



Town of Vienna

Charles A. Robinson Jr. Town
Hall
127 Center Street South
Vienna VA, 22180

Meeting Minutes Town Council Meeting

Monday, August 24, 2015

8:00 PM

Charles A. Robinson, Jr. Town Hall, 127
Center Street, South

Regular Council Meeting

Invocation: Reverend Craig Burns, Vienna Assembly of God

Pledge of Allegiance to the Flag of the United States of America

1. Roll Call

Present: 7 - Council Member Linda Colbert, Council Member Edythe Frankel Kelleher, Council Member Pasha Majdi, Mayor Laurie DiRocco, Council Member Howard J. Springsteen, Council Member Carey Sienicki and Council Member Tara L. Voigt

2. Approval of the Minutes:

A. Approval of the minutes of the Regular Council Meeting Of July 6, 2015.

It was moved to approve the minutes of the Regular Council Meeting of July 6, 2015 as submitted.

A motion was made by Council Member Springsteen, seconded by Council Member Sienicki, that the Minutes be approved. The motion carried by the following vote:

Aye: 7 - Council Member Colbert, Council Member Kelleher, Council Member Majdi, Mayor DiRocco, Council Member Springsteen, Council Member Sienicki and Council Member Voigt

3. Receipt of petitions and communications from the Public

Ms. Carol Wolfand, 2433 Hunter Mill Road and owner of Vienna Paint, addressed Council regarding a conversation she had with Councilmember Springsteen where he told her that there was an issue coming to light that she thought was dead in the water and she wanted Council to know how she felt about it. About two years ago it was proposed by Fairfax County to put a right hand turn lane on Lawyers Road to go on to 123 which she thought was gone and everyone was happy but it turns out that it is up for funds to be possibly received and she would like to make sure that it doesn't happen. It would involve her business losing some of the parking lot and she is very covetous of every parking space she can get. She just wanted Council to know for the record that she does not think this would be advantageous to the community especially from that stand point that it would mean taking property from somebody who is prospering in the Town of Vienna, paying taxes and running a business. As she recalls it also impacted Money & King. Mayor DiRocco remembers some of those discussions where Fairfax County not only talked about widening that but also corresponding with widening Maple Avenue which is not going to happen either. It would not help the intersection. She thinks their goal was to see if traffic would flow better and her understanding is it wouldn't flow better unless your going onto another lane.

Mr. Jay Bachmann, 325 West St. NW addressed Council stating that he and his wife Terry wanted to bring attention to matters that relate to their property at 325 West St. Specifically two projects being considered by the Department of Planning & Zoning and the Department of Public Works impacting both sides of their property. One project is the West Street drainage project and the other is the potential subdivision at 315 West Street. They are addressing Council just to raise their awareness of the issues and risks facing their property, the creek and the wetlands that are on it as well as to ask for their support and make sure that a sufficient administrative and legislative process and review is fully provided and to properly investigate the matters that they raise. In particular they specifically ask the Council to facilitate the timely resolution of zoning issues affecting the potential subdivision at 315 West St. before significant financial interests are involved. He would like this to be resolved before the sale of the property to the developer Michael Albright is done, before potentially unnecessary engineering are incurred to subdivide the property and before potentially unnecessary administrative efforts of the Department of Planning & Zoning and Public Works. They did send the Council members an email summarizing many of their concerns and issues and they certainly welcome any questions they might have and invited them to their home if they want to see what they are facing. They also thanked the Town staff, they have been tremendous in terms of opening their doors to them and spending a significant amount of time to help answer their questions and giving them needed information. This really comes down to three points he would like them to reflect on; first is they want the creek to be designated "a creek", the wetlands on the property to be properly delineated. They are taking actions to defer those determinations but what is important is it affects the potential subdivision on 315 West St. They appreciate the creeks and wetlands are defined terms or technical terms and they are confident that the terms are accurate and should apply. They look forward to working towards the end in the petition that those efforts be taken into consideration as the Departments of Planning & Zoning and Public Works address these matters. They want to ensure that a thorough review is done of the West Street project. Ever since the completion of the Lewis drainage project and despite assurances to the contrary, average storms now flood the banks of the creek causing significant erosion. They have seen the creek banks collapse, they have seen the root system of their older larger trees compromised, the retaining wall has now fallen to the creek and the stone wall will shortly follow. All of this has significantly impacted their property. They understand that the Department of Public Works has a preliminary plan under advisement to improve the outfall but their concern is that plan is not sufficient, given what they have seen to protect the creek on their property. They ask that the Town Council to support this and that they put the town resources in process to get to the right solution. For the potential subdivision of 315 West St., they ask the Council to work with the Department of Planning & Zoning to address the issues that they have identified. They also ask that the Department of Public Works give sufficient consideration to the stormwater and other drainage management issues on the potential subdivision with the understanding that they are dealing with creek, streams and wetlands across the two properties when decisions are made.

