



Town of Vienna

Meeting Minutes

Town Council Meeting

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

Monday, February 26, 2018

8:00 PM

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

Regular Meeting

Invocation: Reverend Brenda Burns, Vienna Assembly of God

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

Present: 7 - Council Member Tara Bloch, Council Member Linda Colbert, Council Member Pasha Majdi, Council Member Douglas Noble, Council Member Carey J. Sienicki, Council Member Howard J. Springsteen and Mayor Laurie DiRocco

1. Roll Call

2. Approval of the Minutes:

- A. [18-759](#) Approval of the Minutes of the Regular Council Meeting of February 5, 2018, Special Council meeting for Closed session of January 22, 2018 and the Work Session Minutes of January 22, 2018.

It was moved to approve the minutes of the Special Council meeting for the Closed Session and the Work Session Minutes of January 22, 2018 as submitted.

Motion: Councilmember Sienicki

Second: Councilmember Bloch

Carried Unanimously

It was moved to approve the minutes of the Regular Council meeting of February 5, 2018.

Motion: Councilmember Bloch

Second: Councilmember Noble

Abstained: Councilmember Sienicki

Motion carried

Item approved as shown above.

3. Receipt of petitions and communications from the Public that is not on the Agenda. (Limited to 5 minutes per issue and no formal action can be taken this evening)

Mr. Jim Brook with Brook Rental and Chairman of the Vienna Industrial Service Business Coalition and addressed Council to express their deep concerns about the political pressure being exerted upon the town by a new resident of Vienna that wants to drastically change the zoning on Dominion and Mill Street, laying the ground work for a new Mosaic District on Mill and Dominion St. Their new neighbor seems to have no regard for the highly successful, independently owned businesses that currently reside along this vital business corridor. Several of these

businesses have 2 or 3 generations of family members involved in the operations. Many of these businesses have been serving Vienna's community for 30, 40 or more than 50 years. They support cultural activities and youth sports and they feel very much a part of the fabric of Vienna's community. Allowing for mixed use changes on Mill St. and Dominion St. opens the flood gates for developer's who are always looking to maximize their profits. They would buy up as many warehouses as they could and replace them with bars and restaurants topped with apartments which is great for developers but terrible for the citizens of Vienna. The size and shape of the building that they are going to discuss tonight would be duplicated many times and the current businesses would be driven out if the zoning changes were to be made. The developer who purchased this building for a million dollars over the asking price didn't do it because he planned to put in a storage units and a parking garage, the developer himself and the real estate agent that sold the building, both told him they had planned to put in bars and restaurants down below and apartments up above. Fortunately for Vienna he wasn't able to make the zoning changes and there won't be apartments going into that building, on the other hand he still paid \$6,000,000 that he needs to recoup. This of course means that Vienna will lose the service businesses that currently reside in that building. If things remain as they are and the zoning doesn't change, other developers shouldn't make the same mistake and they won't be financially motivated to knock down the remaining warehouses or to build apartments and condominiums. If the zoning doesn't change, building heights will likely remain as they are and surrounding neighborhoods should continue to be relatively quiet after dark. Vienna would be spared the cars, people and congestion with all the other negative affects that would come with adding a mini mosaic district in downtown Vienna and the businesses that are currently thriving on Mill St. and Dominion St. can continue to provide the unique products and services that help make Vienna a special and convenient place to live. He submitted over 350 appeals from people who love Vienna as it is and who don't want to lose the service businesses and don't want to see the zoning changed on Mill St. and Dominion St. to the Town Clerk.

Mayor DiRocco stated that they greatly appreciate everyone's passion regarding the industrial/commercial corridor and they recognize that there are businesses and residents who want to have it remain as is, they also realize there are residents that want to make changes in that area, and there will be future public discussions about that but that is not what is on the agenda this evening, what is on the agenda this evening is a public hearing on a potential public parking facility on Mill St.

Local Boy Scout's from Troop 976 and 1539 introduced themselves to Council. They are working on their Citizenship in the Community Merit Badge.

