

# **Regular Council Meeting**

**January 9, 2012**

The Town Council met in regular session on Monday, January 9, 2012, in the Council Room of the Charles A. Robinson Jr. Town Hall at 127 Center Street, South in Vienna, Virginia. Mayor M. Jane Seeman called the meeting to order at 8:00 p.m. with the following members of Council present: Laurie Genevro Cole, Laurie A. DiRocco, Edythe Frankel Kelleher, Michael J. Polychrones, Carey J. Sienicki and Howard J. Springsteen. Also present were Mercury T. Payton, Town Manager, Steven D. Briglia, Town Attorney and Melanie J. Clark, Town Clerk.

Reverend Craig Burns, Vienna Assembly of God, opened the meeting with an invocation. The meeting continued with the recitation of the Pledge of Allegiance to the Flag of the United States of America.

## **APPROVAL OF THE MINUTES**

**It was moved for the approval of the minutes of the Regular Council meeting and two Public Hearings of December 5, 2011, the Regular meeting of December 19, 2011 and the Work Session of December 12, 2011 with one minor change to the minutes of December 19, 2011.**

Motion: Councilmember Polychrones  
Second: Councilmember Cole  
Carried Unanimously- Poll Vote

## **RECEIPT OF PETITIONS AND COMMUNICATIONS FROM THE PUBLIC**

A few local Boy Scouts from Troop 976 introduced themselves to Council. They are working on the Citizenship in the Community Badge and the Communication Badge.

Reverend Burns of the Vienna Assembly of God reported that the Church was doing well and that they were planning on doing some outreaches this year. He thanks Council for their support and kindness during some tougher seasons of life.

## **REPORT AND INQUIRIES OF COUNCIL MEMBERS**

Councilmember DiRocco wished everyone a Happy New Year and with a new year it is time to think about new goals for 2012 and she believes 2012 should be the year that the Council and staff commit to Maple Avenue Vision. She thinks they are taking a good next step by reworking the RFP and hiring a consultant to help

formulate the vision. She knows it is easy to get sidetracked with other pressing Town issues but she thinks if they commit to moving forward they will have a good portion of the vision completed by the end of the year. She feels that the Maple Avenue Vision project is very important to the Town and would like it to be kept as a priority in 2012.

Councilmember DiRocco inquired about the three concerns that they had with the subdivision on Glyndon St. SE and wants to make sure that they are addressed. The first was the lot shape factor and she would like to see that modified to avoid that Oklahoma pan handle shape. Secondly, she thinks the garage and carport legislation from 2009 needs to be modified to avoid those unintended consequences of living space five feet closer to the property line. Thirdly, the clarification of what constitutes other architectural features so they don't extend into the set back line. She would like to see those go to the Planning Commission so they can make recommendations to Council to make those modifications. Mr. Hembree stated the legislation for the architectural projections has been given to the Town Attorney to make sure it passes legal muster. What he will end up with is a zoning map of the town with all the lots that they have picked out to do the lot shape factor to get an idea of what might be the break line between something that could be done by right and what would require a waiver through the subdivision process. He will be talking to the Planning Commission regarding the garage legislation as well.

Mari Radford from FEMA Region III presented the Community Rating System Plaque to the Town of Vienna recognizing them for going from a Level 9 to a Level 8. Vienna is one of only 20 Virginia communities that participate in the CRS. The class 8 rating qualifies each National Flood Insurance Program policy holder for an average of a \$42 savings on their policy. The overall CRS accomplishments for Vienna resulted in a total annual savings of just over \$5,000. Ms. Radford formally recognized the Town of Vienna for its leadership, hard work and accomplishments on behalf of the Federal Insurance Administration and the National Flood Insurance Program.

Councilmember Cole asked if there was an update regarding the offsite improvements to which the builder of the Park Street SE development had committed. Ms. Salgado reported that she has met with Mr. Rice and he did proceed to install the landscaping and indicated that he will start his improvements at the Community Center sometime this winter if the weather remains good. He did not have a definitive date when that would be but he would let the Town know when it will be. Councilmember Cole asked what we have as an incentive for this to be resolved soon. Mr. Hembree stated that they would not issue a certificate of occupancy on the fifth until all improvements have been done. He also stated that he and the Town Attorney met with Mr. Rice regarding the aluminum style bridge that he is going to have to install and informed him that it will have to go in front of the Board of Architectural Review for approval. Mr. Hembree stated the Mr.

Rice has every intention of completing all the improvements. Mr. Briglia stated that he also spoke with Mr. Rice regarding the storm water management and Mr. Rice is aware that he still has the full bond of the subdivision still pending.

Councilmember Cole would like a reminder put in the newsletter regarding the safe disposal of fireplace ashes.