Local Boy Scouts from Troop 976, 979 and 1143 introduced themselves to Council. They are working on their Communications Merit Badge.

Reverend Craig Burns, 301 Center St. North spoke regarding item 4 on the agenda regarding Blood Cancer awareness month. He wanted to put a face to blood cancer, he was diagnosed with stage 4 Blood Cancer four years ago. He thanked Council for doing whatever will be done to recognize blood cancer and lymphoma.

Mr. Bob McCahill, 429 Center St., North addressed Council on behalf of the 34 residents of the 400 block of North Center St. Back in November 2014 they presented a petition for traffic calming and there were a number of things that they had requested two of which were adopted; one was striping and an additional speed limit of 25mph at the bottom of North Center St as it exits town. One thing they did ask for at the meeting was for more police presence in their block and they were told at the time that Center Street is covered, it is one of 18 streets that are monitored on a rotating basis for speed. He has noticed that there has been some presence at the stop sign at John Marshall and North Center Street. He congratulated the Transportation Safety Commission for doing the striping and the sign but at the time he also said they would like to see some more police presence. They have not seen a police presence for a while and they are asking that the police occasionally monitor it to let people know that there is a chance that there might be an issue with them speeding. They would really like to see the speed addressed even if it is only occasionally. He sent the TSC a nice email and made a suggested spot where the police might sit to monitor the speeders. Mayor DiRocco thanked Mr. McCahill for bringing this information forward. Councilmember Springsteen agrees that there should be some radar enforcement there.

Michael Deehan 1842 St. Roman Dr. addressed Council stating that on July 31st they had the repaving of five courts in their development but there are some issues regarding the job that was done. For most part it was pretty good but there were some scorching of trees. He talked with a master gardener and he stated that if the internal buds were damaged that the branches that were scorched will not come back. Some of the trees will come back but the pine will not, the branches will die and there will be a bare spot. Mr. Dennis Johnson, Director of Public Works stated he was aware of some of the trees that were scorched by the exhaust of the paving machine but he was not aware of this pine. He will have the Town Arborist go out and give his advice on it. Mayor DiRocco thanked Mr. Deehan for bringing it to Council's attention.

4. Reports/Presentations

Presentation of a Certificate of Appreciation to Ms. Shirley Damon

Mayor DiRocco presented Ms. Shirley Damon with a Certificate of Appreciation for her service to the Town of Vienna on the Board of Architectural Review. She has been Chairwoman for the BAR for a very long time. She has served the Town for almost 35 years.

A. Proclamation for National Payroll Week

Mayor DiRocco presented a Proclamation designating the week of September 1, 2015 as National Payroll Week to Ms. Merenda Tate from the National Payroll Association.

B. Proclamation for Blood Cancer Awareness Month and Lymphoma Awareness Day.

Mayor DiRocco presented a Proclamation designating September as Blood Cancer Awareness Month and September 15, 2015 as Lymphoma Day in the Town of Vienna, to Mayor David Leake and Councilmember Joe Pasanello from the Town of Haymarket.

"I move to approve the Proclamation designating September as Blood Cancer Awareness Month and September 15th as Lymphoma Awareness Day."

Or
Other action deemed necessary by Council.

A. Report and Inquiries of Council Members

Councilmember Sienicki thanked the Ayr Hill Garden Club who has been doing wonderful things around Town with the Town's gardens and also at Lawyers Rd and Windover where there are native habitats, especially during the summertime when all the plants need to be watered and need to be weeded, they are out there taking care of it. It is a huge commitment that really makes the Town a better one. She wanted to thank them for what they do.

