

Regular Council Meeting

August 20, 2012

The Town Council met in regular session on Monday, August 20, 2012, in the Council Room of the Charles A. Robinson, Jr. Town Hall at 127 Center Street, South in Vienna, Virginia. Mayor 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 Dr. Chad Van Dixhoorn of the Grace Presbyterian 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 for approval of the Work Session minutes of May 14, 2012 as submitted.

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

It was moved for approval of the Regular Meeting minutes of June 18, 2012 as submitted.

Motion: Councilmember Polychrones
Second: Councilmember Sienicki
Abstained: Councilmember Cole
Abstained: Councilmember Kelleher
Carried - No Poll Vote

It was moved for approval of the Special Meeting minutes of June 26, 2012 as submitted.

Motion: Councilmember Sienicki
Second: Councilmember Cole
Abstained: Councilmember DiRocco
Carried - No Poll Vote

It was moved for approval of the Regular Meeting minutes and three Public Hearings of July 2, 2012 with some minor corrections.

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

REPORTS AND PRESENTATIONS

Mayor Seeman presented Karen Covert with an award from the Virginia Government Financial Officers Association recognizing Karen for the successful completion of the required education program.

Mayor Seeman presented a Proclamation in recognition of National Suicide Prevention Week, September 9- 15, 2012.

It was moved to proclaim in recognition of National Suicide Prevention Week 2012.

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

RECEIPT OF PETITIONS AND COMMUNICATIONS FROM THE PUBLIC

A local Boy Scout from Troop 673 introduced himself to Council; he is working on his Citizenship in the Community Merit Badge.

REPORT AND INQUIRIES OF COUNCIL MEMBERS

Councilmember Sienicki reported that she has attended two conferences in Richmond for the VML. The first was the Newly Elected Officials Conference which was an excellent learning experience. Second she shared the Community and Economic Development Policy Statement that will be coming up in September.

Councilmember Springsteen reported that the project on Lewis Street appears to be going very well and Public Works should be commended for their work, they have done a good job.

Councilmember Cole reported that she has heard from multiple citizens on how pleased they are with the new refuse pick-up program and wanted to pass it on to Public Works and the Town Manager. It is nice that people have gone out of their way

to say how much they appreciate the new program, especially since it launched under such difficult circumstances during the first week in July.

REPORT OF THE TOWN MANAGER

Mr. Payton reported that Deputy Chief, Mike Miller recently attended the Senior Executive Institute at the University of Virginia in Charlottesville. He congratulated Deputy Miller for going through the process.

Mr. Payton also reported that Brandy Wyatt from Parks and Recreation was thanked for her hard work with the Six Flags rainout event. She helped out and made sure all the kids had a good time with the modified plan.

Mr. Payton also reported that the Freeman Store has been entered into the National Register of Historic Places. The property was listed by the United States Department of Interior National Park Service. This is a very high honor and thanked Cathy Salgado for all of her hard work.

Mr. Payton reported that a lot of thank you notes have been received from citizens with regard to the Derecho Storm. He thanked the Parks and Recreation employees for their efforts with the cleanup situations. Tanvir Khan with the Water & Sewer Department received a letter of thank you from citizens for his hard work and noticing water bubbling out of the water meter cover and helping to fix the situation.

REPORT OF THE MAYOR

Mayor Seeman reported that the Community Enhancement Commission has sent some considerations for changing the Commission and it will be on the November Work Session for discussion.

Mayor Seeman also reported that the Bicycle Advisory Committee will be having a Bicycle Safety Awareness and Rodeo on Saturday August 25, 2012 from 11 a.m. to 2:00 p.m. on the Town Green.

Mayor Seeman reported that there was a bicycle/vehicle accident where the trail crosses Park Street. The young man is a senior at Madison High School and when he was crossing, one car stopped and the other car didn't and flipped him off his bike, he is ok. She has been thinking on how to make that area a little safer and would like to talk to the Northern Virginia Regional Park Authority about possibly realigning the trail so that it comes in at a little better of an angle. Councilmember Cole stated that over the summer the Bicycle Advisory Committee hosted a meeting with Karl Mohle, the Park Manager for the trail and one of the items discussed was the realignment of the trail through the whole Community Center area which would be a huge

undertaking. She suggested that in the meantime perhaps clearing some vegetation would help the issue.