Councilmember Cole reported that she attended the Northern Virginia Conservation Trust annual awards breakfast where they recognized the Oakton Trolley station that was put in trust last year. It was the electric trolley line that off of Blake Lane in Oakton. The property is privately owned and the owner had put it in the trust to keep it protected. She took the opportunity to speak with the President of the group to let him know what Vienna is doing to preserve open space, including rezoning our 26 acre parcel in Northside Park and designating it as a wildlife sanctuary.

Councilmember Cole also reported that she and the Mayor spoke to the Fairfax County delegation to the General Assembly regarding the need for legislation to clarify the impropriety of Fairfax County's action attempting to regulate water service that it does not provide. Clearly there is a need for communication and public education on the issue. Some County residents have been led to believe that this is a consumer protection issue and they are going to immediately be given lower water rates as a result of it which is just not the case and it is raising false hopes.

Councilmember Springsteen reported that on April 28, 2012 the Vienna Fire Department will be doing a Taste of Vienna in the back parking lot. They have already acquired a number of key restaurants to join them.

Councilmember Springsteen asked that an item be added to the agenda to make an appointment to the Transportation Safety Commission to fill a vacancy.

Councilmember Kelleher asked what happened to the Christmas tree collection that was scheduled because they were not collected. Mr. Johnson stated that they had to reschedule the pickup.

Councilmember Kelleher reminded everyone that the American Legion Auxiliary will be hosting the Town Hall meeting on January 21, 2012 from 9:00 a.m. – 11:00 a.m. at the American Legion Hall, 330 North Center St. being presented by Senator Chap Petersen and Delegate Mark Keam. It is free and open to the public, refreshments will be served.

Councilmember Polychrones thanked the Planning and Public Works staff for resolving the issue over 1202 Cottage St. and getting the new owner to secure the property.

#### **REPORT OF THE TOWN MANAGER**

Mr. Payton reported that a resident on Adelman Circle wanted to give a thank you to Public Works for picking up the recyclables that were initially not picked up but the team in Public Works went by and made the pickup, she was very thankful for that.

Mr. Payton reported that the Police Department received communication from the Fairfax County Police Department, Crime investigations bureau. There was a high sensitive matter which one of the Town's detectives gave tremendous support and concerted efforts to resolve this case which had insufficient evidence; however, our team assisted and provided some information that helped to solve it. Without this information provided by our department this case may not have been successfully handled so the family and Fairfax County are very grateful.

Mr. Payton also reported that the Parks & Recreation Department has received a monetary contribution from a McLean resident. This individual thanked the Town of Vienna for running such a nice Community Center; she is a frequent visitor to the center and frequent runner on the W&OD trail. She stated that the staff is always friendly and the center is always clean and well maintained.

Mr. Payton congratulated and thanked Nancy McMahon for her leadership last year with the budget process. For the eighteenth consecutive year the Town of Vienna has received the distinguished budget presentation award from the Government Finance Officer Association of the United States and Canada for fiscal year 2011-2012.

#### **REPORT OF THE MAYOR**

Mayor Seeman reported that she received notification from the Northern Virginia Transportation Authority that Vienna has received some funds for traffic signal synchronization and reconstruction. She has sent a letter to the Mayor of Purcellville who is now representing the Towns asking him to support this for us.

Mayor Seeman also reported that at the Tysons Partnership meeting one of the items that had been discussed was the funding for transportation improvements in Tysons. She learned that in the Governor Transportation Plan, he is authorizing the Commonwealth Transportation Board to implement a version of tax increment financing so that when the state funds a major new piece of transportation infrastructure Transportation will receive a portion of the growth in state tax revenues that result from that economic development surrounding the project, the revenues would then be re-invested in additional projects. This means that the State is finally stepping forward and recognizing that they need to put some money into the Transportation funding at Tysons.

Mayor Seeman would like Public Works to look into replacing the lights on Maple Avenue that are out and also the possibility of replacing the lights with a better light that shines down on the sidewalk to protect pedestrians.

Mayor Seeman announced that on Martin Luther King Day the Town Hall will be closed and there will be a service at the Baptist Church on Orchard and Nutley Street from 10:00 a.m. until 12:00 p.m.

Mayor Seeman reported that on Saturday morning all the Northern Virginia Legislators were at the Government Center hearing from people about their particular desires from the State Legislators. Senator Petersen has introduced a bill stating that jurisdictions should have the right to set their own water rates. It is not about raising or lowering water rates; it's about the Town of Vienna and other towns and cities having the right to set their own water rate. Her suggestion is that we write up a statement that we can send to all these Legislators so they will have a clear idea of what we are trying to do and at the same time we can send one out to our website, put it in our newsletter and send it to all the civic associations and neighborhood associations in Town so that people will understand that there are two separate issues here and we are just trying to protect our right to set our own water rates.

