

Regular Council Meeting

May 21, 2012

The Town Council met in regular session on Monday, May 21, 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 Laurie A. DiRocco 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 five Public Hearings of April 16, 2012, the Regular Meeting of May 7, 2012 and the Work Sessions of April 9, 2012 and April 23, 2012.

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

RECEIPT OF PETITIONS AND COMMUNICATIONS FROM THE PUBLIC

Mr. John Shreffler, 900 Echols Street SE, President of the Westbriar Civic Association addressed Council regarding an issue regarding Tysons Corner development. There is a wooded area that runs from Radio Shack on Rte. 7, surrounds the actual Tysons Corner development zone and continues under the Dulles Access Road near the Sheraton; it is a beautiful area that is apparently being slated for severe development; a road will branch off from the Dulles access road, go through a toll booth and then up the stream bed to Radio Shack, which he estimates would drop 75-85% of the forest. He realizes this is not a Vienna issue but he feels strongly about this and he wants to try and help others understand it and that it's wrong on many different levels. He is asking for information about Fairfax County and how it all works. Mayor Seeman stated that they were told that area was sacrosanct and not to be developed because it protects the neighborhood from the development. Mr. Shreffler does not know whose idea it is but one of his first jobs will be to find out. He is open to any suggestions that Council may have. Mayor Seeman suggested that he attend as many meetings as he can and there is

one coming up for the Tysons Committee of the Planning Commission and they welcome all and will let him speak. She also suggested that he get all his neighbors to sign petitions, go to the meetings and write letters; she has found that the Planning Commission has been very good at listening and helping with these issues.

A Local Boy Scout introduced himself to Council; he is from troop 152 and is working on his Communications Merit Badge.

REPORT AND INQUIRIES OF COUNCIL MEMBERS

Councilmember Cole reported that she attended a meeting on May 8th at the Westbriar Elementary School cafeteria; it was extremely well attended by the neighborhood associations around the elementary school. Matt Ladd from the Fairfax County Planning Department was there addressing building height, questions about transportation and Boone Blvd being extended and he promised everyone that the people from Transportation Department would be happy to answer these questions at the May 31st meeting.

Councilmember Cole also reported that she attended the Northern Virginia Regional Park Authority meeting and there were two items that had relevance to Vienna; one is they have planned to rebuild the culvert at Piney Branch on the W & OD Trail and the Board has also approved plans to extend the trail hours from before dawn until after dusk, to accommodate people that commute by bike or walking. They plan to improve the trail by adding a reflective center line down the trail and establish requirements for riders and walkers to include reflective gear and lights. They will also be doing some intersection upgrades. She has voiced Council's concerns to the board regarding the safety of street crossings in Vienna since they are all street level crossings. She has pointed out that Council has concerns in broad daylight let alone after dark and asked that Council be briefed on how they will approach these issues. They informed her that part of the action plan is that they will contact all of the Police Chiefs in the jurisdictions that they will be passing through.

Councilmember Sienicki reported that Fairfax County has plans to expand the Recreation Center at Springhill Rec and Oak Mar. They are going to increase fitness centers and add a basketball gym at Springhills.

REPORT OF THE TOWN MANAGER

Mr. Payton reported that he received a letter from the Executive Director of Shepherds Center of Oakton/Vienna, Michelle Scott, thanking the Vienna Community Center and Parks & Recreation staff for working together with them; they are very appreciative of the successful health care event that was held.

Mr. Payton also reported that Officer Kristin Ruddy was thanked by a citizen for her participation in the RAD class.

REPORT OF THE MAYOR

Mayor Seeman reported that the open house that Mr. Shreffler mentioned regarding Tysons is going to be held on Monday June 4, 2012 from 7:00 p.m. to 9:00 p.m. at the Westbriar Elementary School. The topics that are to be covered are the ramp study, Tysons Metro station access management study, bicycle master plan, grid of street analysis, circulator study, Jones Branch Connector Bridge, stormwater management goals, parks planning and urban design guidelines.

