



# Town of Vienna

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

## Meeting Minutes Town Council Work Session

---

Monday, March 9, 2015

8:00 PM

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

---

### Work Session

#### 1. Regular Business

*Present:* Mayor Laurie A. DiRocco  
Councilman Emil D. Attanasi  
Councilwoman Linda J. Colbert  
Councilwoman Edythe Frankel Kelleher  
Councilman Pasha M. Majdi  
Councilwoman Carey J. Sienicki  
Councilman Howard J. Springsteen

*Also present:* Mercury T. Payton, Town Manager  
Steve Briglia, Town Attorney  
Dennis Johnson, Director of Public Works  
Michael Gallagher, Deputy Director of Public Works  
Cathy Salgado, Director of Parks and Recreation  
Karen Spence, Director of Finance  
Carol S. Waters, Deputy Town Clerk

#### A. New Stormwater Regulations & Location of Stormwater Facilities

*Michael Gallagher, Deputy Director of Public Works, led discussions and answered questions on the stormwater ordinance which was implemented as of July 1, 2014. A large quantity of back-up information had been provided to Council (see attachments). Mr. Gallagher said that the new requirements are more water quality based than the previous requirements, which were focused more on reducing runoff. Water quality is promoted through "Best Management Practices" (BMPs). Mr. Gallagher reported that the popular BMPs that we see are infiltration trenches and rain gardens. There are also manufactured BMPs, which are pre-made and put into the ground such as the one at the Town Property Yard called a Stormceptor. It filters out sediment and things, separates oil and grease, and then inputs to a stormwater management vault. Mr. Gallagher indicated that another BPM which has become very popular is "off-site credits," applicable only when the development is less than 5 acres. He said that off-site credits may currently be the easiest and most economical way to comply with new requirements. The off-site credit program is managed and administered by Virginia DEQ and they have a list of places in the state designated as banks. Mr. Gallagher said that as he understands it, someone might have a piece of property that they re-forest, and that might become a bank. They would have a certain amount of pollutant pounds per year that is allocated to that bank and people could purchase, for instance, a pound per year. If someone wanted to purchase an offset credit in Vienna, the allowable locations would drain into the Potomac River.*

*The July 1, 2014 stormwater regulations apply to all land disturbing activities*

greater than 2,500 square feet of land disturbance, which is roughly one-sixteenth of an acre. Essentially, any house tear-down in Vienna would meet that criteria, Mr. Gallagher revealed. He went on to say that in the past when the Town has had subdivisions come through, they have only been focused on water quantity, and for the larger subdivisions most of the times that has been achieved though sort of an underground storage system. Mr. Gallagher said that staff has been trying to urge developers to meet their requirements by doing everything on private property. At this point in time, Mr. Gallagher noted, the Town does not have a set policy to direct staff on what the Town really wants.

The Mayor asked Mr. Gallagher what he thought about off-site water quality credits. He responded that they help us meet our TMDLs (Total Maximum Daily Load pollution restrictions) for Chesapeake Bay, but they do nothing for our local water quality, and he thinks that Vienna should have a policy that either prohibits or requires certain criteria to be met. In other words, the builders should really have to show that they cannot put any other kind of water quality control system on the property before they are allowed to use off-site credits. Mr. Gallagher referred to a draft policy from Fairfax County that is sort of along those lines. He also pointed out that the City of Fairfax absolutely does not allow off-site credits. Director of Public Works Dennis Johnson commented that these jurisdictions are all under the same State laws, but stricter standards are allowed when there are streams with pollution. Mr. Gallagher confirmed that by State Code, if a locality has an impaired stream or TMDL problem they may prohibit the use of off-site credits, and Vienna is eligible to use that prohibition since Difficult Run is impaired and Accotink Creek is impaired.

