

Regular Council Meeting

December 3, 2012

The Town Council met in regular session on Monday, December 3, 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.

Mr. John Russo of the Local Spiritual Assembly of the Bahai's 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 led by Brownie Troop 773 of Cunningham Park Elementary.

APPROVAL OF THE MINUTES

It was moved to approve the minutes of the Regular Meeting of November 5, 2012, November 19, 2012 and the Work Session meeting of November 12, 2012 as submitted.

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

RECEIPT OF PETITIONS AND COMMUNICATIONS FROM THE PUBLIC

None

REPORT AND INQUIRIES OF COUNCIL MEMBERS

Councilmember DiRocco thanked Historic Vienna Inc., for a wonderful Church Street Stroll, it was great weather and a great turnout.

Councilmember Cole recognized Tim Fricker of Bikes of Vienna for cleaning and servicing at least 35 bikes for the Community for Helping Others bicycle drive. The bikes are now available as holiday gifts kids in the community. She wanted to make sure they recognized Mr. Fricker's very generous activity and it is just another example of the fine business people we have in Vienna.

Councilmember Kelleher announced that the American Legion Auxiliary will once again host the Town hall meeting to be conducted by Senator Petersen and Delegate Keam, on Saturday January 12, 2013 at 9:00 a.m. It is very much open to the public and they will be serving coffee and refreshments.

2012 GFOA DISTINGUISHED BUDGET PRESENTATION AWARD

Mr. Phil Grant, former Finance Director presented the Budget Committee with the Distinguished Budget Presentation Award for the fiscal year beginning July 1, 2012.

REPORT OF THE TOWN MANAGER

Mr. Payton introduced Antoine (Tony) Mull as the new IT Director for the Town.

REPORT OF THE MAYOR

NONE

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 December 3, 2012, the Town Council met for purposes of discussion of matters of personnel, specifically the introduction of the new Town Treasurer.

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 later this date, Monday, December 3, 2012 at the conclusion of the Regular Council Meeting in accordance with Virginia Code Section 2.2-3711.A(7), for purposes of consultation with legal counsel pertaining to actual or probable litigation

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

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

AGENDA ITEM #5

PUBLIC HEARING TO CONSIDER PROPOSED CHANGES TO THE TOWN OF VIENNA CODE, CHAPTER 27, SECTION 27-2: MEMBERSHIP, APPOINTMENT, NUMBERS, QUALIFICATIONS, TERMS, REMOVAL AND SEC. 27-3: ORGANIZATION, RULES, MEETINGS, RECORDS.

See official minutes

AGENDA ITEM #6

PUBLIC HEARING TO CONSIDER RECOMMENDED CHANGES TO THE TOWN BUSINESS LIAISON COMMITTEE CHARTER

See official minutes

AGENDA ITEM #7

REQUEST FOR APPROVAL OF A REVISED FINAL PLAT TO RETAIN AN EXISTING DRIVEWAY APRON (ORIGINALLY CONTEMPLATED FOR REMOVAL) ON THE REYNOLDS PROPERTY LOCATED AT 350 NUTLEY STREET NW, AND IN THE RS-12.5, SINGLE-FAMILY DETACHED RESIDENTIAL ZONE.

It was moved for the approval of a revision to the final plat for the Reynolds Property at 350 Nutley Street NW, in the RS-12.5, Single-Family Detached Residential zone for the purpose of retaining an existing driveway apron onto Orchard Street NW subject to the applicants submission of a driveway permit application to the Department of Planning & Zoning prior to December 17, 2012.

It was further moved that construction of the proposed driveway commence no later than April 1, 2013.

