



Town of Vienna

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

Meeting Minutes Town Council Meeting

Monday, June 5, 2017

8:00 PM

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

Regular Council Meeting

Swearing-in of re-elected Council Members - Judge Kassabian

*Judge Kassabian swore in Councilmembers Sienicki, Councilmember Springsteen
and Councilmember Voigt for their new two year term.*

Invocation: Reverend Kristen McBrayer, Emmaus United Church of Christ

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

1. Roll Call

2. Approval of the Minutes:

- A. Approval of the Minutes of the Regular Council Meeting of May 22, 2017.

*It was moved to approve the minutes of the Regular Council Meeting of May 22,
2017 as submitted.*

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

3. Receipt of petitions and communications from the Public

*Local Boy Scouts introduced themselves to Council, they are working on their
Citizenship in the Community Merit Badge.*

4. Reports/Presentations

- A. Proclamation designating July 2017 as Parks and Recreation month

*Councilmember Sienicki presented the Proclamation for Parks and Recreation
Month.*

- B. Proclamation recognizing the 275th Anniversary of Fairfax County Government

*Councilmember Springsteen read and presented a Proclamation recognizing the
275th Anniversary of Fairfax County Government to members of the 275th
Anniversary Committee, Suzanne Levy, Mary Lipsey and Patrick Lennon.*

- C. Town Business Liaison (TBLC) Survey Results

*Ms. Friderike Butler, Chair of the Town Business Liaison Committee (TBLC) and
Deepa Chakrapani, member of the TBLC, presented the results of the business survey*

that they have done. The report will be available on the Town's website under TBLC.

D. Proclamation recognizing the 75th Anniversary of the Vienna Host Lions Club.

Mayor DiRocco presented the Proclamation for the Vienna Host Lion's Club congratulating them on their 75th Anniversary.

A. Report and Inquiries of Council Members

Councilmember Springsteen asked the Parks & Recreation Director to speak on a number of issues with the Community Center that they are addressing such as the topsoil and mold in the Teen Center. Ms. Herman introduced Dan Straughtman with Orr Partners and Gary Lawrence, the Town's Arborist who were in attendance to help answer any questions. Ms. Herman stated they are addressing all the comments that were made. Mr. Straughtman first thanked Council for bringing up their concerns with the topsoil, they have looked at the specs and will go back to the contractor and ensure that what they have done meets the specs. He briefly stated what the specs required. Their recommendation is that they will ensure that the contractor meets the specifications on the soil and will enforce the current terms of the contract. For the outside doors they are pressing both Keller and they are taking some action to go out and find vendors themselves to replace those doors. The cost to remove the entire store front section and to replace it was \$45,000. They think a much better value is to take the doors out and replace the door slabs and glass themselves. If Keller can't find someone to do it then they will.

Councilmember Springsteen also mentioned the issue with Club Phoenix and Mr. Straughtman stated they are working on it. A claim was made to the contractor's insurance and their insurance has come back stating they were not responsible, however, Keller has told us they are going to start the clean-up effort next week. He stated the best approach to this now is to let them get in there, remove the materials and clean, then we need to re-evaluate. They did have an industrial hygienist come in to take a look at it and their conclusion was that most of it is a pretty simple clean-up. There will probably be some drywall that needs to be replaced and Keller, at least verbally, stated that their plan is to do that. The other issue is how much of the equipment that was done there has been damaged and will need to be replaced.

Councilmember Springsteen also asked if the molding at the top that was deleted in the lobby can be replaced or fixed so it blends. He can't believe they have to get the material from Italy. Mr. Straughtman stated it could be done and that is where the material comes from. In order to get the material that is pre-finished to match the existing in that color, it has to be ordered from Italy. Councilmember Sienicki asked if there was a way to apply a finish instead of removing and replacing with new? Mr. Straughtman stated that he has not explored that. Councilmember Sienicki stated that it is pretty high up and she thinks they are just looking at a color instead of something that is necessary. If that could potentially be a solution it might be a much more cost effective one. Mr. Straughtman will explore this option.

Councilmember Noble asked about the value engineered list and what has been removed or added back in as well as what needed to be addressed. Ms. Herman stated she did send out the value engineered list that was dated August 2015. She will work with the Architect and with Orr to provide more detail for the items to Council. Mayor DiRocco stated that they value engineered out some of the concrete and there is a piece in front of the building that is not being removed that is the old concrete and curb along the front of the building and all the other areas around it are new and she would be interested in hearing about that. Mr. Straughtman stated they have already asked Keller to give them some pricing feedback on what it would

cost to replace that and with the curb in particular they certainly have photos before they started and the status after this point and anything they have damaged they will have to replace.

