

Leeway Overlee (LO) Civic Association (CA)
Minutes of General Membership Meeting
Monday, October 15, 2018 – 6:45pm,
Westover Library Meeting Room #3, 1644 N McKinley Rd.

1. Jack Grimaldi as the new Leeway Overlee CA President welcomed residents and noted the need to elect a Vice President, since the CA Nominating Committee had not identified a candidate in time for the June meeting. In the interim, Stu Nagurka, who was term-limited under the CA By-laws, had continued to serve as VP.

2. Before reviewing the agenda, Mr. Grimaldi noted the arrival of the evening's Guest Speaker, Delegate Patrick Hope, and in the interest of benefitting from his limited time, introduced him (he has represented Virginia's 47th District, central Arlington, since 2009) and yielded him the floor.

Guest Speaker: Delegate Patrick Hope

3. Delegate Hope noted that he is in the middle of his 5th term and serves on Courts of Justice, Health & Welfare, and General Laws committeesⁱ in the House of Delegates. The regular Assembly sessions in Richmond are the shortest sessions among state legislatures in the US, 45 days or roughly 8 weeks, based on the agrarian system that dominated the U.S. at the time Virginia's Assembly was established. Delegate Hope said he wished to address three main issues: redistricting; Medicaid expansion; and constitutional amendments in the 2018 election. Delegates are elected on every odd numbered year.

4. Constitutional amendments: Regarding 2018 voting, Delegate Hope noted voters will be asked to vote on two Virginia constitutional amendments. These amendments are needed because Virginia is a "Dillon rule" state, meaning that localities can't do anything unless the state expressly authorizes it. The first amendment is to allow localities to grant property tax exemption in an area that floods if the home owner is taking action that helps prevent flooding. The amendment doesn't require, but does allow, localities to offer exemptions. Delegate Hope encouraged residents to vote for it.

5. The second amendment applies to spouses of certain veterans. Currently, for a veteran who became disabled as a result of US military service, then died, the surviving spouse can get the same property tax exemption that the veteran was entitled to. This amendment allows a spouse to move and to still have tax exemption. Again, it is not a requirement, but allows localities flexibility to offer surviving spouses a continuing exemption. The procedure for Virginia to adopt constitutional amendments is that the General Assembly has to pass the bill in one session, then have an election, then pass it again, then be approved by a majority of voters in a referendum. For Arlington, if the amendments are adopted, the County Board would have to provide a notice and comment period before voting on such exemptions.

6. Re-districting Reform: Delegate Hope turned next to a second topic, re-districting. He stated that Virginia should have non-partisan re-districting. As an example, he noted that he has observed re-districting in practice, since he now ranks 29 of 100 in seniority among Delegates. In 2011, the majority party drew the districts politically, packing one party's voters into one district. The result was that the Republicans gained super-majorities in the House, 68 to 32, then 66 to 34 before the last election, even while vote totals statewide were nearly even. Worse, because of partisan splitting of jurisdictions, in 2017, several hundred people were given the wrong ballot and not given the chance to elect their delegate. The software used to draw district maps is so precise that a legislator can see the ratio of Democrats and Republicans.

7. The US Supreme Court has already decided that racially motivated re-districting is unconstitutional, and has agreed to review a case based on partisan re-districting.ⁱⁱ Virginia Republicans offered African American Delegates to have their 11 districts drawn as they wanted, but it resulted in them being more packed. The Virginia General Assembly is under a court order to "unpack" these districts. Race cannot be a primary factor in drawing a district. The Court required Virginia to act before end of October; each party put in a bill, but neither passed. So the Court has hired a "special master" appointed to re-draw the districts. Having the court oversee the process is probably the best way to achieve fair re-districting for now. Delegate Hope said he supports OneVa2021, a coalition that has done an excellent job in seeking a constitutional amendmentⁱⁱⁱ that would put re-districting under the control of an independent commission. OneVa2021 is collecting petition signatures for this. "Redistricting is everything" Delegate Hope noted. The evidence was that even while all 5 statewide offices are now Democratic, gerrymandered districting has kept the legislature Republican-controlled.

8. Medicaid Expansion: Delegate Hope said that the Assembly's last session was its best ever in his time there. He had run in 2009 to expand medical insurance coverage to low income and disabled people. Medicaid is needed since we have a coverage gap. It's for people who are really struggling; often these people go to the doctor when it is too late. The reform will expand Medicaid eligibility from persons with incomes at 80% of the poverty line to 130%. As part of our medical crisis, Delegate Hope noted, over 115 people are dying per day from opioid addiction in the US. Heroin and fentanyl are producing even more potent combinations than before. Addicts are still not getting treatment that they need, but Medicaid expansion provides access to treatment for mental illnesses.

9. Medicaid expansion goes into effect in Virginia January 1; November 1 is the opening of eligibility, Delegate Hope explained. Now we need to train caseworkers, and staff at A-SPAN and AFAC, so people can enroll. We also need also a legislative fix—to budget \$40-

\$50 million to increase payments to doctors so they will take Medicaid patients. Currently Medicaid pays about 63% of regular rates, draft legislation would increase it to about 80%.