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

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

AGENDA ITEM #8

REQUEST FOR APPROVAL OF THE CONTINUED USE OF TWO (2) EXISTING PUBLIC USE TRAILERS LOCATED AT LOUISE ARCHER ELEMENTARY SCHOOL, 324 NUTLEY STREET, NW; FIVE (5) EXISTING PUBLIC USE TRAILERS LOCATED AT MARSHALL ROAD ELEMENTARY SCHOOL, 730 MARSHALL ROAD, SW; AND EIGHT (8) EXISTING PUBLIC USE TRAILERS LOCATED AT CUNNINGHAM PARK ELEMENTARY SCHOOL, 1001 PARK STREET, SE. EACH OF THESE REQUESTS HAVE BEEN FILED BY SUNNY SARNA, P.E., OFFICE OF DESIGN AND CONSTRUCTION SERVICES, AND AGENT FOR FAIRFAX COUNTY PUBLIC SCHOOLS, OWNER.

Upon a finding that the placement and location of the described Public Use Trailers does not impair the public health, safety and welfare of the Town, I move for the approval to continue--for a two-year period of time--the use of two (2) existing Public Use Trailers at Louise Archer Elementary School on property located at 324 Nutley Street, NW, and in the RS-12.5, Single-Family Detached Residential Zone; five (5) existing Public Use Trailers at Marshall Road Elementary School on property located at 730 Marshall Road, SW, and in the RS-16, Single-Family Detached Residential Zone; and eight (8) existing Public Use Trailers at Cunningham Park Elementary School on property located at 1001 Park Street, SE, and in the RS-10, Single-Family Detached Residential Zone. As noted by the applicant, the 8 trailers at Cunningham Park School will be removed by summer 2014 and 3 of the 5 trailers at Marshall Road Elementary School will be removed upon completion of the building addition approved by the Town in October 2012.

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

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

AGENDA ITEM #9

Improvements to access pathways leading to the W&OD Trail.

It was moved to accept the TSC's recommended improvements to access pathways leading to the W&OD Trail.

It was further moved to direct the Town Manager to include funding for these projects within a future capital budget.

Motion: Mayor Seeman
Second: Councilmember DiRocco
Carried –Poll vote

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

AGENDA ITEM #10

AWARD A CONTRACT TO ELLIOTT/WILSON FOR THE PURCHASE OF ONE TRUCK CAB AND CHASSIS WITH 10' DUMP BODY UNDER IFB 13-10.

It was moved for approval to award IFB 13-10 to Elliot/Wilson for an estimated cost of \$95,999 under the VRP account number 10912-48308.

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

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

AGENDA ITEM #11

APPROVAL TO RIDE COMMONWEALTH OF VIRGINIA CONTRACTS TO PURCHASE THREE REPLACEMENT VEHICLES FOR THE DEPARTMENT OF PUBLIC WORKS AS PART OF THE VEHICLE REPLACEMENT PROGRAM.

It was moved for Council approval to purchase the three listed vehicles, numbers 30, 37 and 57, under the VRP and ride the listed contracts for a total cost of \$121,708 from account number 10912-48308.

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

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

AGENDA ITEM #12

AWARD A CONTRACT TO JAMES RIVER EQUIPMENT TO PURCHASE A HYDRAULIC CONCRETE BREAKER WITH RIGID COUPLER UNDER IFB 13-08.

It was moved for approval to award IFB 13-08 to James River Equipment for an estimated cost of \$24,555 from FY 12/13 General Fund account number 10414-48203 and approve the budget transfer listed above.

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

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

CLOSED SESSION

It was moved to recess into closed session at 9:02 p.m.

Mayor Seeman called the meeting back to order at 10:14 p.m.

It was moved that the members of the Vienna Town Council be polled to affirm that during the second Closed Session convened this date, Monday December 3, 2012, the Town Council met for purposes of consultation with legal counsel pertaining to actual or probable litigation.

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 Monday, December 17, 2012 at 7:15 p.m. in accordance with Virginia Code Section 2.2-3711A(7), for purposes of consultation with legal counsel pertaining to actual or probable litigation.

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

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

It was moved that the Town Attorney is authorized to take action on the litigation Town of Vienna vs. Board of Supervisors of Fairfax County in accordance with the terms discussed with the Town Attorney during the closed session.

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 December 3,
2012 at 10:16 p.m.**

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

Signed / Dated: _____

M. Jane Seeman, Mayor

Attest:

Melanie J. Clark, CMC
Town Clerk