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, Monday May 21, 2012, the Town Council met for purposes of discussion of personnel matters, specifically the interviewing of a candidate interested in 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 the Regular Council meeting this date, May 21, 2012 in accordance with VA Code 2.2-3711.A. (29) for purposes of discussion of the award of a public contract involving the expenditure of public funds 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 and VA Code Section 2.2-3711.A (7) for purposes of consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body.

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

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

AGENDA ITEM #5

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 #6

A PUBLIC HEARING TO ADOPT AN ORDINANCE APPROVING A BOUNDARY LINE ADJUSTMENT PLAT FOR THE VACATION AND AMENDMENT OF PROPERTY LINES ASSOCIATED WITH LOTS 24C-1, 24C-2, 24D-1A AND 24D-2A, AND ADDRESSED AS 206, 210 GLYNDON STREET SE, AND 301, 303 LOCUST STREET SE, ALL ON PROPERTY SITUATED AT THE EASTERMOST CORNER OF THE INTERSECTION OF GLYNDON AND LOCUST STREETS SE, AND IN THE RS-10 ZONE.

See Official Minutes

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

AGENDA ITEM #7

APPROVAL OF LARDNER/KLEIN LANDSCAPE ARCHITECTS, P.C., AND ASSOCIATED FIRMS TO PROVIDE THE SERVICES OUTLINED IN RFP 12-06 FOR THE MAPLE AVENUE CORRIDOR PROJECT.

It was moved to defer this item to the Council Meeting of June 4, 2012.

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

AGENDA ITEM #8

APPROVAL OF MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE TOWN OF VIENNA AND VIENNA LITTLE LEAGUE FOR THE USE OF YEONAS PARK FOR THE 4TH OF JULY FIREWORKS SPECTATOR AREA.

It was moved for the approval of the Memorandum Of Understanding between the Town of Vienna and Vienna Little League for the use of Yeonas Park during the 2012 July 4th Fireworks Display.

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

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

AGENDA ITEM #9

ESTABLISHMENT OF A DATE FOR A PUBLIC HEARING TO AMEND CHAPTER 11, PERSONNEL CODE.

It was moved that a public hearing be set for June 4, 2012 on the proposed amendments to the ordinance amending Chapter 11 Personnel Code. It was further moved that the Town Clerk be directed to advertise notice of a public hearing.

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

AGENDA ITEM #10

AWARD A SIDEWALK DESIGN CONTRACT TO RINKER DESIGN ASSOCIATES, P.C. (RDA) FOR NUTLEY STREET N.W. AND WINDOVER AVENUE N.W. UNDER RFP 12-01.

It was moved for Council approval to award a sidewalk design contract to Rinker Design Associates, P.C. under IFB 12-01 for Nutley Street, N.W. and Windover Avenue, N.W from CIP account number 388418-48801 for \$20,901,

It was further moved to authorize the Mayor to accept easements noted on the approved plan documents that are dedicated to the Town.

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

AGENDA ITEM #11

**AWARD A CONTRACT TO LIGHTLE ENTERPRISES OF OHIO FOR IFB 12-17
VARIABLE MESSAGE BOARD TRAILER.**

It was moved for award of IFB 12-17 to Lightle Enterprises of Ohio for an estimated cost of \$13,965 from FY 11/12 account 10414-48203.

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

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

AGENDA ITEM #12

**ACCEPT PUBLIC IMPROVEMENTS FOR THE SUBDIVISION AT 203 & 205
NIBLICK DRIVE, S.E. AND REDUCE THE SUBDIVISION PUBLIC IMPROVEMENTS
BOND TO 10%.**

It was moved for Council approval to accept the 203 & 205 Niblick Drive, S.E. Subdivision public improvements into the Town's system for maintenance, and reduction of the surety amount to \$12,520.60 to be held for the 2-year maintenance bond period.

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

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

AGENDA ITEM #13

ADDITIONAL FY 11/12 W&S FUNDS FOR DOUBLE H LOCATES.

It was further moved for approval of a budget transfer of \$9,620 from 50111-43307 to 50111-43308 and a budget transfer of \$22,630 from 50114-43307 to 50114-43308 to fund the increase in required water and sewer locating and marking.

It was further moved for approval to increase the Double H Locates contract, Arlington County IFB 475-10LW for utility markings from \$79,000 to \$123,400.

