

Council Work Session
November 12, 2012
8:00 p.m.

Present: Mayor M. Jane Seeman
Council Member Laurie Genevro Cole
Council Member Laurie DiRocco
Council Member Edythe Frankel Kelleher
Council Member Michael J. Polychrones
Council Member Carey J. Sienicki
Council Member Howard J. Springsteen

Also present: Mercury T. Payton, Town Manager
Kirstyn Barr, Public Information Officer
Steve Briglia, Town Attorney
Robert Carlisle, Chief of Police
Mike Gallagher, Deputy Director of Public Works
Greg Hembree, Director of Planning and Zoning
Dennis Johnson, Director of Public Works
Nancy McMahon, Director of Administrative Services
Mike Miller, Deputy Chief of Police
Cathy Salgado, Director of Parks and Recreation
Marion Serfass, Acting Director of Finance
Carol S. Waters, Deputy Town Clerk

(1) 2013 Legislative Agenda

State Senator Chap Petersen and Delegate Mark L. Keam met with the Mayor, Council and staff to talk over issues and priorities to propose to the General Assembly for their consideration in 2013. The group began by looking over last year's list of issues, discussing the requirement to do an environmental impact study for every routine maintenance project, unfunded government mandates, and Chesapeake Bay and Federal Environmental Protection Agency guidelines. Senator Petersen reported that the Commonwealth Transportation Board (CTB) basically allocates all of the state funding for road maintenance and re-construction, and expressed his hopes that the General Assembly might approve a change in the composition of that board this year. He said it is currently set up based on highway districts from the 1930's, so it reflects population distributions back then. Senator Petersen wants to introduce a Bill to reallocate those seats based on population distribution now.

Discussion ensued on: a two year time limit amendment to the Uniform State Building Code; opposition to any reduction of business, professional and occupational license (BPOL) taxing authority; opposition to proposed restrictions on the banking institutions in which municipalities may invest taxpayer funds; devolution of state highway and road funding

responsibilities; and healthcare. Senator Petersen said that he would support the Town of Vienna if necessary in questions about rate setting authority within the Town.

Nancy McMahon reported on the importance of keeping Virginia's Cigarette Tax Board functioning, since there had been a legislative attempt last year to do away with it. She introduced an administrator from the Cigarette Tax Board, Deborah Cannon, who gave a talk on the business of purchasing cigarettes in Virginia with a 30 cent per pack state tax (and zero taxes on military bases), and re-selling them in New York where they add taxes of \$5.85 per pack. Ms. Cannon stated that the profits are funding organized crime and terrorist operations, and it is more lucrative than the sale of marijuana, cocaine, heroin, or guns, and has lower penalties.

After discussing the long lines at the November 6th election, Senator Petersen said he would put in a bill to increase the number of voting machines in Virginia.

Delegate Mark Keam talked about education reform, transportation, and "dozens of tax credits." He said that to date, the General Assembly has not required any reporting on where the money from tax credits has gone, so they are recommending steps for accountability on that.

Delegate Keam spoke on an idea to increase the base number of people who pay taxes to Virginia, by establishing sales taxes on services. This would affect lawyers, doctors, psychologists, etc., or any business which sells a service, as opposed to a product. Also pointed out was what a big share of our commerce is generated by the internet, and that "bricks and mortar businesses are getting killed."

Recommendation: Town Attorney Steve Briglia will write up a finished list of Legislative Priorities, as discussed, and Council will conduct a public hearing November 19, 2012.

(2) Vienna Rotary Club Proposal for Vienna Town Green Stage Roof

Members of the Vienna Rotary Club presented their ideas to Council. Mr. Tom Kylo showed his architectural drawings for the proposed roof, and said that the Rotary Club would like to share the funding for it. He explained that they want to keep it simple and try not to disturb what is there now, add four barrel type cedar trusses that would match what is there now, and build a standing seam roof that matches the shed and bathroom's roofs. The main idea is something to keep the sun and light rain off of the stage, but not block too much of the natural light and airflow. Mr. Kylo also remarked that lights and speakers could be put into the roof structure, and that the Rotary Club would like to see a large display case for posting the season's schedule next to the stage.

Mr. Jeff Bollettino of the Rotary Club added that they've had requests for a roof. He estimated that the entire project could be completed for thirty thousand dollars, and the Club would contribute half of that. At this time, no Town funds have been budgeted for this project.

Director of Parks and Recreation Cathy Salgado said that the next step would be to get detailed drawings and go out for bids. After receiving the bids, the issue would be considered at a regular Council Meeting. Architect Tom Kyлло offered to do the drawings.