10. Q&A: Delegate Hope then took questions. Asked about the cost of Medicaid funding, Delegate Hope explained that we all pay for medical care, since the uninsured are treated via emergency room visits, which is less efficient. It will be better to manage care-- an ounce of prevention is worth a pound of cure—and all insurance is a sharing of costs. Another resident asked Delegate Hope about non-cooperation with federal immigration officials. Delegate Hope noted that when people are brought in to jail, Arlington's Sheriff does report names to Immigration and Customs Enforcement (ICE). ICE says hold them, but Sheriff Arthur only holds them for the reasons they have been brought to jail, or if there's a court order. Delegate Hope, noting his time had run out, encouraged residents to attend the town hall he would hold at the Dept. of Human Services on Oct. 26.^{iv}

Leeway Overlee Reports, Neighborhood Conservation, VP Election

11. Following Delegate Hope's departure, Mr. Grimaldi proceeded with the remaining agenda. Leeway Overlee Secretary Ladd Connell summarized the Minutes of the June 11 meeting, when the main topic was the residence established in the neighborhood by Encore Recovery Solutions. Treasurer Jenni Michener reported on Leeway Overlee's finances: since the last meeting, it had \$375 in newsletter advertising receipts, plus dues. As for expenses, it cost about \$1000 to put out our newsletter, leaving \$1179 current balance.

12. Ms. Michener also reported as LO Alternate representative (in the absence of Rob Swennes) to the Neighborhood Conservation (NC) Advisory Committee. She said that the County Manager has proposed an NC county bond amount of \$5 million, down from \$12 million previously. Leeway Overlee has \$260,000 project that is currently #21 on the County's list. One explanation of the cut is that the NC Program has existed for 50 years without any review. Mr. Grimaldi explained that the funding comes from General Obligation bonds.

13. Housekeeping/VP Election: Mr. Grimaldi noted that the Executive Committee had authorized a dues increase from \$5 to \$10 /adult or \$10 to \$20/household. Among the needs to address is the cost of upgrading Leeway Overlee's website. Greg Rusk, former LOCA President, is working on the website upgrade, and will report on it in January. Mr. Grimaldi also reported that since the General Membership meeting in June, LOCA had two Executive Committee meeting. We now post notices of these meetings since they are open. Among the issues that was resolved was the need for a volunteer to serve as Vice President, and had welcomed Vanessa Guest, already known to residents as LOCA liaison for the Reed

School re-development, Mr. Grimaldi noted. Ms. Guest was duly nominated and elected by unanimous voice vote.

Updates

14. Reed School: Ms. Guest reported that the Building Level Planning Committee (BLPC) had met recently. The County Board will consider a use permit for whole Reed site in November. A community meeting will be held next August, and a two-year construction period will follow. Construction trailers will be on the park site -- only Westover Library and the corner of the park where the old library used to be will remain open—with the school to be completed and open for fall 2021. The Westover Farmers' Market will be able to continue in its current location, Ms. Guest noted.

15. Lee Highway Alliance: Tom Wolfe, who serves as LOCA liaison to LHA and as LHA member, reported that the most recent LHA meeting was on September 27. He noted that a parcel on old Lee Highway will become senior living facility. LHA is working on a public spaces master plan and housing conservation district plan. It expects a contract to be awarded for a two-year planning study^v that will include input from a community forum of 40-50 members to be appointed by the County manager. The County is accepting applications for at-large members. For those interested, the LHA office is at 4620 Lee Highway. Mr. Wolfe also advised that LHA is organizing a "festival of lights" December 1st with activities at Lee Community Center and Lee-Harrison parking.

16. N. 23rd Street Re-development: Resident Eric Forman reported that two houses on contiguous lots on the north side of the street were listed by the same realtor for sale. A developer paid \$1.5M for the second one to enable the two lots together, now 1.1 acres (about 48,000 sq. ft.), to be sub-divided. The developer has not yet filed a formal sub-division plan, per the sub-division manager. Apparently the plan is to turn the two lots currently with single family homes into a cul-de-sac with 5 houses. The County says that immediate property owners will be notified when the sub-division plan is filed. Kraftmark Homes (McLean)/Beacon Crest Homes (Md.) is listed as the owner-- both properties are owned by LLCs. Another house nearby on Powhatan St. is owned by woman in her 90s, but she is not planning to move or sell. The minimum lot size is 6,000 sq. ft. (the zoning is R6) -- developers can ask for greater density, but most likely they will be able to sub-divide this by right, Mr. Forman advised. A resident who lives diagonally across the street observed that he was looking for any & all arguments to oppose the sub-division. He said that in his view, 1- it was a blight on neighborhood; 2- it was environmentally unfriendly, as trees would be cut down; and 3- it would likely cause the County to raise neighbors' assessments. Mr. Grimaldi encouraged him and others to talk with neighbors about solutions.

