



Town of Vienna

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

Meeting Minutes Town Council Work Session

Monday, April 20, 2015

8:00 PM

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

Work Session

A. Regular Business

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

Absent: Councilwoman Edythe Frankel Kelleher

Also present: Mercury T. Payton, Town Manager
Stephanie Baynes, Public Information Communications Specialist
Steve Briglia, Town Attorney
Matt Flis, Deputy Director of Planning and Zoning
Michael Gallagher, Deputy Director of Public Works
Daniel Janickey, Deputy Chief of Police
Dennis Johnson, Director of Public Works
Maggie Kain, Director of Human Resources
Charles Lewis, Information Technology Computer Technician
Jim Morris, Chief of Police
Tony Mull, Director of Information Technology
Gwen Riddle, Budget Manager
Cathy Salgado, Director of Parks and Recreation
Karen Spence, Director of Finance
Marion Serfass, Deputy Finance Director
Carol S. Waters, Deputy Town Clerk

1. Stormwater Management - Chesapeake Bay TMDL Action Plan Briefing

Town Manager Mercury Payton opened the work session as usual and outlined the topics to be discussed. Mayor DiRocco recognized a Boy Scout in the audience from Troop 987 who was working on his Citizenship in the Community Badge.

The Project Manager with AMEC Foster Wheeler, David Bulova, addressed Council and told them he wanted to provide an overview and give everyone an opportunity to ask questions about the draft Joint Chesapeake Bay TMDL Action Plan that they have been working on for the last six months. Town Staff, AMEC Foster Wheeler, and staff from Fairfax County and Town of Herndon have been working together to write up this joint action plan by June 30, 2015, for the purpose

of reducing water pollutants.

Mr. Bulova started off by recapping three key areas, as follows:

1. MS4 stands for "Municipal Separate Storm Sewer System Permit." It is a requirement of the Federal Clean Water Act and it regulates the Town's outfalls in the same way that an industrial outfall or a wastewater treatment outfall would be regulated. From the Department of Environmental Quality's (DEQ) perspective, they regulate the Town's stormwater outfalls that go into our streams in the same way they would regulate a big industrial pipe; the requirements are not as stringent, but the same regulatory framework applies. The MS4 has six minimum control measures, from public input to illicit discharges, to making sure the construction sites manage for erosion and sediment control, to post development stormwater management, all the way to insuring that the Town is also a good steward and leads by example for good housekeeping measures. Vienna's first MS4 permit was issued in 2003, and for a number of years the standard was "the maximum extent practicable," which Mr. Bulova said is a very loosely defined term meaning to do the best that you can do within the resource constraints that you have, to clean up the water. That standard is changing rapidly. The latest MS4 permit, issued in 2013, is much more specific about what the Town needs to do to demonstrate compliance. Nowhere is that more obvious or prevalent than with the Chesapeake Bay TMDL Action Plan, where the State has essentially said that you must meet certain targets in order to stay compliant with your permit.

2. TMDL stands for Total Maximum Daily Loads, which is also a requirement of the Federal Clean Water Act. For any stream that is designated as impaired (and it is the Virginia DEQ- Department of Environmental Quality- that has a network of stream monitors, and they test water quality in streams and if it violates a water quality standard, it is designated as impaired), the DEQ comes in and develops a TMDL for that stream, and is it essentially a pollution diet, or the maximum amount of that pollutant that may be put into a body of water. The new thing with this permit cycle is that it is now up to the Town to develop TMDL Action Plans. The Chesapeake Bay TMDL is the biggie that Vienna must deal with, but there are actually four impaired waters in the Town. There are individual TMDLs for the Chesapeake Bay, a PCB TMDL, which is also due June 30, 2015, a Difficult Run sediment TMDL which is due June 30, 2016, and Difficult Run bacteria pollution reducing plan. (There are naturally occurring sources of bacteria which do not have to be controlled, such as geese, deer, and raccoons that love to make storm sewer systems their homes.)

3. And last but not least is VSMP, or Virginia Stormwater Management Program, and this is a State mandate which is meant to keep things from getting any worse. This is the new stormwater management ordinance which the Town adopted last year. Mr. Bulova reported that the MS4 Permit and the TMDL plans are aimed at helping to correct pollution problems from the past, while the VSMP Ordinance is meant to make sure that things do not get any worse, and so they are much more stringent with respect to development standards, and for re-development you actually have to reverse some of the damage and improve water quality. A big difference between the old and the new standards is that the old standards relied very heavily on detaining stormwater, but the newer standards rely much more on infiltrating water naturally into the ground. So that makes it a lot tougher, because it can be more of an engineering challenge.