Councilmember Colbert asked about the soil for the grass. She stated the soil was so rocky that she doesn't know how anything could grow there and wanted to know if there was a warranty on the grass. Mr. Straughtman stated he will look at the specifications and see if there is one for the grass. They did confirm that the top soil has been delivered and samples have been taken and are being tested by a third party lab to be sure it is topsoil. He stated that topsoil is going to have organics, it is going to have some rocks and that is not necessarily a bad thing. They have stressed to the contractors that they have to rake out the larger pieces, the specifications are pretty clear in what it says. One of the things that was value engineered was the specification for screened topsoil which means they would run it through a series of sieves and would come out looking like something that came out of a bag from Home Depot. Councilmember Colbert also mentioned that the contrast between the new sod and the old grass does not look very good and asked if the old grass was going to stay. Mr. Straughtman stated yes that is how it will be if there is no work to be done in that area.

Councilmember Colbert also asked if the plan for the area where the statue is going to go is to sod the whole thing right now and then worry about how they would re-do it to put the statue in. Ms. Herman stated that Mark Stahl with the Public Art Commission is going to come in and set the base this month. The delivery date of the sculpture is expected in early September which is good timing for the project.

Councilmember Springsteen stated that he wants to make sure we finish the project and we don't run out of money. Ms. Serfass stated that they just went over the costs and in particular they have \$110,000 in there for the mold and mold remediation and if we don't have to spend any of that money then we have enough money. We are not over budget and they don't plan to go over budget. If they get the whole \$110,000 back then we may have a little extra money. Ms. Serfass stated that they would like direction from Council about what things they would like to cost out and they can compare that to where they are right now. Mayor DiRocco stated that they definitely wanted to find out about the concrete that is already on the list and the living wall. Mr. Straughtman stated that they have finished the test holes and there is no question that they can do a free standing wall. He will work with Ms. Serfass on how they will bid this, he is reluctant to turn it over to Keller and would rather they find a separate contractor to do this. He did get direct quotes and is sure they can stay within budget with the living wall. There was further discussion regarding a free standing living wall and an attached wall.

Mr. Payton asked Ms. Herman of the items that were mentioned, what impacts the critical path on the timeline for August 11th completion. Ms. Herman stated that it all depends on how they can work it out with Keller but the brown stripe around the top of the lobby will not be installed by the August 11th date, that would have to be an afterwards; the living wall if they were to go ahead and do the brackets and attach it to the building would hit them in the critical path as well and would have to be completed after August 11th, however, if they go out to bid themselves and we do the project then it is on us, Keller will release it to the town and we would install it ourselves so it would not impact the critical path. The door just outside the lobby will not have an impact. The mold in the Club Phoenix is being remediated and should be taken care of. Mr. Payton asked Ms. Herman if there is anything that she foresees, at this point, that would need action from the Town Council at the July 10th meeting. Ms. Serfass stated she thinks the one actual item based on the

discussion is which path to take with the living wall would come on July 10th. They might not need more money for it but they could discuss the two options and Council could make a decision. Councilmember Springsteen asked if they could get the living wall decided now. Councilmember Sienicki stated that they should just move forward and have a separate wall which makes it easier for a lot of different reasons and she thinks critical path and opening on the 11th without having to disturb the envelope of the building is the best way to go. Councilmember Majdi has heard 7 or 8 reasons why a free standing wall is better and asked if there was any reason whatsoever that an attached wall would be better. Mr. Straughtman stated in his opinion this is strictly an aesthetic question. Mayor DiRocco stated that this is not an agenda item so they cannot have a vote. Unless they go back to the minutes it was her understanding that it was decided to not have the wall not attached and that is what they would bid out on. They will double check all of this and if that is not correct they will come back with it on July 10th. Councilmember Sienicki suggested that this be added to the agenda.

Councilmember Majdi thanked the Parks & Recreation Department for a very successful string of events and thanked them for all of them. He also commented that the renovation of the bathrooms on the Town Green was very successful.

Councilmember Majdi asked the Town Attorney what the latest report was regarding the Bey Lounge. Mr. Briglia stated there was an issue but it had nothing to do with a noise violation.

Councilmember Sienicki reminded everyone there was a primary election coming up and encouraged everyone to get out and vote.