Mr. George Creed discussed this project's funding from the perspective of the Rotary Club, and expressed the hope that it proceed as soon as possible, at least by this year.

Recommendation: Wait for completion of architectural drawings, go out to bid, identify some funding, and schedule this for a Council Meeting.

(3) CEC Proposal to Regulate Tree Removal on Single Lot Development

Greg Hembree spoke on tree canopy regulations (for single lot tear-downs) and suggested that enforcement of such regulations could be an issue. (Note: Mr. Hembree said there were 77 single family home tear-downs in Vienna this year alone.) The Community Enhancement Commission representative expressed their desire to be forward-thinking about replacement of the many mature trees which are lost, as Vienna grows one lot at a time. Mr. Hembree recommended implementing tree canopy regulations within the building permit process.

Recommendation: The Town Attorney and the Director of Planning and Zoning will draft tree canopy regulations for single lot re-development, following the State Code as much as possible, and calling for a minimum tree canopy of 25%. This will have to be referred to the Planning Commission, and have a Public Hearing.

(4) Proposed Code Changes to Chapter 27 – Community Enhancement Commission

Representatives from the Community Enhancement Commission (CEC) requested to add to their membership a second student representative, who is a junior in high school, who may stay on the commission the following year as the senior student representative. In other words, the membership would always include two students, one junior and one senior. Furthermore, it was decided to drop the requirement for the students to be in an environmental club at school or enrolled in an environmental science class. The CEC also asked to increase the commission's membership total from seven to ten.

Recommendation: This will be scheduled for a Public Hearing.

(5) T/BLC – Recommended Changes to Its Charter

The Town/Business Liaison Committee (T/BLC) is revising part of their Charter, dropping a requirement for the former Greater Vienna Chamber of Commerce to submit a list of owners or managers of businesses. T/BLC Chair Mr. Mike Gadell went over some other details about the composition of the membership and the election of the chairman by vote of its incumbent

members. At Council's suggestion, the reference to "chairman" should be changed to "chair person."

Recommendation: A Public Hearing will be conducted on this item.

(6) Proposed Change in Town Code Chapter 17-1 Definitions

Cathy Salgado spoke on this item, which addresses changing the definition of "tree." At a previous work session, separate definitions for a tree on private property versus a tree on public property were suggested. There was more discussion about the limitations of planting larger trees (4" caliper trunks, as currently required for site development) in a two foot wide utility strip, since the tree roots may not fit and the larger transplanted trees tend to be less viable. As discussion continued there were various suggestions, such as stating tree caliper requirements in terms of size ranges instead of minimum sizes. It was also requested that the definitions be less confusing. An arborist commented that 2 ½ caliper trees, as planted in D.C., are fairly substantial.

A Council Member commented that any change to the definition of the term "tree" will cause revisions in multiple sections of the Town Code. It was agreed that the definition or definitions need more work.

Recommendation: Staff will continue working on tree definitions, taking into consideration everything which has been discussed at work sessions to date, and defining trees by a range of sizes. This topic will come back to another Council work session.

(7) Follin Lane Reconstruction Project Funding

Captain Miller and Dennis Johnson spoke about Navy Federal Credit Union's offer to loan the Town of Vienna \$1,000,000.00, without interest, in order to avoid approximately one year of delay in starting to rebuild Follin Lane, S.E. from Maple Avenue to Echols Street, S.E.

Acting Finance Director Marion Serfass said that the Town still would not be anywhere near its debt capacity.

Recommendation: This issue will come back to Council once a decision is made on the parking structure. The Town Attorney should prepare the memorandum of understanding and construction bonding agreement. Council will look at the comprehensive agreement for the PPEA on December 17, 2012.

(8) Request for Tree Removal on Private Property on Tazewell, N.W.

Town Attorney Steven Briglia reported that a tree has fallen on the house, the house is vacant, water service and power are off, and the owner has been identified but not located.

Town Staff has been asked to remove the tree from the roof. Mr. Briglia stated that the tree is not a public nuisance and is not endangering anyone. He added that the Town already cuts the grass and has put a lien on the property to cover that expense. Mr. Briglia says that the issue is whether or not it is a blighted property yet. He also said that Fairfax County is involved with this house and they have a working file on this case.

Discussion followed about whether or not to go on private property and remove a tree. This question is not answered by the Town Code.

Recommendation: The Town Attorney will request an update from Fairfax County, the Town Zoning Department will keep this as an open zoning file and keep working with the County. The neighbors will be updated on the status.

The Town Council Work Session Meeting of November 12, 2012 adjourned at approximately 10:45 p.m.

Mayor M. Jane Seeman

Signed / Dated: _____

Attest:

Deputy Town Clerk