Mayor Seeman also reported that they have received a lot of emails from the residents on Ninovan Rd regarding the flooding in that area and asked if that is on the list of projects to be done. Mr. Johnson stated that one of our projects is for Ninovan Rd and Talahi Rd.

Councilmember Sienicki and Mayor Seeman announced Vienna At Your Service will be held on January 10, 2012; Mr. Johnson will be there to answer any questions regarding the new trash service that Council is proposing. They would like to hear any concerns that residents have so Council can address those concerns. They will also be discussing the Green Home Initiatives.

#### **PROPOSALS TO ADD ADDITIONAL ITEMS TO THE AGENDA**

It was moved to appoint Linda Colbert to the Transportation Safety Commission

Motion: Councilmember Springsteen  
Carried Unanimously- No Poll vote

#### **CLOSED SESSION**

**It was moved that the members of the Vienna Town Council be polled to affirm that during the Closed Session convened this date, January 9, 2012, the**

**Town Council met for purposes of discussion of potential acquisition of real property for a public purpose, because discussion in an open meeting could adversely affect its bargaining position.**

**It was further moved that the Certification Resolution be adopted in accordance with State Statutes and that the Town Clerk is authorized to execute the Certification Resolution.**

**It was further moved that the Closed Session be continued January 23, 2012 at 7:15 p.m. in accordance with Virginia Code Section 2.2-3711.A(1) for purposes of discussion of personnel matters, specifically the regular performance review of the Town Clerk.**

Motion: Councilmember Kelleher  
Second: Councilmember DiRocco  
Carried Unanimously- Poll vote

Voting Aye: Cole, DiRocco, Kelleher, Polychrones, Sienicki, Springsteen,  
Mayor Seeman

**AGENDA ITEM #6**

**PUBLIC HEARING TO CONSIDER PROPOSED MODIFICATIONS AND AMENDMENTS TO THE TOWN CODE CHAPTER 13A, REFUSE STORAGE: COLLECTION AND DISPOSAL.**

**See official minutes attached**

**AGENDA ITEM 5A**

**REQUEST TO APPROVE THE REVISED 2012 TOWN COUNCIL MEETING SCHEDULE.**

**It was moved for the approval of the revised 2012 Town Council meeting schedule as proposed.**

Motion: Councilmember DiRocco  
Second: Councilmember Kelleher  
Carried Unanimously- Poll vote

Voting Aye: Cole, DiRocco, Kelleher, Polychrones, Sienicki, Springsteen,  
Mayor Seeman

**AGENDA ITEM #7**

**AUTHORIZATION OF ADDITIONAL ENVIRONMENTAL CONSULTANT WORK ON THE VIENNA STORM DRAIN SYSTEM PERMIT.**

**It was moved for Council approval to ride City of Alexandria contract 06-05093 with AMEC Environment & Infrastructure, Inc. for an annual total of \$14,600 from account number 10411-47404 to complete storm drain permit tasks.**

Motion: Councilmember Polychrones  
Second: Councilmember DiRocco  
Carried Unanimously-Poll vote

Voting Aye: Cole, DiRocco, Kelleher, Polychrones, Sienicki, Springsteen,  
Mayor Seeman

**AGENDA ITEM #8**

**AWARD TWO SIDEWALK DESIGN CONTRACTS TO RINKER DESIGN ASSOCIATES, P.C. UNDER RFP 12-01 FOR IMPROVEMENTS ON EAST STREET N.E. AND ON NUTLEY STREET N.W. FROM CIP FUNDS.**

**It was moved for Council approval to award contract to Rinker Design Associates, P.C. under IFB 12-01 for pedestrian improvements, one for East Street N.E. from CIP account number 388417-48801 for \$41,719.**

Motion: Councilmember DiRocco  
Second: Councilmember Cole  
Carried Unanimously- Poll vote

Voting Aye: Cole, DiRocco, Kelleher, Polychrones, Sienicki, Springsteen,  
Mayor Seeman

**It was moved for approval to award a contract to Rinker Design Associates, P.C. for a survey under IFB 12-01 for pedestrian improvements, specifically a survey, from CIP account number 388418-48801 for \$16,000 for a total not to exceed that amount for a survey.**

**Councilmember Cole proposed an amendment to make it an amount not to exceed \$16,000. It was accepted and amount was changed to \$16,000.**

Motion: Councilmember DiRocco  
Second: Councilmember Springsteen  
Carried Unanimously- Poll vote

Voting Aye: Cole, DiRocco, Kelleher, Polychrones, Sienicki, Springsteen,  
Mayor Seeman

**It was moved to adjourn the Regular Council Meeting of January 9, 2012 at  
9:50 p.m.**

Motion: Councilmember Kelleher  
Second: Councilmember Cole  
Carried Unanimously- No Poll Vote

Signed / Dated: \_\_\_\_\_

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M. Jane Seeman, Mayor

Attest:

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Melanie J. Clark, Town Clerk