

Regular Council Meeting

April 16, 2012

The Town Council met in regular session on Monday, April 16, 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.

Councilmember Edythe Frankel Kelleher 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 April 2, 2012 as submitted.

Motion: Councilmember Cole
Second: Councilmember Sienicki
Abstained: Councilmember DiRocco
Councilmember Springsteen
Carried Unanimously- Poll Vote

RECEIPT OF PETITIONS AND COMMUNICATIONS FROM THE PUBLIC

Mr. Mike Spring of 109 St. Bernard Dr. addressed Council regarding a wall that was put up on his property by the Town that is now all rotted, and he would like it to be taken down. He was told by Mr. Johnson and Mr. Hembree that there is nothing that they can do.

GREEN HOME AWARDS

Mayor Seeman and Ross Shearer of the Community Enhancement Commission presented Rob Fisher of Fisher Homes, Steve Lamb & John Talbot of Weatherburn Homes and John Sekas and Brian Day of Sekas Homes the Vienna Green Homes Award.

REPORT AND INQUIRIES OF COUNCIL MEMBERS

Councilmember Springsteen asked about the status of the air conditioner issue with GSA. Steve Briglia stated that Congressmen Connolly's office has made a request to the GSA that they meet with the Town and work on this issue and we have not heard a response. Councilmember Springsteen asked if at some point we can cite them for violating the noise ordinance. Mr. Briglia stated they can, but the Town should meet with them first to avoid Federal Court. Councilmember Springsteen is concerned that the residents will have to go through another summer of noise. Mayor Seeman stated that Congressmen Connolly's office is working on it and with some pressure from them, something will get done. Mr. Briglia stated that the good news is that the landlord has come up with a proposed fix using baffles; however, he does not think they have the authority to test them yet.

Councilmember DiRocco reported on the Hunter Mill Budget Committee meeting that was held on March 31, 2012 at the Community Center. There were approximately 20 residents that attended along with Cathy Hudgins, Sharon Bulova and Pat Hynes. They listened to feedback from the public and there was a wide variety of discussion regarding education and a number of issues about transportation and the funding of transportation, specifically, some of the infrastructure and funding for Tysons Corner. The committee has taken feedback from this meeting as well as another meeting and will put it together to present to Supervisor Hudgins for the budget.

Councilmember DiRocco also reported that opening day for Little League was beautiful, great weather and great teams. She also thought the Mayor did a great job throwing out the ball.

Councilmember Sienicki thanked the streets division for doing a great job in patching the streets around her area. She stated they were very polite and accommodating and did a great job.

Councilmember Cole asked why the "Share the Road" signs are not up on Courthouse Road SW. The motion that Council made when they approved the Bike Route designation for that street included directions that "Share the Road" signs be posted along with the "Bike Route" signs, and wondered if the reason was because of a VDOT regulation, but if not she would like to have them installed as initially directed. Dennis Johnson stated that he would check into it and get back to Council. He does believe that they are on every fourth bike route sign but he will double check.

Councilmember Cole also asked about the stormwater issue that was discussed at the last work session regarding debris being dumped into the stormwater sewers, which is a problem for the Chesapeake Bay protection and she has noticed that some lawn service companies are blowing the lawn clippings into the street and

gutters and the only place for it to go from there is into the storm drains. She would like to know if this could be added to the list of tasks that they are going to undertake and include the storm drain water quality and see if they can work with the lawn service companies somehow to stop them from doing what is effectively dumping into the storm drains. Mr. Johnson stated that it was a good idea.

Councilmember Cole would like to make a motion to set a standing "Executive Session" at 7:15 p.m before regular Council meetings. Mr. Briglia stated that you can reserve it as an agenda item but before they can recess into executive session Council has to publicly announce the specific purpose of why they are doing so. They can reserve it as a standing agenda item but they would just have to remember before they recess, the motion is made to recess for the specific purpose. Councilmember Cole stated that it is not necessarily the case that if they announce it then they have to have it, it is just that it will be set. If there is a complication of always having to designate the purpose of it then she will withdraw the motion and they can try and address it some other way in a work session.

