causing people to think about violence and the lack of appropriate services in mental health.

Commissioner Tulloch reported that the Governor and state have put together a task force to look at this issue, and the Governor has said there will be reform. He added that the Loudoun County Board believes this issue must be addressed at the state level, not jurisdiction by jurisdiction. Commissioner Barg concurred, noting that the incident at Virginia Tech has sparked national attention on violence and mental health.

Commissioner Hudgins noted that the Supreme Court of Virginia's Commission on Mental Health Law Reform, on which she sits, will make recommendations in November. She thinks it is valuable to look collectively as local elected officials at what can be said about the mental health process, services delivered locally, and various agencies that deliver those services. The problem is broader than violence by itself, guns separately, and mental health by itself. She sees mental health as both a state and local issue, with local service delivery completely different throughout the state.

Commissioner Gross reported she chairs a meeting in her district called kaleidoscope, which examines diversity. Dr. Jeffrey Pollard, director of the counseling center at GMU, and Dr. Jim Kelly, program manager at Woodburn Mental Health, participated in the dialog at the most recent kaleidoscope meeting to discuss the events at Virginia Tech. She suggested the Commission hear from mental health counseling staff. Commissioner Treuting concurred with the comments made and reminded the members of the briefing they received in December from the directors of the localities' Community Services Boards on the alarming trend of decreased funding for mental health services. Commissioner Tejada raised the point that mental health services for minorities are needed, and it is important to let minority communities know about the services, to have multi-lingual counselors, and that there is no stigma in using mental health services.

Commissioner Hudgins pointed out that jurisdictions are struggling with how and where to deliver mental health services, noting that 40-50% of people in jail are receiving mental health service, having been identified after committing a crime that probably would not have happened had they received mental health services earlier.

Commissioner Gross commented on the tone and attitude of public and private discourse, noting the increasing lack of civility at public meetings. Public leaders must encourage respectful discourse.

The members agreed on the need for a presentation or forum on this issue. Chairman Favola said she will work with Commissioners Hudgins, Cross, Lippman and Gross on same.

- Commissioner Lazaro called attention to the fact that the U.S. Secretary of Energy has named the mid-Atlantic region a "national interest corridor" in terms of the network of high-voltage power lines, meaning that if state officials deny or delay power line projects, utilities can appeal to the Federal Energy Regulatory Commission, which can overrule the state and force the projects through. DOE will finalize the corridors after two months of public hearings and discussion. Commissioner Lazaro urged the members to send their comments to DOE.

ADJOURNMENT There being no further business, Chairman Favola adjourned the meeting at 9:35 p.m.

Respectfully submitted:

G. Mark Gibb
Executive Director

Approved by:

Barbara A. Favola
Chairman