Mayor Seeman also reported that they had a meeting with the citizens that live in southeast Vienna around Follin Lane where there have been some issues for several years with the noise from the coolers on top of the building at 801 Follin Lane, and finally the Terrorist Screening Center Director went out into the neighborhood, knocked on doors and invited the neighbors to come to the center for a meeting. She was at the meeting along with Councilmember DiRocco and Mr. Hembree. It was a very good meeting and she thinks we have finally come to a solution; there will be a short term solution and then a longer term solution that will be completed in about six months. Everyone seemed very receptive and happy, they left thanking the Terrorist Screening Center for stepping forward and helping the neighborhood. She is hoping that they will be able to put this all behind them but will continue to do our own noise readings there to be sure.

Mayor Seeman reported that during the storm the last part of June there was a lot of lost power and downed trees and we had businesses in Town that opened their doors and made a big difference in the community. Michael Amore of Café Amore provided free coffee the day after the storm, his business did not have power but his home did so he prepared the coffee at home, brought it to the store and served it free of charge. Bill Padget owner of Mower MedX was a big help to all of his neighbors by removing branches for days after the storm, repaired generators and chain saws, lent several of his generators to neighbors, he opened his house and his freezer to neighbors each evening and hosted fully air conditioned dinners to those that attended. Vienna Rexall was recognized for going above and beyond by refrigerating three months of injectable medication for a resident's son as well as providing a location for the son to take his medicine all free of charge. Eddie Hanna of Johnny's Pizza opened his business to allow people to come in cool off and just hang around. Dunkin Donuts was recognized for their hard work after the storm, they were only one of a few food establishments that had power and worked hard to feed a hungry crowd of patrons. She thanked all of the businesses; this is what makes Vienna so special.

Mayor Seeman reported that the Town held three public meetings concerning the proposal of building a parking garage on Church Street. Kirstyn Barr, Public Information Officer, was instrumental in getting the word out; she put flyers out to the merchants on Church Street, sent the information out to the press and posted it on the Town Website. They had approximately 20-30 people at one meeting, the afternoon meeting was not well attended and then the Thursday evening meeting had approximately 20-30 more people. This was an informational meeting only; they wanted to let people what was going on. The owner of the property, the architect, Town officials, Mr. Hembree, Mr. Payton and some of the Councilmembers attended some of the meetings. They were very informative meetings; it was good to hear comments and concerns from the public as well as clearing up any misunderstandings that people may have had. This is still in the proposal stage and we are just trying to

get as much information out there as possible and to hear comments from people. This is still an open forum, the Town is still welcoming emails etc. with any comments or concerns.

AGENDA ITEM #6

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 TO A HEIGHT OF 50 FEET (AND EXCLUDING ANY FUNCTIONAL OR DECORATIVE ELEMENTS ON THE HIGHEST LEVEL OF THE STRUCTURE.)

SEE OFFICIAL MINUTES

AGENDA ITEM #7

RESOLUTION APPROVING VIRGINIA SNAP INVESTMENT SERVICES FOR 2012 BOND PROCEEDS.

It was moved for approval of the proposed Resolution authorizing investment of 2012 Bond proceeds with Virginia SNAP and to authorize the Mayor to execute the Resolution.

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

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

AGENDA ITEM #5A

REQUEST FOR ANNUAL RENEWAL FOR MAINTENANCE, HOSTING AND VIDEO STREAMING SERVICES WITH NOVUS AGENDA SOFTWARE.

It was moved to authorize the expenditure of \$12,300 for the annual maintenance, technical support, hosting and video streaming for Novus Agenda Software from September 1, 2012 to September 1, 2013 from account number 10114-43303 pursuant to the reasons stated in the sole source justification.

Motion: Councilmember Sienicki
Second: Councilmember DiRocco

Carried Unanimously –Poll vote

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

AGENDA ITEM #5B

ANNUAL REPORT OF DELINQUENT REAL ESTATE PROPERTIES AS OF JUNE 30, 2012.

It was moved that the delinquent real estate property list submitted by the Director of Finance/Treasurer, exclusive of those having been paid since June 30, 2012, be published in a newspaper of general circulation in the Town and posted on the Town's web site.

It was further moved that it be transmitted to Fairfax County with the request that it be posted and entered into County records according to law.

It was further moved that real estate taxes delinquent for more than two years be recorded against said properties.

