

Regular Council Meeting

May 7, 2012

The Town Council met in regular session on Monday, May 7, 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 Randall Beeman of the Antioch Christian Church 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 to defer the approval of the minutes of the Regular Council meeting and five Public Hearings of April 16, 2012 and the Work Sessions of April 9, 2012 and April 23, 2012.

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

RECEIPT OF PETITIONS AND COMMUNICATIONS FROM THE PUBLIC

None

REPORT AND INQUIRIES OF COUNCIL MEMBERS

Councilmember DiRocco reported that based on questions from residents she has asked the Public Information Officer, Kirstyn Barr, to place an article in the June Newsletter explaining what the PPEA is, the Public Private Education Facilities and Infrastructure Act of 2002. Since this is a new item for the Town and a proposal has already been received, it would be a good idea to let people know what it means.

Councilmember Cole mentioned that Vivian Morgan Mendez who lives just outside the Town of Vienna was recognized as Fairfax County Government Volunteer of the Year. She has contributed hundreds of hours to the coordination of volunteers for the Nottaway Park improvements. She was also instrumental in the Citizen's Group for a

better design of the Metro West project. While she is not a Town resident she has done a great deal that has been beneficial to Town residents. Mayor Seeman stated that Mr. Bill Cervenak was also recognized as a County Champion Volunteer, he was the longtime Chairman of Vienna Little League.

Councilmember Springsteen asked the Town Attorney if the Town had an Ordinance for painting numbers on curbs, there was a resident that had an issue regarding this. Mr. Briglia stated that to his knowledge there is no ordinance that permits it; the curb and gutter is technically Town property. The policy of Public Works is that we do not allow people to independently paint them on. If the Town wants to establish a policy they certainly can do that.

REPORT OF THE TOWN MANAGER

Mr. Payton asked Mr. Johnson to provide a clarification on Sanitation pick-up for July 4th. Mr. Johnson stated they will be picking up refuse on July 4th. Councilmember Springsteen asked what they will do for pick-up for Christmas and New Year's. Mr. Johnson stated that they will be picking up refuse on Saturday.

Mr. Payton reported that on Saturday May 12, 2012 from 10:00 a.m. to 1:00 p.m. the Parks and Recreation Department will be sponsoring "Fit on the Green." There will be live demonstrations of fitness programs, sports skills and nutrition for children and adults. The next Town Green concert will begin on May 11, 2012; the popular U.S. Navy Sea Chanters will be performing. May 12th will be open mic night and Sunday May 13th will be So-Ho Down, all shows start at 6:30 p.m. Friday May 18th is bike to work day and will be hosted by the local bike shops at the Town Green, and on Saturday May 19th is invasive plant removal day at Northside Park beginning at 9:00 a.m.

REPORT OF THE MAYOR

Mayor Seeman reported that she attended movie night on the Town Green and saw the movie "Glory." There will be four Saturday evenings, two weeks apart, which they will be showing Civil War movies. The next movie will be the "Great Locomotive Chase."

Mayor Seeman reported that at the next "Vienna at your Service" program the Town's assistant Arborist, Rebecca Greenwood will be explaining how the Town cares for all the beautiful trees and flowers.

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 May 7, 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.

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 a second closed session continue at the conclusion of tonight's Regular Council meeting for discussion of the disposition of publicly held real property in accordance with VA Code Section 2.2-3711.A(3), where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the public body.

It was further moved that the closed session be continued to May 21, 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.

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

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

It was moved that Ross Shearer be re-appointed to the Community Enhancement Commission for a two year term of office, said term shall be effective retroactively to April 19, 2012 and will expire on April 19, 2014.

It was further moved that Edward Chase be re-appointed to the Planning Commission for a two year term of office, said term shall be effective retroactively to March 19, 2012 and will expire on March 19, 2014.

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

AGENDA ITEM #5

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

See Official Minutes

AGENDA ITEM #6

AWARD FIVE SIDEWALK DESIGN CONTRACTS TO RINKER DESIGN ASSOCIATES, P.C. (RDA) UNDER REQUEST FOR PROPOSAL (RFP) 12-01 FOR SIDEWALKS WITHIN ONE MILE OF VIENNA METRO RAIL STATION.

Many members of the public spoke in favor of, as well as, opposition to the various sidewalk projects listed, the names and addresses are attached to the official minutes.

It was moved for Council approval to award five sidewalk design contracts to Rinker Design Associates, P.C. under IFB 12- 01 for the streets listed in this report from the CIP account numbers listed in the report, for a total amount not to exceed \$412,362.

Motion: Mayor Seeman
Second: Councilmember Cole
Carried Unanimously –Poll vote

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

AGENDA ITEM #7

REQUEST WAIVER OF PURCHASING REGULATIONS FOR HOME DEPOT.