In regards to a Ninovan Road housing development, Mr. Gallagher reported that it is meeting the water quantity regulations and all of their water goes into pipes and into an existing closed system which the Town has to maintain. Mr. Gallagher stated that he could not find any other local jurisdiction besides Vienna that allows the underground storage in the public right-of-way, but on the other hand, other local jurisdictions allow dry ponds. And so, he said, dry ponds are serving the same purpose and a dry pond either needs the jurisdiction to maintain it or to establish an HOA (home owner's association) to maintain it. Mr. Johnson weighed in that if underground stormwater management systems are built under public streets, then the Town must maintain them, so we are slowly but surely going to have to maintain more and more, and eventually pipes will fail and we will have to replace them, so the Town is picking up more and more responsibility. Mr. Gallagher commented that if the Town doesn't allow off-site credits and developers are forced to do water quality within their own properties, it would go a long way towards reducing the volume of run-off that comes off the property. He advised that property owners have to maintain the water management systems on their properties, and each homeowner is required to have their maintenance agreement signed, notarized, and recorded with the land records. The code also requires an inspection at least every five years.

The group discussed what happens when property ownership changes hands, and when and how the new owners are to be informed of a stormwater maintenance facility on the property. Concern was expressed that stormwater facility information could be lost in the shuffle of closing documents. Town Attorney Steve Briglia remarked that there are things recorded in the land records, but the problem is that they are buried in the land records; so, agreements are binding on subsequent property owners but we have had concerns in the past. He recalled that around the early 2000's the Town went to the Virginia General Assembly to request that stormwater maintenance agreements which are recorded as part of a subdivision be disclosed in the settlement, however the General Assembly would not give that

authority; they would not make that a requirement; so it is an issue. Mr. Briglia commented that it puts the Town adverse to the citizens if the Town sends out the notices every five years and the property changed hands and the stormwater maintenance agreement was not disclosed as part of their title search.

Mike Gallagher acknowledged that the Town is not involved in the transaction of selling a home, but is involved in the transaction of issuing an occupancy permit, and before issuing an occupancy permit the applicant is required to show that this has been recorded, and when plans are submitted to build a home, they are required to submit the maintenance agreement with the application. Mr. Gallagher told Council that the Department of Public Works is currently planning to send the property owners a sort of welcome letter which would remind and/or inform them of the maintenance agreement on the property and the maintenance timeline, and to explain the importance and benefit of it. Public Works is considering sending the letter six months after purchase of the property, giving new homeowners a chance to settle-in and not be inundated with everything all at closing. Council stressed that the Town should provide as much notification as possible to make people aware of these maintenance agreements.

Steve Briglia suggested that the Town could start a data bank and keep a running list of storm water maintenance agreement addresses as they are approved to get the word out, and tell people that they need to check this data bank. Also, he confirmed that stormwater easements and infiltration trenches are shown on the subdivision plats. Some Council Members voiced their approval of posting a Town data base for the public to access. Mr. Gallagher said that a new data base has not been started yet because they have only had a handful of new stormwater maintenance agreements, but Public Works does have a listing of all of the old ones, and they will continue to expand the list.

Council Member Kelleher expressed her agreement with the staff's positions to minimize the number of new detention facilities located within Town right-of-way and to encourage more BMPs on private property, like bio-retention facilities and rain gardens, and to adopt the policy that Fairfax County has, in which the off-site credits are a last resort. Mayor DiRocco asked the rest of Council how they felt about off-site credits, and gathered that the recommendation would be to make them a lower priority and try to promote more water quality improvement measures within the Town.

Mike Gallagher announced that he received another stream restoration grant for Wolftrap Creek. He said the grant is from Fairfax County and the State, and it will help the Town with its Chesapeake Bay TMDL goals. Mr. Gallagher also told Council that they will have another work session talk in April, regarding the progress of the Chesapeake Bay TMDL and the joint TMDL Action Plan with Vienna, Herndon, and Fairfax County.

Cathy Salgado suggested they may want to look at options for Maple Avenue, where a landscape architect could redesign all of the brick flower beds and turn them into a rain garden system. She reported that the beds need to be re-done anyway and it would be an opportunity to retrofit them using grant money. The Mayor and some Council Members expressed interest in that project idea.