Councilmember Springsteen reported that he was talking with Councilmember Voigt about zebra striping and they were under the impression that all new crosswalks in Town are supposed to have zebra striping and would like to know what Public Works understanding is with that. Mr. Johnson stated he is not up to speed with the zebra striping. He is not sure what the policy is if there is a standard policy. Mayor DiRocco stated there were two locations that they thought there should be some zebra striping. Councilmember Springsteen stated it was coming into town on Lawyers Road there is a new crosswalk but he thinks any crosswalk that is re-painted or done should have zebra striping. Councilmember Voigt stated that the other one is at the intersection of Meadow and Tapawingo that was just repaved and the striping for the crosswalk was put down as just two parallel lines. Mayor DiRocco asked Mr. Johnson to get back to Council to let them know the status.

Councilmember Springsteen stated that there are a number of streets that need to be paved and he knows that they are waiting for some concrete work to be done and he would like to know the background on this. He understands they are waiting for a concrete vendor. Mr. Johnson stated that they always try to do concrete maintenance before they pave a street and if they have a water main replaced there are always hydrants along the sides that damage the concrete and unfortunately they do not have a concrete maintenance vendor at the moment but they will come to Council soon with a new vendor. They are trying to look around to see if there is a contract to ride so that can get the concrete down and the paving done before school starts.

Councilmember Springsteen stated that he is going to be adding an additional agenda item to discuss the list of CIP projects listed for pre-application for funding especially the project to add a right turn lane on Lawyers Rd.

B. Report of the Town Manager

Mr. Payton requested that the Town Council remove item E. 13-639, Town Manager vehicle purchase under the vehicle replacement program. He would like to bring the item back on September 14th. A motion was made by Councilmember Kelleher to defer the item to the Council meeting of September 14th. It was seconded by Councilmember Sienicki. All members of Council voted unanimously.

Mr. Payton asked Karen Spence, Finance Director to come forward and provide information on the Town's AAA Bond rating being re-affirmed through Standards & Poor. Ms. Karen Spence stated that was correct in that Standards & Poor had re-affirmed the Town's AA Bond rating. This is not just a staff of approval, this year they had an in depth conversation as well as they wanted to see quite a few reports and one of the Town's CAFR to make sure they understood it in depth.

C. Report of the Mayor

Mayor DiRocco thanked the Parks & Recreation department for all their hard work in supporting the afternoons on Church Street that has been going on this summer as well preparation for the upcoming Evening in White. All of the extra community service activities that are going as part of the 125th Anniversary, the Parks & Rec staff has really stepped up and worked and supported as well as keeping the town looking beautiful by mowing, watering and trimming. She thanked all for their efforts.

Mayor DiRocco stated that the Department of Public Works has been doing a number of infrastructure projects throughout Town; water sewer re-linings and road re-pavings. They have been very busy over the summer. She thanked them for all their time and energy they have put in.

Mayor DiRocco reminded everyone that the Mayor's Vienna at Your Service will be held on September 8th at 7:30 p.m. in the Council Chambers. They will be talking about Bicycle and Pedestrian Safety as well as some updates on the infrastructure projects that are going on and an update on the Community Center renovation.

Mayor DiRocco also reminded everyone that the Vienna Dinner in White will be held on September 12th which is in celebration of the town's 125th Anniversary. The event is being held in a location that will remain a secret until the morning of the event. It should be a really fun event for those that have signed up.

D. Proposals for Additional Items to the Agenda

Councilmember Springsteen would like to add an item to discuss the turn lane on Lawyers Road and mini roundabouts on Park St.

Mayor DiRocco does agree with Councilmember Springsteen that there is no need to add a turn lane on Lawyers Road and she thought it was a dead issue because they had talked to Fairfax County and it just wouldn't help with the flow of anything. She would however like to have this discussion with all of the projects.

Councilmember Springsteen just wants to discuss removing those two items from the list at the end of the meeting.

A motion was made by Council Member Howard J. Springsteen, seconded by Council Member Edythe Frankel Kelleher, that this was approved.. The motion carried by the following vote:

Aye: 7 - Council Member Colbert, Council Member Kelleher, Council Member Majdi, Mayor DiRocco, Council Member Springsteen, Council Member Sienicki and Council Member Voigt

E. 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 24, 2015, the Town Council met for purposes of discussion of personnel matters, specifically the interviewing of individuals for consideration of appointment and/or re-appointment to Town Boards or Commissions.

It was further moved that the Certification Resolution be adopted in accordance with State Statutes, and that the Town Clerk is authorized to execute the Certification Resolution.

And it was further moved that the Closed Session be continued to Tuesday, September 1, 2015 at 7:00 p.m. and Monday, September 14th at 7:15. p.m. in accordance with Virginia Code Section 2.2-3711A(1), for purposes of discussion of personnel matters, specifically the interviewing of individuals for consideration of appointment and /or re-appointment to Town Boards or Commissions.

