

Regular Council Meeting

November 5, 2012

The Town Council met in regular session on Monday, November 5, 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.

The Local Spiritual Assembly of the Baha'i Community 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 minutes of the Regular Meeting and two Public Hearings of October 22, 2012 and the Work Session of October 15, 2012 as submitted with a few minor corrections.

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

RECEIPT OF PETITIONS AND COMMUNICATIONS FROM THE PUBLIC

NONE

HALLOWEEN PARADE AWARDS

Rebecca Diamond, Mayor Seeman and Councilmember Kelleher presented the Halloween Parade Awards.

PROCLAMATIONS

Councilmember Kelleher read a Proclamation for American Education Week as requested by the American Legion Auxiliary, declaring the week of November 11, 2012 through November 18, 2012 as American Education Week.

Councilmember Cole read a Proclamation declaring Saturday, November 24, 2012 as Vienna Business Saturday.

REPORT AND INQUIRIES OF COUNCIL MEMBERS

Councilmember Sienicki reported that she heard from a citizen that they were very impressed with the trash and garbage collection during Hurricane Sandy and thanked the Town for that.

Councilmember Sienicki also reported that she really enjoyed the Flint Hill Cemetery Plaque presentation, it was a wonderful event.

Councilmember Springsteen reported that he has heard a lot of positive comments on the joint pickups; they seem to be going really well and people seem to really like it.

REPORT OF THE TOWN ATTORNEY

Mr. Briglia reported that there was one item on Town of Herndon's Legislative agenda, which he has sent a copy to Council members, asking that a bill be introduced that would clarify what the Town of Herndon believes is actually existing law that would codify certain issues about the distinctions between Town and County powers. Mr. Richard Kaufman, the Town Attorney from Herndon is asking if they can use the Town of Vienna's endorsement in support of the bill. Mayor Seeman stated that she is in favor of this, it goes along with what they had discussed at their off-site work session to remain autonomous and this is just another step in that direction. Councilmember Cole asked what the time frame was and that Council should have a n item on the next Council meeting agenda to formally approve. Mr. Briglia will put it on October 19th.

REPORT OF THE TOWN MANAGER

Mr. Payton thanked Cathy Salgado, Director of Parks & Recreation and her staff for all the work that went in to the Halloween Parade. He also thanked the Police Department and the Public Information Officer for their work that night as well.

Mr. Payton also thanked the Public Works and Parks & Recreation staff for all their hard work during the cleanup from Hurricane Sandy as well as the Police Department. During these storms there is always a lesson learned and the one they learned from this storm is to have a live person answering the 703-255-6300 number and not a recording. They are constantly debriefing after a storm and trying to improve their response to citizens.

REPORT OF THE MAYOR

Mayor Seeman reported that she has received an invitation to the Inspiring Woman's benefit at the Woman's Center. She is unable to go and has forwarded it to

Regular Council Meeting

November 5, 2012

Page 3 of 7

Councilmembers hoping one of them would be able to go in her place. Mayor Seeman also passed on some other events to Councilmember's that she is unable to attend.

Mayor Seeman also reported that the next Mayor's Advisory Meeting will be held on November 12th and is being combined with the Police Chief's Citizen Advisory Committee. The Community for Helping Others will be at the meeting to discuss their holiday programs and everyone is asked to bring donations of food or new toys.

Mayor Seeman also reported that the Virginia Department of Transportation is having their fall meeting on Tuesday October 6th, where you can present what you want for their next six year improvement program. She is unable to attend but she has sent her remarks in. She has asked Vice Mayor Springsteen to try and attend.

Mayor Seeman also reported that Fairfax County is also having their second round of transportation meetings on the County Wide Transit Network Study which is being held on Tuesday October 13th at Stenwood Elementary School.

Mayor Seeman reported that if any Councilmember would like to have photo id's they can arrange to have one made through the Police Department.

CLOSED SESSION

It was moved that the members of the Vienna Town Council convene in a closed session later this date Monday, November 5, 2012 at the conclusion of the regular Council meeting, for purposes or consideration of the acquisition of real property for a public purpose where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body.

Motion: Councilmember Kelleher

Second: Councilmember Cole

Carried – Poll vote

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

AGENDA ITEM #5

CONSIDERATION OF TWO REQUESTS FROM TWO DIFFERENT OWNERS, STAATS DEVELOPERS AND ALMA AND JACK TOCHTERMAN, TO PURCHASE THE UNOPENED ALLEY BETWEEN 108-110 CHURCH STREET NE AND 120 CHURCH STREET, NE

It was moved to begin the process to dispose of the excess public alley right-of-way stretching from Church Street to Ayr Hill in 100 block NE of

Church Street and Ayr Hill contingent upon the applicants providing the necessary survey, deed research and plat at their expense.

It was further move to direct the Town Attorney to follow the prescribed process to determine the value of the property and prepare a report to Council for the property's disposition.

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

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

AGENDA ITEM #6

CONSIDERATION OF A REQUEST FROM DENNIS RICE WITH J.D.A. CUSTOM HOMES, INCORPORATED TO PURCHASE A SECTION OF THE UNOPENED PUBLIC ALLEY BEHIND 112 AYR HILL AVENUE NW.

It was moved to begin the process to dispose of the excess public alley right-of-way going from Lawyers to Center between Ayr Hill and Wilmar contingent upon the applicant providing the necessary survey, deed research and plat at his expense.

It was further moved to direct the Town Attorney to follow the prescribed process to determine the value of the property and prepare a report to Council for the property's disposition.

Motion: Councilmember DiRocco
Second: Mayor Seeman
Carried Unanimously - Poll vote

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

AGENDA ITEM #7

AWARD A SURVEY AND DESIGN CONTRACT FOR MILL STREET NE TO WILEY|WILSON.

It was moved for Council approval to award a survey and design contract to Wiley|Wilson under RFP 10-02 for Mill Street NE for an estimated cost of \$33,705 from CIP account number 200425-48801.

Motion: Mayor Seeman
Second: Councilmember Sienicki
Carried (5-2) - Poll vote

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

AGENDA ITEM #8

CONSIDERATION OF A FEDERAL HIGHWAY ADMINISTRATION "WALK TO DOWNTOWN VIENNA INITIATIVE" GRANT FOR SIDEWALK CONSTRUCTION.

It was moved for approval of the Walk to Downtown Vienna Initiative TSCP grant and authorize the Mayor to sign the Grant Agreement.

It was further moved to authorize the Town Manager to sign other documents to implement this grant.

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

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

AGENDA ITEM #9

A PROPOSED ORDINANCE TO AMEND CHAPTER 9, MOTOR VEHICLES AND TRAFFIC, ARTICLE 1, IN GENERAL, SECTION 9-3, ADOPTION OF STATE CODE, OF THE CODE OF THE TOWN OF VIENNA.

It was moved for adoption of the proposed ordinance to amend the Code of the Town of Vienna Chapter 9, Motor Vehicles and Traffic, Article 1, In General, Section 9-3, Adoption of State Code. It was further moved that the Town Clerk be directed to advertise a Notice of Adoption.

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

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

AGENDA ITEM #10

ADOPTION OF RE-CODIFIED TOWN CODE.

It was moved for the adoption of the re-codified Town Code. It was further moved that the Town Clerk be directed to advertise a Notice of Adoption.

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

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

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 November 5, 2012, the Town Council met for purposes of discussion or consideration of the acquisition of real property for a public purpose, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body.
(§ 2.2-3711.A.3)**

It was further move 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 Monday, November 12, 2012 at 7:15 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

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

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

It was moved to adjourn the Regular Council Meeting of November 5, 2012 at 10:11 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