REPORT OF THE TOWN MANAGER

Mr. Payton reported that everyone is invited to attend the fourth annual Vienna Green Expo on April 19th at Community Center.

Mr. Payton also reported that on Saturday April 21st at 2:00 p.m., the public is invited to attend a ceremony for the unveiling of the Freeman Store and Museum Virginia Landmarks Registered Plaque.

Mr. Payton also reported that on April 23rd the Community and School Garden will have a ground breaking and work party from 1:00 p.m. to 3:00 p.m. behind Vienna Elementary School, there will also be a tree planted for Arbor Day.

REPORT OF THE MAYOR

Mayor Seeman reported that the Space Shuttle Discovery will be arriving on Tuesday April 17th on top of NASA's 747 shuttle carrier aircraft, the NASA 905. It will be heading for the Air and Space Museum at Dulles Airport. The flight plan has not been released but it should fly around the D.C. area around 10:00 am - 10:30 a.m.

Mayor Seeman also reported that on Saturday April 21st the Maple Avenue shopping center will be having a ribbon cutting at 11:00 a.m. for the newly installed bike racks.

CLOSED SESSION

It was moved that the members of the Vienna Town Council be polled to affirm that during the Closed Session convened on Monday April 9, 2012, the Town Council met for purposes of discussion of personnel matters, specifically the interviewing of a candidate interested in re-appointment to a Town Board or Commission and also VML Policy Committee assignments.

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

It was further moved that the closed session be continued to May 7, 2012 at 7:15 p.m. in accordance with VA Code Section 2.2-3711.A(1) for purposes of discussion of a personnel matters.

It was further moved that a second closed session continue at the conclusion of the Regular Council meeting of May 7, 2012 in accordance with VA Code Section 2.2-3711.A(29) for discussion of the award of a public contract involving the expenditure of public funds, including interviews of bidders or offerors, and discussion of the terms or scope of such contract, where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the public body.

Motion: Councilmember Kelleher
Second: Councilmember Polychrones
Carried Unanimously – Poll vote

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

It was moved that Susan Stillman be re-appointed to the Community Enhancement Commission for a two year term of office. Said term shall be effective April 19, 2012 and will expire April 19, 2014.

Motion: Councilmember Kelleher
Second: Councilmember Polychrones
Carried Unanimously – No Poll vote

For the VML Policy 2012 Policy Committee Nominations, it was moved that Councilmember Carey Sienicki be nominated to the Community and Economic Development Committee; Mayor M. J. Seeman be nominated to the Environmental Quality Committee; Councilmember Laurie DiRocco be nominated to the Finance Committee; Councilmember Michael Polychrones be

nominated to the General Laws Committee and Councilmember Laurie Genevro Cole be nominated to the Transportation Committee.

Motion: Councilmember Kelleher
Second: Councilmember Polychrones
Carried Unanimously – No Poll vote

PROPOSAL FOR ADDITIONAL ITEM TO BE ADDED TO THE AGENDA.

Steve Briglia, Town Attorney asked that Council consider placing an item on the agenda listed as #6A for reconsideration of the proposed date to adopt the budget.

It was moved to add reconsideration of the proposed date to adopt the budget as agenda item 6A.

Motion: Councilmember Polychrones
Second: Mayor Seeman
Carried Unanimously – No Poll vote

AGENDA ITEM #5

PUBLIC HEARING ON PROPOSED FY 2012-2013 PROPERTY TAX RATE.

See Official Minutes

AGENDA ITEM #6

PUBLIC HEARING ON FY 2012-2013 PROPOSED WATER AND SEWER RATES.

See Official Minutes

AGENDA ITEM #6A

RECONSIDERATION OF THE PROPOSED DATE TO ADOPT THE FY12-13 BUDGET.

It was moved to amend the motion from the April 4, 2012 Council Meeting setting the approval of the General Budget from May 7, 2012 to May 21, 2012.

Motion: Councilmember Polychrones

Second: Councilmember Kelleher
Carried Unanimously – No Poll vote

AGENDA ITEM #7

PUBLIC HEARING AND ADOPTION OF A PROPOSED DEBT RESOLUTION.