In terms of a really quick overview of the Chesapeake Bay TMDL Action Plan, Mr. Bulova stated that it is focused on nitrogen, phosphorus, and sediments, because

the Chesapeake Bay program at the EPA level has determined that nutrients and sediments are causing the most harm to the bay. And so, Virginia sat down with the EPA and they put together the Virginia Watershed Implementation Plan to clean up the Bay. That document covers all Virginia sectors, including urban, agricultural, wastewater, and industrial. It lays out the strategy for how urban areas like Vienna will have to comply. The connection is that this legal document is enforced through the MS4 Permit (state and federally enforceable). So, Vienna needs to define its MS4 service area, do a really detailed review of where its storm drains are and how much Town water drains to those outfalls, and then look at the impervious surface cover, about what generates those pollutants in general. Those two things together allow the Town to come up with its pollutant loadings, its existing pollutant loadings, and then what they must be reduced by. The areas which get excluded are Fairfax County Public school properties (they are the responsibility of Fairfax County), stream valleys, or other areas that sheet flow off into streams. The schedule requires the Town to meet 5% of its reductions by June 30, 2018, be 40% compliant by 2023, and then to be 100% compliant by 2028. The 5% reduction plan (which maps out how the Town will achieve those reductions by 2018) has to be submitted to DEQ by June 30, 2015. The base year for reduction calculations is 2009. Offset calculations are required. For instance, if there was development or re-development of a highly impervious site and the results reduced the impervious cover (after 2009), credits would be given for that. Likewise, if there was development or re-development (after 2009) that increased impervious cover on a site that was not served by a stormwater management facility, it would have to be offset. Mr. Bulova noted that this only applies to projects over an acre in size. Anything under an acre does not count yet, unless we want to take credit for it.

Mr. Bulova discussed compliance strategies, noting that two major ones have been identified at this point. The first one deals with the cooperative agreement that Vienna signed with Fairfax County and co-signed with the Town of Herndon. This is what we are talking about when we say "joint credit stormwater management projects." This is the biggest aspect of Vienna's plan for the long term. The idea is eventually to develop a joint Chesapeake Bay TMDL Action Plan where all three localities, and also the Fairfax County School System, will have one plan in which they may all take credit for storm water management facilities in the County regardless of where they are ultimately located. So, the idea is that the localities would jointly plan together to meet their reduction goals. Eventually, after an amendment /correction (which Fairfax County has already acknowledged and agreed to) is made to the agreement, the Town of Vienna will get 2.4 percent credit for every stormwater facility financed by Fairfax County, regardless of its location within the County.

As Mr. Bulova pointed out, the Town of Vienna has had their street sweeping program for a long time and gets to take credit for that. Mr. Bulova remarked that the Town is very fortuitous to have a street sweeping program. When you look at the numbers in the report, he said, the lion's share of where Vienna is getting credit for this 5% is from the street sweeping program, because the program is aggressive and we get to take credit for all of those spoils which we collect up and haul off to Lorton Landfill. In fact, with just the street sweeping program, Vienna actually exceeds the 5%. There is a bit of a caveat though; in order to take credit, Vienna must track by tons collected. Currently, the Town keeps track by cubic yards collected, and there is no standard conversion for going from cubic yards to tons.

Mr. Bulova wanted to mention just some of the other secondary strategies. They are not things that will get the Town into compliance this particular cycle, but they add up and so they are worth tracking over time, and that will be done in annual

reports to DEQ. For instance, future re-development projects which reduce impervious cover, off-site nutrient credits, and Vienna's single family residential development criteria which is more stringent than the one required under the State minimum standards. He commented that he believes we adopted that in anticipation of stricter standards in the future, so, he said, at least for the time being, anything the Town has done with single family residential, even if small, may be tracked and taken credit for, because they are more than the minimum standards. For example, the Town can take credit for any one of those single family homes that we have a BMP on. And there are a number of additional measures that we can take credit for, depending on how aggressive we want to get, like early nutrient management, tree planting, impervious cover removal, and downspout disconnection. It becomes a question of whether the benefits are worth the administrative costs.

One of the first steps in the process of fulfilling the requirements of the MS4 Permit in the draft plan is a "public outreach process," in which it goes out for public comment and people have an opportunity to provide feedback on the strategies. So staff will put it up on the web and provide a means for getting feedback from the Town. That feedback can be incorporated or at least documented in the final plan that is presented to DEQ.

Mayor DiRocco stated that this issue will need to be on a Council meeting, maybe in May or June. A Public Hearing may be held, but it is not required. The Mayor thanked Mr. Bulova for coming.

Recommendations: Schedule this for a Council Meeting in May or June.

2. FY 2015-2016 Proposed Budget Work Session

Mr. Payton opened the conversation on the Fiscal Year 2015-2016 Budget, noting that this was a follow up to the previous budget work sessions on March 21 and March 23, 2015. Mayor DiRocco suggested beginning with questions on the preliminary numbers that she had sent out to Council and talked about with many of them already, regarding some of the priorities like compensation, reducing the prior year's surplus, reducing the tax rate, and some unmet needs. Councilman Springsteen stated that he was pretty happy with the list the Mayor had sent out, although he was a little concerned that they had reduced the employee compensation from 500,000 to 400,000. Councilman Majdi said that the list reflected what they had discussed and he was happy with it; noting that they had to make some trade-offs but it was a good balance. They had brought the real estate tax rate down a little bit, to 22.50 per \$100.00 dollar value. Councilwoman Sienicki observed that the newsletter production and postal services for the newsletter were not in the budget and asked about that. Stephanie Baynes gave updates on those expenses, and it was decided to put another \$1,500 in the budget. Maggie Kain explained the removal of the \$8,000 COG fee for administering health insurance. It was no longer applicable when the Town switched to "The Local Choice" for health insurance.