Motion: Councilmember Kelleher

Second: Councilmember Majdi

Carried Unanimously

It was moved that Michael Cheselka be re-appointed to the Board of Architectural Review and as the BAR Representative to the Windover Heights Board of Review for a two-year term. Said term shall be retroactively in effect from July 31, 2015 through July 31, 2017.

And it was further moved that Ed Somers be re-appointed to the Transportation Safety Commission for a two-year term. Said term shall be retroactively in effect from July 1, 2015 through July 1, 2017.

And it was further moved that Susan Stillman be appointed to the Windover Heights Board of Review to fill a vacancy of the Community Enhancement Commission Representative. Said term shall be effective as of August 25, 2015.

A motion was made by Council Member Edythe Frankel Kelleher, seconded by Council Member Pasha Majdi, that this was approved.. The motion carried by the following vote:

Aye: 7 - Council Member Colbert, Council Member Kelleher, Council Member Majdi, Mayor DiRocco, Council Member Springsteen, Council Member Sienicki and Council Member Voigt

5. Regular Business

- A.** Award of Capital Lease Contract (IFB 16-01) for the Financing of FY 15/16 Vehicle and Equipment Replacement Program.

A motion was made by Council Member Springsteen, seconded by Council Member Voigt, that the Action Item be approved. The motion carried by the following vote:

Aye: 7 - Council Member Colbert, Council Member Kelleher, Council Member Majdi, Mayor DiRocco, Council Member Springsteen, Council Member Sienicki and Council Member Voigt

- B.** Request Approval to Publish the Annual Report of Delinquent Real Estate Properties as of June 30, 2015.

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, 2015, 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 delinquent real estate taxes be recorded as a tax lien against said properties

A motion was made by Council Member Voigt, seconded by Council Member Sienicki, that the Action Item be approved. The motion carried by the following vote:

Aye: 7 - Council Member Colbert, Council Member Kelleher, Council Member Majdi, Mayor DiRocco, Council Member Springsteen, Council Member Sienicki and Council Member Voigt

C. Purchase of replacement Police vehicle within the Vehicle Replacement Program.

It was moved to approve the purchase of vehicle #17 under the Vehicle Replacement Program by purchasing the vehicle through the Commonwealth of Virginia (eVa) contract #E194-1334, in the amount of \$29,752.46 from account 19141-48308.

A motion was made by Council Member Springsteen, seconded by Council Member Majdi, that the Action Item be approved. The motion carried by the following vote:

Aye: 7 - Council Member Colbert, Council Member Kelleher, Council Member Majdi, Mayor DiRocco, Council Member Springsteen, Council Member Sienicki and Council Member Voigt

D. Trash Truck Purchase under the Vehicle Replacement Program.

It was moved to approve the purchase of vehicle #74 under the Vehicle Replacement Program through the National Joint Powers Association (NJPA) contract, in the amount of \$218,070.96 from account 19141-48308.

A motion was made by Council Member Sienicki, seconded by Council Member Kelleher, that the Action Item be approved. The motion carried by the following vote:

Aye: 7 - Council Member Colbert, Council Member Kelleher, Council Member Majdi, Mayor DiRocco, Council Member Springsteen, Council Member Sienicki and Council Member Voigt

E. Defer the Town Manager vehicle purchase under the Vehicle Replacement Program.

It was moved to defer the approval of this item to the Council meeting of September 14, 2015.

A motion was made by Council Member Kelleher, seconded by Council Member Springsteen, that the Action Item be approved. The motion carried by the following vote:

Aye: 7 - Council Member Colbert, Council Member Kelleher, Council Member Majdi, Mayor DiRocco, Council Member Springsteen, Council Member Sienicki and Council Member Voigt

F. Approval of Additional Expense for Pleasant Street SW Property Plats.

It was moved to approve a \$3,200 Pleasant Street SW contract extension with RDA, RFP 12-01, from account #200440-48801.

A motion was made by Council Member Majdi, seconded by Council Member Voigt, that the Action Item be approved. The motion carried by the following vote:

Aye: 7 - Council Member Colbert, Council Member Kelleher, Council Member Majdi, Mayor DiRocco, Council Member Springsteen, Council Member Sienicki and Council Member Voigt

G. Request approval for FY16 spending with National Asphalt Manufacturing

Corporation.