The Mayor recapped that at this point, the general consensus is to move forward with a Town data base for stormwater management agreements on private property and to send new property owners notice of stormwater management agreements six months after settlement. Town Staff will work on tailoring a policy

*that will eventually come before Council at a Regular Council Meeting for their consideration.*

*Recommendations: Staff will work on a draft policy to present for Council consideration at a Regular Council Meeting in May or June. Staff will also establish an electronic data base of stormwater maintenance agreements in Town.*

**B. Vienna Community Center Renovation and Expansion Progress Report and Logistics**

*Director of Public Works Cathy Salgado and Doug Cowdrey, the lead architect working on the project, were in attendance to provide updates on community center renovations and expansion plans, which were reportedly 95% complete. Mrs. Salgado had provided Council with a packet of information detailing which items to keep in the plans and which items to exclude after they had gone through the scope of work discussed during the previous work session on February 9th. Mrs. Salgado announced that this created a savings of \$213,000.00. However, some of that savings was used up when the geotechnical report came back advising of extensive soil remediation requirements around the Community Center. As reported, the conditions are rather moist and sandy in that area, and some additional earth fill and widening of the footings will be needed. In addition to that, as part of their analysis, one of the sub-contractors on the project notified them to check into lightning protection regarding the gymnasium facility. Lightning protection was recommended primarily because of the height of the new gymnasium, and also because of the materials of the building and its proximity to the power transmission lines. Mrs. Salgado said it would cost an estimated \$50,000.00 to put lightning protection into the plan. She outlined that the plan at this point in time is to have Downey Scott do one more final cost estimating after the 95%, and to try to get this to Fairfax County by the end of the month.*

*There are a couple other things going on at this time, regarding some possible changes to some of the building designs, Mrs. Salgado noted. She explained that they were moving forward with the school system and doing the boundary line adjustment and the partial vacation of Locust Street, but just in case it was necessary to move forward with something else, the Town Manager had asked her to put some alternate plans together last week. The plans showed a rotation of the building to get it off of school property as much as possible. Mrs. Salgado advised that it would mean losing part of the storage room and maybe a little corner of the gym. Ultimately, it would require re-planning, which would take time and change the schedule again. So, Mrs. Salgado outlined, the plan at this time is to get the plans finalized so that we can submit them to the County as they are currently designed with the gym in its current location, get the plan review started, and then work through and get an agreement finalized. If necessary, adjustments can be made later, she confirmed. The plans still have to go through the Planning Commission and then to the Board of Zoning Appeals, and those things must be done prior to issuing a building permit. So, she summed up, it means we will still go through the permitting process, but we cannot start construction until all of this is resolved.*

*Discussion followed in regards to the length of time required for the review process and when to put the project out for bid. Cathy Salgado expressed her hopes that everything will be resolved and by July 1st the Town can get a building permit.*

*Discussion continued about potential consequences of moving the proposed gymnasium. Part of the running track around the gym might be lost. The corners of the gym might have to be rounded. A huge concern of rotating the building, as Mrs.*

Salgado said, is that it gets too close to the VYI Annex Building. She disclosed that it is getting to the point where it will not be possible to drive a truck through there anymore, which they do quite often to access the fields back here. The key for VYI is that they still need to get deliveries made to the building. The architect said that they are concerned about constructability. Mr. Cowdrey reported that just to get the footings in, you might have to underpin the existing building. Mrs. Salgado also spoke on the downside of losing storage rooms; one of those rooms was for the gym equipment and one was for theater equipment.

*Recommendations:* Staff will prepare all of the cost estimates for the Council work session of April 20, 2015. Staff will also move forward with getting the plans finalized in order to submit them to Fairfax County and get the plan review started.

## 2. Meeting Adjournment

*The Town Council Work Session of March 9, 2015 adjourned at 9:29 p.m.*

\_\_\_\_\_  
*Mayor Laurie A. DiRocco*

Signed / Dated: \_\_\_\_\_

Attest: \_\_\_\_\_  
*Deputy Town Clerk*

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.