4. Reports/Presentations

A. Report and Inquiries of Council Members

Councilmember Noble asked Mr. Gallagher of DPW what the current reporting mechanism is for people requesting to get something fixed on their street or near their house. Mr. Gallagher stated they have their new online work order system that residents can go on to report or they can call the Town Hall number to report. The repair time is usually done within a week, depending on weather.

Councilmember Noble reported that it has been a successful week with Madison Athletics where the Girls Swim & Dive won the State Championship and the Boys finished second. Madison Gymnastics also sent one girl to the state individual

championships and she came in 5th.

B. Report of the Town Manager

Mr. Payton reported that the town has been reaffirmed with it's AAA Bond rating with Standards and Poor. They said that the town is eligible to be rated above the sovereign because they believe the town can maintain better credit characteristics than the US in a stress scenario. They also mentioned the town has strong management and good fiscal policy's and practices. He thanked Ms. Serfass for her leadership in getting that reaffirmed. After that action from Standard and Poors, Moody reaffirmed us as well with a AAA Bond rating with a stable outlook.

Mr. Payton also reported that Government Finance Officers Association (GFOA) has awarded the town the Distinguished Budget Presentation Award for 24 years in a row.

C. Report of the Mayor

Mayor DiRocco reported that the town received a great bond rating of 2.45%. The bonds were purchased at a premium which was fantastic. They were also reaffirmed for both Standard and Poors and Moody's. She thanked the Town Manager for his leadership in this. She also thanked the Director of Finance, Marion Serfass and the whole Finance staff.

Mayor DiRocco reported that the Mayor's Volunteer Reception will take place on Tuesday, April 17th at 7:30 p.m. at the Vienna Volunteer Fire Department. She asked if anyone knows of a person or a group that has helped out in the community to please feel free to fill out a nomination form.

D. Proposals for Additional Items to the Agenda

None

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, February 26, 2018, the Town Council met for discussion or consideration of personnel matters, specifically the interviewing of individuals for consideration of 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, March 5, 2018 at 7:00 p.m. in accordance with Virginia Code Section 2.2-3711.A.(3), for purposes of discussion or consideration of the acquisition of real property for a public purpose.

*Motion: Councilmember Bloch
Second: Councilmember Sienicki
Carried unanimously*

It was moved that Sylvia Taylor be re-appointed to Historic Vienna, Inc. for a

two-year term. Said term shall be effective from March 17, 2018 through March 17, 2020.

It was further moved that Linda Colbert be designated as a trustee to the Movers and Shakers as a Council representative for a two year term, said term shall be effective March 26, 2018 to March 26, 2020.

*Motion: Councilmember Bloch
Second: Councilmember Sienicki
Carried unanimously*

Motion: Councilmember Bloch

Item approved as shown above.

Aye: 7 - Council Member Bloch, Council Member Colbert, Council Member Majdi, Council Member Noble, Council Member Sienicki, Council Member Springsteen and Mayor DiRocco

5. Public Hearings

A. [18-756](#)

Public hearing to discuss Town's purchase of public parking condominium on 223-241 Mill Street NE

It was moved to close the public hearing but leave the public comment open until Monday, March 5, 2018.

*Motion: Councilmember Colbert
Second: Councilmember Majdi*

Motion carried 6-1

*Aye - 6 (Bloch, Colbert, Majdi, Noble, Sienicki, Mayor DiRocco)
Nay - 1 (Springsteen)*

It was further moved that the Town Clerk set a Town Council agenda item for the regular Town Council meeting of March 12, 2018 for consideration of purchase of a floor in the proposed Mill Street project for public parking

*Motion: Councilmember Colbert
Second: Councilmember Majdi*

Motion carried 6-1

*Aye - 6 (Bloch, Colbert, Majdi, Noble, Sienicki, Mayor DiRocco)
Nay - 1 (Springsteen)*

To view the detail minutes of this Public Hearing, please scroll down past page 6 of this document.

Motion approved as shown above

Aye: 6 - Council Member Bloch, Council Member Colbert, Council Member Majdi, Council Member Noble, Council Member Sienicki and Mayor DiRocco

Nay: 1 - Council Member Springsteen

6. Regular Business

- A. [18-752](#) Request approval to spend \$3,846.56 with ZM3 Group/Stahl Homes for remaining invoice balance on Taking Flight statue installation at the Vienna Community Center.