B. Report of the Town Manager

No report

C. Report of the Mayor

Mayor DiRocco thanked the Parks and Recreation Department for all their hard work in making Viva Vienna such a success. The Rotary members could not speak more highly of working with the staff of the Parks and Rec. Department, it made it for a really pleasant and successful event. She also thanked the Police Department for patrolling the area and making sure everyone had a fun and safe time.

Mayor DiRocco congratulated all the teens that received accolades at the 3rd annual Phoenix Awards. Although it was a very emotional time for many of the teens, Brian Hanifin made it very special for them.

D. Proposals for Additional Items to the Agenda

It was moved to add item 7-I to the regular agenda which would be a request to choose a location for the living wall position.

*Motion: Councilmember Sienicki
Second: Councilmember Noble.
Carried Unanimously*

It was moved to add an agenda item to re-set the Public Hearing for definitions.

*Motion: Councilmember Voigt
Second: Councilmember Sienicki*

Carried Unanimously

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, June 5, 2017, 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 and 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 Monday, July 10, 2017 at 7:00 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 reappointment to Town Boards and Commissions.

*Motion: Councilmember Voigt
Second: Councilmember Springsteen
Abstain: Councilmember Noble
Motion carried.*

It was moved that Ed Somers be re-appointed to the Transportation Safety Commission for a two-year term. Said term shall be effective from July 1, 2017 through July 1, 2019.

It was further moved that Michael Gelb be re-appointed to the Planning Commission for a two-year term. Said term shall be effective from June 20, 2017 through June 20, 2019.

*Motion: Councilmember Voigt
Second: Councilmember Sienicki
Abstain: Councilmember Noble
Motion carried*

Item passed as shown above.

5. Public Hearings

- A. Public hearing to adopt an ordinance to amend and vacate boundary lines of abutting Linncrest Lot 2, to include the adjacent 2,790 square foot parcel, Westwood View Lot A, on property located at 503 Creek Crossing NE in the RS-16 zoning district (16,000 sf; 2.7DU/AC).

Mayor DiRocco called the Public Hearing to order at 9:28 p.m. The Town Clerk called the role and all members of Council were present.

Ms. Hyojung Garland, Deputy Director of Planning and Zoning explained that they are recommending approval of the lot consolidation for 503 Creek Crossing NE. Normally this kind of case is decided during administrative review, however, in this particular case it happens to be crossing in between two different subdivision lines and that is the only reason it is before Council for review. The property owner, Mr.

K. owns two different parcels, one is lot 2 and belongs to Linncrest subdivision and the other lot A belongs to Westwood subdivision. The applicant is requesting to remove the lot line between to vacate the lot and combine it as part of a Linncrest subdivision lot. The DPZ staff recommends approval.

Mr. Briglia stated that he almost wanted to apologize for this having to come to Council but it is a hypertechnical point. If you look at the attachments you can see a roadway that was originally dedicated as part of the Westwood View subdivision that basically transects Linncrest subdivision and was vacated many years ago and split between several property owners that it abutts and created odd lots that we do not want under our zoning ordinance. Normally the Zoning Administrator is allowed to erase lines within a subdivision but because the actual creation of the subdivision is a legislative act the State Code suggests that it requires a Public Hearing to fiddle with that boundary line.

No one from the public came forward to speak.

It was moved to close the Public Hearing at 9:31 p.m.

Motion: Councilmember Springsteen

Second: Councilmember Voigt

Carried unanimously

It was further moved to approve the proposed ordinance vacating the boundary lines of abutting Linncrest Lot 2 to include the adjacent 2,790 square foot parcel, Westwood View Lot A, on property located at 503 Creek Crossing NE in the RS-16 zoning district (16,000 sf; 2.7DU/AC) in accordance with § 15.2-2204 of the Code of Virginia and Chapter 17 of the Code of Virginia. And it was further moved that the Town Clerk be directed to advertise a Notice of Adoption.

Motion: Councilmember Springsteen

Second: Councilmember Voigt

Carried unanimously

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:

6. Consent Agenda

It was moved to approve items 6A - 6I under the consent agenda as submitted.