As a result of a finding that competitive negotiation or bidding is not practicable or fiscally advantageous, it was moved for the approval of a purchasing waiver for Home Depot for Fiscal Year 2011-12 for an additional \$5,000, for a total of \$15,000.

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

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

AGENDA ITEM #8

ADOPTION OF THE PROPOSED CHANGES TO THE TOWN CODE §13A REFUSE STORAGE, COLLECTION & DISPOSAL.

It was moved for adoption of changes to the Town Code, Chapter 13A, Refuse Storage, Collection & Disposal which shall replace and supersede all previously adopted changes to this Chapter.

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

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

AGENDA ITEM #9

REQUEST FOR APPROVAL TO SET A PUBLIC HEARING TO CONSIDER A PROPOSED ORDINANCE TO CODE OF THE TOWN OF VIENNA, CHAPTER 17, SUBDIVISIONS, DIVISION 5, LOTS, BY ADDING NEW SECTION 17-60.1 ENTITLED "LOT SHAPE FACTOR."

It was moved for the approval of setting a public hearing date of June 4, 2012, for consideration of a proposed ordinance to amend the Code of the Town of Vienna, Chapter 17, Subdivisions, Division 5, Lots, by adding new Section 17-60.1 entitled "Lot Shape Factor."

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

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

AGENDA ITEM #10

AUTHORIZATION FOR AN EXTENSION OF THE 18-MONTH SUBDIVISION PUBLIC IMPROVEMENTS COMPLETION DATE FOR THE PARK STREET PROPERTIES LOCATED AT 401 & 407 PARK STREET, S.E., 115 BATTLE STREET, S.E. AND 402 & 406 MILL STREET, S.E.

It was moved for Council to grant the extension of the 18-month subdivision due date request from JDA Custom Homes, Inc. for the Park Street Properties Subdivision, located at 401 and 407 Park Street S.E, 115 Battle Street S.E., and 402 and 406 Mill Street S.E., and the new 18-month deadline of October 2, 2013.

Motion: Mayor Seeman

Second: Councilmember DiRocco

Carried Unanimously –Poll vote

AGENDA ITEM #11

AWARD ADDITIONAL TOWN HALL HVAC & LIGHTING REPLACEMENT ARCHITECTURAL & ENGINEERING SERVICES TO WILEY|WILSON AFTER THE FACT.

It was moved for Council approval to award an additional engineering services contract for Town Hall HVAC & Lighting Replacement to Wiley|Wilson under RFP 10-02, from CIP account numbers 380201-48801, for an estimated amount not to exceed \$67,218.

Motion: Councilmember DiRocco

Second: Councilmember Cole

Carried Unanimously –Poll vote

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

AGENDA ITEM #12

AWARD A CONTRACT TO CHAMBERLAIN CONSTRUCTION CORP. FOR IFB 12-09 TEMPORARY OFFICE TRAILER FOR TOWN HALL HVAC PROJECT.

It was moved to defer the proposal to award a contract to Chamberlain Construction Corp. for IFB 12-09 Temporary Office Trailer to the Regular Council Meeting on June 4, 2012.

Motion: Councilmember Sienicki

Second: Councilmember Kelleher

Carried Unanimously – Poll vote

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

AGENDA ITEM #13

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

It was moved for the appointment of McGuireWoods, LLP as Bond Counsel for the proposed 2012 Bond Issue in an amount estimated not to exceed \$35,000 plus out-of-pocket expenses for services as specified in the attached proposal.

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

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

AGENDA ITEM #14

APPROVAL OF DAVENPORT AS FINANCIAL ADVISOR FOR THE PROPOSED BOND ISSUE

It was moved for approval of Davenport & Company, LLC as Financial Advisor for the proposed Bond Issue under the terms and conditions of Prince William County Service Authority, Virginia Contract # RFP SA 2809 for an estimated not to exceed amount of \$40,000 plus out-of-pocket expenses.

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

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

It was moved to recess into the second closed session at 10:38 p.m.

Mayor Seeman called regular Council Meeting back in session at 11:04 p.m.

It was moved that a second closed session convened this date Monday May 7, 2012 the Town Council met for purposes of discussion of the disposition of publicly held real property where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the public body.

It was re-affirmed that the closed session be continued to May 21, 2012 at 7:15 p.m. in accordance with VA Code Section 2.2-3711.A(1) for purposes of discussion of personnel matters.

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.

**Motion: Councilmember Kelleher
Second: Councilmember DiRocco
Carried Unanimously –Poll vote**

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

It was moved to adjourn the Regular Council Meeting of April 16, 2012 at 11:05 p.m.

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

Signed / Dated: _____

M. Jane Seeman, Mayor

Attest:

Melanie J. Clark, CMC
Town Clerk