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

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

AGENDA ITEM #5C

RESOLUTION AUTHORIZING THE PURCHASE OF EQUIPMENT THROUGH A CAPITAL LEASE AS PART OF THE FY 2012-2013 VEHICLE AND EQUIPMENT REPLACEMENT PROGRAM.

It was moved for the adoption of the attached Resolution authorizing capital lease financing of vehicles and equipment to be purchased as evidence of the Town's official intent for the purpose of Section 1.150-2 of U.S. Treasury Regulations and that the Mayor is authorized to sign the Resolution on behalf of the Council.

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

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

Mayor Seeman

AGENDA ITEM #8

PROPOSED TRAFFIC CALMING MEASURES AT THE INTERSECTION OF PARK STREET SE AND LOCUST STREET SE AS APPROVED BY THE TRANSPORTATION SAFETY COMMISSION.

It was moved to accept the TSC's recommendation to apply the "DPW Preferred Improvement Option" to the intersection of Park Street SE and Locust Street SE for the purpose of traffic calming.

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

AGENDA ITEM #9

AWARD A SURVEY AND DESIGN CONTRACT TO RINKER DESIGN ASSOCIATES, PC FOR SIDEWALK IMPROVEMENTS ON HARMONY DRIVE SE AND LULLABY LANE SE.

It was moved for the approval to award a sidewalk survey and design contract to Rinker Design Associates, PC under RFP 12-01 on Harmony Drive SE and Lullaby Lane SE for an estimated cost of \$44,679 from CIP account number 388427-48801.

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

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

AGENDA ITEM #10

REQUEST FOR APPROVAL OF A SITE PLAN REVISION FOR THE INSTALLATION OF AN UNDERGROUND FUEL TANK (NEAR THE NEW GENERATOR BUILDING 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 site plan revision for the installation of an underground fuel tank (near the new generator building 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. Said approval shall also include the requirement that the applicant secure all necessary permits and licenses associated with the installation of the underground fuel tank as recommended by the Planning Commission.

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

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

AGENDA ITEM #11

REQUEST TO AWARD A CONTRACT TO WILEY|WILSON FOR A PHASE I ENVIRONMENTAL ASSESSMENT OF 120 CHURCH STREET NW. THE PROPOSED ENGINEERING SERVICE EVALUATES THE SITE OF THE PROPOSED PUBLIC PARKING GARAGE AND IDENTIFIES ANY ENVIRONMENTAL CONSTRAINTS.

It was moved for the approval of a contract not to exceed \$20,000 to Wiley|Wilson based upon their proposal for a Phase I Environmental Assessment of 120 Church Street NW from account 370403-48801.

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

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

AGENDA ITEM #12

RATE CHANGE REQUEST REGARDING THE CONTINUED USE OF JMT TECHNOLOGY GROUP. JMT IS THE CURRENT GEOGRAPHIC INFORMATION SYSTEMS (MAPPING) VENDOR USED BY THE TOWN.

It was moved for the approval of the 3% rate increase in the GIS Database Administrator category as requested by JMT Technology Group.

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

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

AGENDA ITEM #13

**REQUEST CONTINUATION OF THE CABLE TV CONSULTANT PURCHASE
ORDER AND FUNDS TRANSFER.**

Based upon the supporting documentation provided by the Information Technology Administrator, it was moved for the waiver of competitive procurement requirements for the use of RAM Productions of Burke, Virginia for a purchase order in the amount of \$9,400 to be funded via PEG funds from account 18900-48719 to Cable TV program account to be determined by the Finance Director.

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

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

AGENDA ITEM #14

**REQUEST TO APPROVE THE REJECTION OF IFB 12-09 TEMPORARY
OFFICE TRAILER FOR THE RELOCATION OF TOWN STAFF DURING THE TOWN HALL
HVAC PROJECT.**

It was moved for the approval to reject IFB 12-09 for the temporary office trailer for Town HVAC project.

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

AGENDA ITEM #15

PURCHASE OF A REPLACEMENT REFUSE TRUCK THROUGH THE VEHICLE REPLACEMENT PROGRAM.

It was moved for the approval to purchase one Heil 5000, 25 Yard Rear Loading Refuse Packer based upon the quote from Mid-Atlantic Waste Systems through Fairfax County contract RQ09-105719-41A for an estimated cost of \$195,800 to replace vehicle 78 as part of the Vehicle Replacement Program.

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

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

AGENDA ITEM #16

AWARD ADDITIONAL FY 12/13 FUNDING FOR AN INCREASE IN FEES FROM THE VIRGINIA DEPARTMENT OF HEALTH, OFFICE OF DRINKING WATER.