Karen Spence was asked to explain the Finance Department's policy in case there were surplus funds at the fiscal year's end. If there is a surplus, half of it is put back into the fund balance, which is basically a savings account, and the other half is brought to Council to use on other things, such as unmet needs. Councilman Springsteen asked the amount of the average assessment increase in Fairfax County. Ms. Spence responded that there was a 3.39 percent increase for residential properties in the County as a whole, and 3.3 percent increase for residential

properties with a Vienna address. Councilman Majdi mentioned that certain types of properties, condos in particular, had proportionately much higher increases.

Mayor DiRocco noted that on April 27, 2015 they would have the Public Hearing on the tax rate and the water and sewer rates. Council will then have until May 11, 2015 to make any final adjustments. Council asked about the exact amount of the proposed real estate tax rate which was advertised in the newspaper. It was the same as the current rate, 0.2288. Mayor and Council plan to lower the rate to 0.2250 (cents per \$100.00 of assessed property value).

Cathy Salgado inquired about adding funds to re-locate the Discovery Garden, and she estimated the cost at \$5,000 or less. The largest part of the cost is the materials. The Mayor commented that it would be worth funding.

Mayor DiRocco and Mr. Payton both thanked everyone for all of the information presented and all of their time and energy to put the budget together.

Recommendation: Conduct Public Hearings on the tax rate and the water and sewer rates on April 27, 2015. Take input from the public and make adjustments if needed.

3. Vienna Community Center Renovation and Expansion Project Update

Director of Parks and Recreation Cathy Salgado gave another progress report on the renovation and expansion of the Vienna Community Center, which is still in the planning stages. She displayed the architects' first renderings since the plan was redesigned to only utilize property currently owned by the Town. The gym floor remained the same size, but the walking/ running track around it was reduced by four feet in width. Storage areas were redesigned in a somewhat trapezoidal shape. Mrs. Salgado advised that shifting or rotating the gym's position would be a problem because there are so many underground utilities on the site, and adequate space is needed for vehicles to pass in between the Community Center building and the VYI storage building. Another issue is that the doors swing out over school property, so an easement would be required for that. Mrs. Salgado said that they may want to take it back a couple feet in order to avoid that problem. Council members talked about using a roll-up door instead. Also, there is a transformer which requires ten feet of clearance all around. Whether or not the transformer should be moved was discussed. Ms. Salgado said she would ask the architects to look into it. The group talked over possibilities for reconfiguring the storage area to maximize the usable space.

Right now the plans are with KTA, going through peer review. Ms. Salgado reported that it would only take a couple weeks. She explained that Lukmire has suggested moving forward and getting bids on two parallel paths which they are calling Path A and alternate Path B. Path A is to go out for bid at the smaller gym design, since we may not know whether the school board is willing to sell us the parcel of land. Parks and Recreation anticipates the bids going out at the end of May, 2015. They have begun writing their specifications and qualifications for the bidders. Contractors will have to meet certain requirements. For example, they must have worked on three LEED buildings in the last five years, must have subcontractors who have worked on the VRV HVAC system, the contractor must provide the Town with a list of like buildings and what their base contract bid was, and then what the actual ending cost was; in other words, the Town will check their track record. The Town will also reserve the right to bring in subcontractors of their

choosing to do additional work not in the scope. The Town will be looking for companies with a combination of renovation and expansion experience and what those projects were, also asking for their experience in phasing and sequencing, and how they maintained flow of operations especially since the W&OD Trail will remain open the entire time; of course the Town will check for any judgements against them in the last ten years, and the Town will check for their experience in working with a commissioning agent. Within 48 hours of submitting their bids, all contractors will be required to submit a list of their subcontractors and their references, so the Town can check the subcontractor's references. The Town will have the right to refuse subcontractors. Lukmire will review the bids with Town Staff.

The Town could award contracts in early August, 2015 if Council Members want to add a special meeting, or they could award contracts at the August 24 meeting.

The Parks and Recreation Department is proceeding with agreements for temporary spacing for programs and offices. Some office space may be leased at the Cedar Park Shopping Center. The house on Locust Street will most likely be used for Teens and some other programs. Staff is currently working with the Fire Marshal in that regard. Mrs. Salgado disclosed that her department will use the month of August to slowly move out. They are doing all of their own packing up and moving. They have plenty of volunteers; some Girl Scouts will help to pack pictures and items in storage. Parks and Recreation will utilize a storage container which will be put in the Nutley Street storage yard. All of the office furniture and the copy machines will go with staff.

As far as getting the word out to the public, Mrs. Salgado said that her department would like to proceed with some more public outreach to keep the citizens informed, perhaps by website, mailers, have a public meeting in May, and put updates in the June and July Newsletter.

B. Meeting Adjournment

The Work Session of April 20, 2015 adjourned at approximately 9:37 p.m.

Mayor Laurie A. DiRocco

Signed / Dated: _____

Attest: _____
Deputy Town Clerk

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