It was moved to approve payment of \$3,846.56 to ZM3 Group/Mark Stahl Homes for installation of the 'Taking Flight' sculpture.

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 Bloch, Council Member Colbert, Council Member Majdi, Council Member Noble, Council Member Sienicki, Council Member Springsteen and Mayor DiRocco

- B. [18-742](#) Request additional FY18 spending with Broad Run

It was moved to approve additional FY18 spending in the amount of \$35,000 with Broad Run for disposal of construction and demolition debris.

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

Aye: 7 - Council Member Bloch, Council Member Colbert, Council Member Majdi, Council Member Noble, Council Member Sienicki, Council Member Springsteen and Mayor DiRocco

- C. [18-743](#) Request additional FY18 spending with Chantilly Crushed Stone

It was moved to approve additional FY18 spending in the amount of \$23,000 with Chantilly Crushed Stone for crushed stone, gravel, and sand.

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

Aye: 7 - Council Member Bloch, Council Member Colbert, Council Member Majdi, Council Member Noble, Council Member Sienicki, Council Member Springsteen and Mayor DiRocco

- D. [18-744](#) Request additional FY18 spending with HD Supply for water meters

It was moved to approve additional FY18 spending in the amount of \$75,000 with HD Supply for water meters.

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

Aye: 7 - Council Member Bloch, Council Member Colbert, Council Member Majdi, Council Member Noble, Council Member Sienicki, Council Member Springsteen and Mayor DiRocco

- E. [18-745](#) Request approval to purchase a tandem-axle leaf machine

It was moved to approve expenditure of funds in the amount of \$31,643.90 for purchase of a leaf machine from Old Dominion Brush Company.

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

Aye: 7 - Council Member Bloch, Council Member Colbert, Council Member Majdi, Council Member Noble, Council Member Sienicki, Council Member Springsteen and Mayor DiRocco

F. [18-746](#) Request additional FY18 spending with American Recycling

It was moved to approve additional FY18 spending in the amount of \$18,000 with American Recycling.

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

Aye: 7 - Council Member Bloch, Council Member Colbert, Council Member Majdi, Council Member Noble, Council Member Sienicki, Council Member Springsteen and Mayor DiRocco

G. [18-750](#) Request to increase funds for Ninovan and Talahi Roads SE drainage improvements design

It was moved to award increased funds to Urban, LTD for the engineering services contract for Ninovan and Talahi roads SE in the amount of \$17,000.

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

Aye: 7 - Council Member Bloch, Council Member Colbert, Council Member Majdi, Council Member Noble, Council Member Sienicki, Council Member Springsteen and Mayor DiRocco

7. Meeting Adjournment

It was moved to adjourn the meeting at 11:35 p.m.

This meeting was adjourned

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.

Mayor DiRocco called the Public Hearing to order at 8:20 p.m. The Town Clerk called the roll and all members of Council were present.

Mayor DiRocco provided some background on parking in the town. For about the last ten years Town Council has been looking for a location in the Church Street area for a public parking facility. The main reasons why they have been looking is because of feedback from the Church St. businesses as well as their customers. The second main reason is the implementation of the Church Street Vision which loosens the parking requirements to allow re-development of non-conforming lots on that street.

Ms. Cindy Petkac, Director of Planning and Zoning introduced her colleagues that she was joined by to help answer questions following the public hearing, Mike Gallagher, Director of Public Works, Marion Serfass, Director of Finance, Mike D'Orazio, Planning & Zoning Department, and Transportation Consultants from Kimley Horn, Adam Cochran and David Samba. The town has retained Kimley, Horn to provide counsel and advice to the town on this potential public parking condominium addressing any engineering and transportation planning issues.