It was moved for approval of additional funding to the Virginia Department of Health in the amount of \$8,580.60 for a total amount of \$28,125.30 for FY 12/13 from Water & Sewer account number 50111-43801 and approve the budget transfer in the amount of \$8,580.60 from account number 50111-43104 to account number 50111-43801 to cover the requested increase.

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

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

AGENDA ITEM #17

ADOPTION OF A PROPOSED ORDINANCE TO AMEND CHAPTER 18, ZONING, ARTICLE 10, T-TRANSITIONAL ZONE REGULATIONS, SECTION 18-66, PERMITTED USES AND SECTION 18-67, CONDITIONAL USES TO ALLOW AS A BY-RIGHT PERMITTED USE "CERTIFIED MASSAGE THERAPISTS AS DEFINED IN THIS CODE" AND TO REMOVE SAME FROM THE LIST OF CONDITIONAL USES.

It was moved for the adoption of a Proposed Ordinance to Amend Chapter 18, Zoning, Article 10, T-Transitional Zone Regulations, Section 18-66, Permitted Uses and Section 18-67, Conditional Uses to allow as a by-right permitted use 'Certified Massage Therapists as defined in this Code' and to remove same from the list of conditional uses.

It was further moved that the Town Clerk be directed to advertise the Notice of Adoption.

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

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

AGENDA ITEM #18

ADOPTION OF A PROPOSED CHANGE IN ZONING FROM RM-2, MULTI-FAMILY, LOW DENSITY TO PR-PARK AND RECREATIONAL FOR FAIRFAX COUNTY TAX MAP PARCEL 38-4 ((2)) 140, A LARGELY UNDEVELOPED PARCEL BETWEEN VIENNA ELEMENTARY SCHOOL AND THE W&O D TRAIL, ADDRESSED AS 140 LOCUST STREET SE, AND ENCLOSING AN AREA OF 9,241 SQUARE FEET.

It was moved for the adoption of a Proposed Change in Zoning from RM-2, Multi-Family, Low Density to PR-Park and Recreational for Fairfax County Tax Map Parcel 38-4 ((2)) 140, a largely undeveloped parcel between Vienna Elementary School and the W&O D Trail, addressed as 140 Locust Street SE, and enclosing an area of 9,241 square feet.

It was further moved that the Town Clerk be directed to advertise the Notice of Adoption.

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

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

AGENDA ITEM #19

ADOPTION OF A PROPOSED ORDINANCE TO AMEND CHAPTER 18, ZONING, ARTICLE 18, SUPPLEMENTAL REGULATIONS, SECTION 18-169, BAY WINDOWS, EAVES, DECKS AND OTHER ARCHITECTURAL FEATURES.

It was moved for the adoption of a Proposed Ordinance to Amend Chapter 18, Zoning, Article 18, Supplemental Regulations, Section 18- 169, Bay Windows, Eaves, Decks and Other Architectural Features.

It was further moved that the Town Clerk be directed to advertise the Notice of Adoption.

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

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

AGENDA ITEM #20

SET PUBLIC HEARING TO CONSIDER AN EXTENSION OF THE PARTIAL PROPERTY TAX EXEMPTION FOR CERTAIN REHABILITATED REAL PROPERTY (ARTICLE 6, SECTION 6-62-F) OF THE TOWN CODE

It was moved to table this item.

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

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

10:39 p.m.- It was moved to recess to closed session in accordance with VA Code Section 2.2-3711.A(3) for purposes of discussion or consideration of the acquisition or sale of real property where discussion in an open meeting would adversely affect the bargaining position and negotiating strategy of the public body.

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

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

Council reconvened into regular session at 11:25 p.m.

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 August 20, 2012, the Town Council met for discussion or for purposes of discussion or consideration of the acquisition or sale of real property for a public purpose and contract negotiation where discussion in an open meeting would adversely affect the bargaining position and negotiating strategy 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.

It was further moved that the closed session be continued to September 10, 2012 at 7:30 p.m. in accordance with Virginia Code Section 2.2-3711.A(1), for purposes of discussion of matters of personnel, specifically the interviewing of candidates 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 August 20, 2012 at 11:27 p.m.

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

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Signed / Dated: _____

M. Jane Seeman, Mayor

Attest:

Melanie J. Clark, CMC
Town Clerk