17. Little Ambassador’s Academy (LAA) and 7-Eleven: Turning to the intersection of Lee Highway and Lexington St., Mr. Grimaldi noted that LAA was slated to open in January, while the new 7-11 is getting closer to completion. Resident Doug Watson is keeping an eye on it; the *Leeway Overlee Leader* has further information.

18. County budget, zoning, lot coverage: Mr. Grimaldi announced that Arlington County was holding a virtual town hall on the County 2020 budget, Wed. evening at 7pm; one needs to register to participate. He reminded residents, as Delegate Hope had mentioned, of the election coming on Nov. 6. A resident asked whether the County or CA had any long-term strategy for neighborhood zoning? Mr. Forman replied that zoning is unlikely to change; we had a lost opportunity, when the County re-did [lot coverage](#) regulations, intended to ensure some open space, but developers had helped to craft the lot coverage plan so we’re now getting bigger, taller houses.^{vi} Ms. Michener added that Leeway Overlee’s [Neighborhood Conservation Plan](#) (April 2010) did say that the community wanted to preserve its character [“of single-family, owner-occupied homes on well-tended lots”].

19. There being no further business, Mr. Grimaldi encouraged residents to attend the next CA meeting in January, and the meeting was adjourned at 8:25 p.m.

Submitted by:

Ladd Connell, Secretary

ⁱ Delegate Hope’s committee [assignments](#) are:

1. Health Welfare and Institutions

The Health Welfare and Institutions Committee (also known as HWI) considers matters concerning persons with disabilities, other than learning disabilities; public buildings; public health; mental health; intellectual and developmental disability; and health professions. In addition their jurisdiction includes matters relating to correctional and penal institutions; drugs; social services and welfare; and the regulation of health professionals and associated occupations.

2. Courts of Justice Committee

The Courts of Justice Committee considers matters relating to the Courts of the Commonwealth including the nominations of judges and justices where provided by the Constitution and statutes of Virginia; and all matters concerning the criminal laws of the Commonwealth. The committee’s jurisdiction also includes matters concerning contracts; juvenile and domestic relations; eminent domain; fiduciaries; garnishments; magistrates, mechanics’ and other liens; notaries public and out-of-state Commissioners; property and conveyances; as well as wills and estates.

3. General Laws

The General Laws Committee considers matters concerning alcoholic beverage sales and licensure requirements; concerning members of the judiciary or the legal profession; consumer affairs; fire protection; Freedom of Information Act; Public-Private Partnership Act; housing, to include the Landlord-Tenant Act, Condo Association Act, and Property Owners Associations; inter- or intra-

government relations, including inter- and intra- state compacts and agreements; libraries; gambling, to include lotteries, casino, and pari-mutuel wagering; professions and occupations, except the health and legal professions; organization of state governmental bodies (agencies, boards, departments, etc.); veterans' affairs; and matters no specifically referable to other committees.

Full committee lists are available [here](#).

ii The United States Supreme Court has developed an extensive and complex jurisprudence on redistricting. See [Redistricting and the Supreme Court: The Most Significant Cases](#), 7/19/18.

iii See: <https://www.onevirginia2021.org/about/timeline-pass-constitutional-amendment/>.

iv See <https://www.arlnow.com/2018/10/22/del-hope-to-host-medicaid-expansion-town-hall/>.

v The County announced the [Charge](#) for the Lee Highway Planning Study and civic engagement process on September 25th, 2018. The Lee Highway Planning Study will be a multi-year process. The planning process will refine, validate and build upon the community's vision and the guiding principles and goals as expressed in the 2016 Lee Highway Visioning Study report. The overall purpose of the Planning Study is to develop a comprehensive vision and policy framework, for the future of the Lee Highway Planning Study Area, through the County Board adoption of a County Plan.

vi NB: This was the view expressed by Mr. Forman; however, adjustments to the zoning ordinance regarding residential real estate development of 15 or 20 years ago reduced significantly the amount of impermeable coverage that could be created when a home lot was redeveloped. The historic coverage maximum allowance was 56% of the lot's size for at least several decades. That applied across all single-family residential districts in Arlington. That was not a big issue for many years, since no developer attempted to construct a home with that amount of coverage. Then as lots became more valuable, they started to do so. The results achieved when the coverage allowance is that high is a dramatic departure from the historic construction norms in Arlington and disrupted the appearance and value of nearby homes. Most early subdivision houses were built with coverage in the 15 - 30% range.

The total coverage allowance was reduced in all single-family residential zoning districts to a percentage significantly less than 56%. In R-6 districts (which encompass most of Leeway Overlee CA), the coverage allowance was reduced from 56% to ~ 32%. In R-8, -10, and -20 districts, the new coverage allowance was even lower. The zoning change proposal was worked through the then-Zoning Ordinance Review Committee (ZORC) with 20 or more monthly meetings. When the proposal reached the County Board, there was substantial objection raised by some developers. But in the end, the Board adopted the vast majority of the change recommendations submitted by local residents, despite the opponents' efforts. Single-family residential building height was capped at 35 ft. for many years before this zoning review.