Ms. Petkac stated that as the Mayor mentioned, the need for public parking actually goes back to 1995 when you see the first mention in the Comprehensive Plan for providing public parking in the central business district. This was followed closely by the Church Street Vision which reduced this parking requirements for this new Church Street pedestrian district C1B. This was done in an effort to encourage and incentivize re-development along Church St. The normal parking requirement is one space per 200 sq. ft. of total floor area and it was reduced down to one parking space per 600 sq ft. with the idea and commitment that the town would construct a public parking facility. Fast forward 10 years, the Town Council directed the Planning Commission to further study the parking issue on Church St. and what they found in analyzing that one per 200, if that was applied, they would have a shortfall of about 250 parking spaces along Church St. based on the businesses that were there. The current Comprehensive Plan from 2015 that was adopted in 2016, again, identified the opportunity to construct a public parking facility in the central business district, ideally, along Church Street where the demand is the highest based on the parking study from 2008. It also puts forward the idea of park once environment where you have a parking structure, parking district or shared parking strategies. As the Mayor mentioned there was a meeting last summer between the Mayor, Town Manager and the former Planning & Zoning Director with the businesses on Church St. and again they reiterated the need for a public parking facility. The proposal that this hearing is for is the town was approached by the property owners on Mill Street at the 231-241 address about purchasing the second floor of a proposed four story, 45 foot high commercial self-storage building. The second floor for public parking would accommodate about 127

spaces. This is a by-right development in the CM limited industrial zone district. Although the public parking footprint would require some modifications of requirements for the rear and front yard. On the rear yard it would be a reduction of about 2' from the 10' required and on the front it would be 9' from the 15' required. The idea is that the town would purchase, at a fixed price, of \$4.6 million, the second floor. They could use bond financing funded by the meals taxes to purchase that. They have also applied for a grant from the Northern Virginia Transportation Authority which would cover 50% of the purchase price which is \$2.3 million. If the grant is awarded and if the town accepts the grant, up to half of the parking spaces would need to be assigned for use by commuters. The additional details have yet to be determined with MBTA. They would also need to negotiate through the agreement, the condominium fees and the operating costs. Ms. Petkac presented a brief power point. Currently there is 83 on street public parking places on Church and Center Streets. They are pretty much fully utilized during peak periods. They do have a lack of shared private parking on Church St. As she mentioned they retained Kimley Horn Transportation Consultants to do some analysis for us to include a traffic analysis and are here to respond to questions following the public hearing. The traffic analysis that was shared with Council in the packet, showed the existing traffic volumes that are out there today currently justify a signal at the corner of Mill and Church St. based on Federal Highway Standards. Just because there is a justification for a traffic signal it doesn't mean a signal is required. If a signal was put in it would decrease vehicular delays but it could increase delays for pedestrians. Adding a public parking facility on Mill St. would result in a slight increase in those traffic volumes at the intersection of Mill and Church. Staff is not recommending a signal at this location. The town could consider alternative transportation improvements along the Church St. corridor such as a roundabout. As for public engagement for this matter, there were four public information meetings held during January and February. They lasted for about an hour and they had about 8-10 people show up at each of those meetings. There was also an article in Vienna Voice, Town Business Matters, they had a table and shared information at last month's Vienna Business Association Meeting and Planning & Zoning staff distributed flyers door to door to businesses and residents in that area announcing the Public Hearing and that the information is available on the website, including a summary of the public information meetings and the questions and comments that were made.

Mayor DiRocco asked Mr. Briglia if he wanted to add anything about how this would be set up since it is going to be a condominium. Mr. Briglia stated that what is proposed with the proposed parking condominium is that there is going to be a building built there and in terms of the town's participation, the developer has offered to sell one floor to the town. In a condominium ownership situation the town would own its unit, which would be the second floor, and would have full unrestricted rights