A motion was made by Council Member Tara L. Voigt, seconded by Council Member Howard J. Springsteen, that this consent agenda was approved.. The motion carried by the following vote:

- A.** FY 2018 funding of contracts issued by other jurisdictions
- B.** FY 2018 funding and renewals of Town contracts
- C.** Request approval for of the fifth-year contract payment not to exceed \$77,820 to New World Systems for the standard software maintenance agreement for computer-aided dispatch, law enforcement records management, and mobile data system

- D. Renewal of annual audit contract with Robinson, Farmer, Cox Associates PLLC
- E. Service Agreement Renewal for Outsourced Bill Printing with Datamatx
- F. Contract Renewal for SunGard Public Sector ASP Hosting Fees
- G. Request approval to ride Fairfax County Schools contract 4400006677 for cell and mobile device service with Sprint.
- H. Request approval to continue to ride VITA Contract VA-140331-DELL for purchase of computers, laptops, and maintenance contracts for servers for FY18
- I. Request approval for use of FY18 funds with Granicus, Inc., using Town of Vienna contract approved by Council on 12/15/2014 and executed by the Town Manager dated 12/16/2014 and the amended contract dated 2/10/17 for the continued use of Granicus, Inc. for agenda management suite, boards and commissions module, and HD video streaming services

7. Regular Business

- A.

Schedule a public hearing on July 10, 2017 to consider Planning Commission recommended changes to the protest vote provision in the Zoning Ordinance, **Article 24 - Rezoning and Amendments, Section 18-248 - Protest against proposed change.**

It was moved that Town Council schedule and that the Town Clerk advertise a public hearing to be conducted on July 10, 2017 to consider draft Planning Commission-recommended changes to Article 24 - Rezoning and Amendments, Section 18-248 - Protest against proposed change.

"I move that Town Council schedule and that the Town Clerk advertise a public hearing to be conducted July 10, 2017 to consider draft Planning Commission-recommended changes to Article 24 - Rezoning and Amendments, Section 18-248 - Protest against proposed change.

Or

Other action deemed necessary by Council.
- B.

Award Maple Ave. Design Guidelines RFP 17-03 to Lardner/Klein Landscape Architects

It was moved to award the Maple Ave. Design Guidelines project under RFP 17-03 to Lardner/Klein Landscape Architects with a budget not to exceed \$50,000.

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

Request approval to appropriate previously approved funds to Keller Brothers, Inc. for project expenditures for the Vienna Community Center renovation and

expansion project

It was moved to appropriate funding to Keller Brothers for \$280,985 and RRMM Lukmire Architects for \$29,015 for the Vienna Community Center renovation and expansion project, IFB 16-04, account listed above

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

- D.** Request approval for additional FY17 spending with Double H Locates for \$16,000

It was moved to approve additional spending in the amount of \$16,000 with Double H Locates from the account listed above, riding Arlington County contract 475-10LW.

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:

- E.** Intent to Adopt Amendment to Chapter 6, Article 3 of the Town Code of Vienna - Cigarette Tax

It was moved to adopt the amendment of the Town Code of the Town of Vienna, Chapter 6, Finance and Taxation, Article 3 - Cigarette Tax, Section 6.17 - Levy and Rate as noted above and it was further moved that the Town Clerk be directed to advertise a Notice of Adoption.

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

- F.** Request to Amend to Chapter 6, Finance and Taxation, Article 8, Procurement, of the Vienna Town Code

It was moved to adopt the changes as proposed to the Town Code of Vienna, Chapter 6 Finance and Taxation, Article 8, Procurement and it was further moved to direct the Town Clerk to advertise the intent to adopt said changes at the July 10, 2017.

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:

- G.** Appointment of Town Officials for Fiscal Year 2017-18

It was moved to re-appointment the following Town-Appointed Officers for Fiscal Year 2017-2018:

Mercury T. Payton as Town Manager, pursuant to a contractual agreement,

Steven D. Briglia as Town Attorney, pursuant to a contractual agreement between the Town of Vienna and Steven D. Briglia for municipal legal and prosecuting services,

Melanie J. Clark as Town Clerk and Marion Serfass as Town Treasurer.

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:

- H.** Proposed License for Use of Right-of-Way
Set a public hearing to grant a ten-year license for use of a right-of-way to Mobilitie, LLC.

It was moved to conduct a public hearing on July 10, 2017, on Mobilitie, LLC's request for a license to use the public right-of-way and further direct the Town Clerk to advertise the notice of public hearing.

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

- I** Approval of type of Living Wall at the Community Center

It was moved that the Town Council directs Parks & Rec staff to use a free standing living wall.

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

- J. Request to re-set the Public Hearing for definitions.

It was moved to amend the vote of May 22, 2017 regarding the setting of a Public Hearing for Planning Commission recommended changes to the definitions section of Zoning Ordinance Article 2, Section 19.4, from July 10, 2017 to August 21, 2017.

A motion was made by Council Member Tara L. Voigt, seconded by Council Member Douglas Noble, that this item be approved.. The motion carried by the following vote:

8. Meeting Adjournment

8. Meeting Adjournment

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.