See Official Minutes

AGENDA ITEM #8

**PUBLIC HEARING TO CONSIDER PROPOSED CHANGES TO THE TOWN CODE 13A
REFUSE STORAGE, COLLECTION & DISPOSAL.**

See Official Minutes

AGENDA ITEM #9

**PUBLIC HEARING ON A PROPOSED ORDINANCE TO AMEND THE HEIGHT
REQUIREMENTS IN SECTION 18-87.3.C. OF THE VIENNA TOWN CODE TO
PERMIT THE CONSTRUCTION OF MUNICIPAL PARKING STRUCTURES AT A HEIGHT
OF 50 FEET.**

See Official Minutes

AGENDA ITEM #10

**REQUEST FOR APPROVAL OF A REVISED SITE PLAN FOR THE CONSTRUCTION OF A
TWO-STORY GENERATOR ADDITION FOR NAVY FEDERAL CREDIT UNION, LOCATED
AT 820 FOLLIN LANE SE, AND IN THE CMP-PLANNED INDUSTRIAL ZONE. FILED BY
JUSTIN G. MAHLMANN, BOWMAN CONSULTING, LTD., AGENT FOR NAVY
FEDERAL CREDIT UNION, OWNER.**

**It was moved for the approval of the revised site plan for the construction of
a two-story generator addition for Navy Federal Credit Union, located at 820
Follin Lane SE, in the CMP-Planned Industrial zone and as filed by Justin G.
Mahlmann, Bowman Consulting, Ltd., agent for Navy Federal Credit Union,
owner; additionally to pass all acoustic noise tests that adhere to the Town of
Vienna noise ordinances for both the new and current generators.**

Motion: Councilmember DiRocco
Second: Councilmember Springsteen
Carried Unanimously – No Poll vote

AGENDA ITEM #11

REQUEST FOR AN EXTENSION OF THE 18-MONTH SUBDIVISION PUBLIC IMPROVEMENTS COMPLETION DATE FOR THE BIRDSEYE SUBDIVISION, 411 AND 413 UPHAM PLACE NW.

It was moved for Council to grant the extension of the requirement to complete all public improvements within 18 months of subdivision approval, as requested by Patricia Birdseye, for the Birdseye Subdivision located at 411 and 413 Upham Place, N.W. and grant a new 18 month public improvement completion deadline of October 2, 2013.

Motion: Councilmember Springsteen
Second: Councilmember Kelleher
Carried Unanimously – No Poll vote

AGENDA ITEM #12

AWARD OF TRAFFIC SIGNAL RECONSTRUCTION DESIGN CONTRACT.

It was moved for Council to award a traffic signal design contract, not to exceed \$162,203 for four intersections to Rinker, Design Associates, PC based upon their March 6, 2012 proposals under engineering services contract RFP 12-01, account number 388420-48821 through 48824.

Motion: Councilmember Sienicki
Second: Councilmember DiRocco
Carried Unanimously – Poll vote

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

AGENDA ITEM #13

APPROVAL OF DAVENPORT AS FINANCIAL ADVISOR FOR THE PROPOSED BOND ISSUE

It was moved to defer approval of the Financial Advisor for the Proposed Bond Issue to a date to be determined after the Council Work Session on April 23, 2012.

Motion: Mayor Seeman
Second: Councilmember Cole
Carried Unanimously – No Poll vote

AGENDA ITEM #14

APPOINTMENT OF MCGUIRE WOODS AS BOND COUNSEL FOR PROPOSED BOND ISSUE.

It was moved to defer the appointment of McGuire Woods as Bond Counsel to a date to be determined after the April 23, 2012 Work Session.

Motion: Mayor Seeman
Second: Councilmember Cole
Carried Unanimously – No Poll vote

It was moved to adjourn the Regular Council Meeting of April 16, 2012 at 11:24 p.m.

Motion: Mayor Seeman
Second: Councilmember DiRocco
Carried Unanimously- No Poll Vote

Signed / Dated: _____

M. Jane Seeman, Mayor

Attest:

Melanie J. Clark, CMC
Town Clerk