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

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

AGENDA ITEM #14

AWARD TWO BID SUPPORT CONTRACTS AND A DESIGN REVISION CONTRACT TO WILEY|WILSON UNDER RFP 10-02 FOR FIVE REVENUE SHARING PROJECTS CONTINGENT UPON COUNCIL APPROVAL OF THE 2012 CIP BONDS.

It was moved for Council approval to award the three contracts listed above to Wiley|Wilson under RFP 10-02 for the five revenue sharing projects listed above contingent upon Council approval of the 2012 CIP Bonds on July 15, 2012. Account number to be determined by the Director of Finance for a total estimated cost of \$35,804.

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

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

AGENDA ITEM #15

SET A PUBLIC HEARING DATE FOR A PROPOSED ORDINANCE TO AMEND THE CODE OF THE TOWN OF VIENNA, CHAPTER 10, OFFENSES-MISCELLANEOUS; ARTICLE 5, OFFENSES AGAINST THE PEACE, DIVISION 1. GENERALLY, SECTION 10-40, AIRGUNS, SLINGSHOTS, ETC. -- USE PROHIBITED.

It was moved that a public hearing be set for June 4, 2012, for consideration of the proposed amendments to Chapter 10 of the Code of Vienna. It was further moved to direct the Town Clerk to advertise a notice of Public Hearing.

Motion: Councilmember DiRocco

Second: Mayor Seeman
Carried Unanimously – No Poll vote

AGENDA ITEM #16

APPROVAL OF PROPOSED FISCAL YEAR 2012-2013 WATER AND SEWER RATES

It was moved for the approval of the Ordinance setting Water and Sewer Rates for the Fiscal Year beginning July 1, 2012 as proposed. It was further moved that the Town Clerk be directed to advertise a Notice of Adoption.

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

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

AGENDA ITEM #17

ADOPTION OF FISCAL YEAR 2012-2013 TAX RATES

It was moved for approval of the Resolution setting the tax rates for the Fiscal Year beginning July 1, 2012 as follows: Real Estate Tax Rate of \$0.2421 per \$100 of Assessed Valuation, Bank Net Capital Tax Rate of \$0.80 per \$100 of Valuation, Residential Utility Tax Rate of 20 percent of the first \$15.00, and Commercial Utility Tax Rate of 15 percent of the first \$300.00.

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

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

AGENDA ITEM #18

ADOPTION OF THE TOWN OF VIENNA FY 2012-2013 BUDGET.

It was moved for the adoption of the FY 2012-2013 Proposed Budget as amended by the proposed list of changes presented by the Town Manager in the total amount of \$31,775,591.

It was further moved that of said total, \$22,029,785 be appropriated for General Fund expenditures; \$2,248,594 be appropriated for Debt Service Fund expenditures; and \$7,497,212 be appropriated for Water and Sewer Fund expenditures.

It was further moved the Town Clerk be authorized to publish a Notice of Adoption.

Motion: Councilmember Kelleher
Second: Councilmember Polychrones
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 9:39 p.m.

Mayor Seeman called regular Council Meeting back in session at 10:34 p.m. all members of Council were present.

It was moved that the members of the Vienna Town Council be polled to affirm that during the Closed Session convened after the Regular Council meeting this date, Monday May 21, 2012, the Town Council met for purposes of discussion of the award of a public contract involving the expenditure of public funds 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 and for purposes of consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation where such consultation or briefing in an open meeting would adversely affect the negotiating or litigating posture of the public body.

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.

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It was further moved that the Closed Session be continued to June 4, 2012 at 7:15 p.m. in accordance with VA Code 2.2-3711.A (1) for purposes of discussion of personnel matters, specifically, the interviewing of individuals interested in appointment and/or re-appointment to Town Boards and Commissions.

Motion: Councilmember Kelleher

Second: Councilmember Cole

Carried Unanimously –Poll vote

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

It was moved to adjourn the Regular Council Meeting of May 21, 2012 at 10:36 p.m.

Motion: Councilmember Kelleher

Second: Councilmember Springsteen

Carried Unanimously- No Poll Vote

Signed / Dated: _____

M. Jane Seeman, Mayor

Attest:

Melanie J. Clark, CMC
Town Clerk