It was moved to approve FY16 spending with National Asphalt Manufacturing Corporation in the amount of \$256,250.00, \$196,850.00 from account #100-104-1041-14120-47408 and \$59,400.00 from account #500-501-0000-50111-47408.

A motion was made by Council Member Sienicki, seconded by Council Member Colbert, that the Action Item be approved. The motion carried by the following vote:

Aye: 7 - Council Member Colbert, Council Member Kelleher, Council Member Majdi, Mayor DiRocco, Council Member Springsteen, Council Member Sienicki and Council Member Voigt

H. Approve FY16 spending with Espina Paving Inc.

It was moved to approve FY16 spending with Espina Paving Inc. in the amount of \$65,000.00 from account #14120-47407.

A motion was made by Council Member Springsteen, seconded by Council Member Sienicki, that the Action Item be approved. The motion carried by the following vote:

Aye: 7 - Council Member Colbert, Council Member Kelleher, Council Member Majdi, Mayor DiRocco, Council Member Springsteen, Council Member Sienicki and Council Member Voigt

I. Recognize September as Bicyclist and Pedestrian Awareness Month.

It was moved to recognize September as Virginia's Bicyclist and Pedestrian Awareness Month.

A motion was made by Council Member Kelleher, seconded by Council Member Springsteen, that the Action Item be approved. The motion carried by the following vote:

Aye: 7 - Council Member Colbert, Council Member Kelleher, Council Member Majdi, Mayor DiRocco, Council Member Springsteen, Council Member Sienicki and Council Member Voigt

J. Request to recommend contract award to Keller Brothers, Inc. for the Vienna Community Center Renovations and Expansion construction project.

It was moved that Council award a contract to Keller Brothers in the amount of \$8,911, 270 for the Vienna Community Center Expansion and Renovations (IFB16-04) construction project. It was further recommended we accept the project value engineering deducts of \$632,730, and reprioritize \$437,841 in the CIP funds as recommended by the Town Manager.

A motion was made by Council Member Springsteen, seconded by Council Member Colbert, that the Action Item be approved. The motion carried by the following vote:

Aye: 7 - Council Member Colbert, Council Member Kelleher, Council Member Majdi, Mayor DiRocco, Council Member Springsteen, Council Member Sienicki and Council Member Voigt

K. Adoption of a Proposed Ordinance to Amend the Code of the Town Of Vienna, Chapter 18, Zoning, Article 2, Definitions and Article 23, Board of Zoning Appeals, Updating Variance Standards Consistent With the Code of Virginia.

It was moved to approve and adopt the proposed ordinance with the small amendment, to amend the Code of the Town of Vienna, Chapter 18, Zoning, Article 2, Definitions and Article 23, Board of Zoning Appeals, updating variance standards consistent with the Code of Virginia.

A motion was made by Council Member Kelleher, seconded by Council Member Springsteen, that the Action Item be approved. The motion carried by the following vote:

Aye: 7 - Council Member Colbert, Council Member Kelleher, Council Member Majdi, Mayor DiRocco, Council Member Springsteen, Council Member Sienicki and Council Member Voigt

L. Additional agenda item to request removal of two items from the list of CIP projects.

It was moved that the Town drop Lawyers Road and four roundabouts from the initial submission.

A motion was made by Council Member Springsteen, seconded by Council Member Voigt, that the Action Item be approved. The motion carried by the following vote:

Aye: 7 - Council Member Colbert, Council Member Kelleher, Council Member Majdi, Mayor DiRocco, Council Member Springsteen, Council Member Sienicki and Council Member Voigt

6. Meeting Adjournment

It was moved that the meeting be adjourned at 10:09 p.m.

6. Meeting Adjournment

Aye: 7 - Council Member Colbert, Council Member Kelleher, Council Member Majdi, Mayor DiRocco, Council Member Springsteen, Council Member Sienicki and Council Member Voigt

THE TOWN OF VIENNA IS COMMITTED TO FULL COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT STANDARDS. TRANSLATION SERVICES, ASSISTANCE OR ACCOMMODATION REQUESTS FROM PERSONS WITH DISABILITIES ARE TO BE REQUESTED NOT LESS THAN 3 WORKING DAYS BEFORE THE DAY OF THE EVENT. PLEASE CALL (703) 255-6304, OR 711 VIRGINIA RELAY SERVICE FOR THE HEARING IMPAIRED.

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