on that floor to use as a parking facility. The rest of the building would be owned by one other owner but doesn't have to be. The town would own an undivided common interest in the land as well as the common elements of the site. Because it is a commercial site and the way it's proposed to be set up it is like a commercial office building where you own your unit and then you would have the common areas that would be the grounds, the parking lots, sidewalks, foyer, elevator etc., it gets a lot more complicated in a regular commercial office building condominium situation. Since there is basically going to be a basement and four floors proposed, the town would be a 1/5th common owner in the property and in terms of what additional costs the town would have to pay for the condominium it would just be like if you live in a residential condo you shovel the snow on the sidewalks that is on private property, shared maintenance of the roof and those kind of things. He thinks it's envisioned that the town would do most of its own maintenance of the actual parking area. The condominium documents would have obligations and rights of each unit owner and then there would be contributory things that each side would have to contribute for the maintenance of the building such as the exterior. It is a pretty routine ownership interest as opposed to the town being owners in common which he would not recommend that the town be joint owners in an entire building. The only public use part of this building would be the actual floor and that is what the town would own.

Mr. Noble asked Mr. Briglia if in a condominium owner structure as he defined, would any implications, in terms of a change in the construction cost, come back to the town in terms of the increase in the cost of the purchase of the condo. Mr. Briglia stated that the town does not own the building or our unit until the closing date, just like when you buy a house, it is very similar. We are not sharing the risk of development, it is not a public private partnership where you would share the risk. We are being pitched as a seller and a purchaser situation like any other real estate transaction. The town is not sharing the risk of construction with this.

Councilmember Springsteen stated that he is concerned if there are construction costs and the price doubles questioned if the town has any liability in that in any way shape or form. Mr. Briglia stated that the town has a purchase agreement that has contingencies for either side so if it is an impossibility of construction that would be something that they wouldn't have to eat that risk and they would be able to get out of the contract. The town would get any deposits back. If it not anything material and just something you could expect to happen at any construction project, they would bare the risk of that additional cost and contractually obligated to complete the project. The town is not sharing the risk of construction.

Mr. William Michael Wheat, owns 301 Mill St, 220 Dominion and 400 Dominion Road, addressed Council stating that as we have all seen for years there has been a problem with parking and it continues on Church Street and Mill Street. He knows a lot of business owners have struggled and continue to struggle today because of the lack of parking. Given that the proposed building and the idea of the town utilizing this area for parking doesn't in any way change the height of the project and he supports any and all parking that the town can put down in the Church St, Mill and Dominion area.

Ms. Mary Hough, 118 Shepherdson Lane NE, Board Member of the Mill Dominion Residents Association (MIDRA) stated their community borders the Dominion Rd. side of the corridor. She is speaking on behalf of MIDRA and their concerns of the potential purchase of a floor in the proposed commercial self-storage building for use as public parking. They recognize the parking challenges in Vienna and they are addressing Council about these issues in the spirit of transparency and the desire to improve communications among all interested parties. At a series of community hearings held in January and February of this year participants raised many primary questions and concerns. While some were addressed during the listening sessions others may be addressed this evening. The Town Council is scheduled to consider the purchase of the parking floor at its March 12, 2018 Council meeting and they are requesting that Council delay taking action on the potential purchase until they have a full understanding of the key facts and the issues related to the acquisition.

For example, the town applied for the 50% grant and the town has already stated that the project would be funded by a separate bond issue in the summer of 2018 for costs not covered by the grant, should the town receive the grant; however, the town will not learn whether the grant has been awarded until May. Also unknown are the terms and conditions required by the grant recipient by NVTa so how will the town finance the acquisition if the NVTa Grant is not awarded. They are requesting that the town delay approval of the acquisition until its funding model can be fully articulated. They also seek to understand the impact of the acquisition of this parking floor on the Town of Vienna Capital Investment Plan for the downtown library parking structure project. That project has an estimated cost of \$5.675 million funded by two bonds and a meals tax increase for 7 years, beginning in 2020. Does the Town Council intend to abandon the library parking project in favor of the Mill Street parking floor and if so what was the basis of that decision, was a comparative analysis done. In conclusion MIDRA is requesting that the Town Council delay approval of the Mill Street parking floor until the residents of Vienna have a full understanding of these and the other critical issues.

Ms. Susan Low, 10114 Garrett St. is a frequent shopper in this area and she doesn't want to see it change so drastically with a huge four story parking garage which she doesn't see the need for. She comes for all the events in town and she always finds parking.

When she comes herself for shopping there is often empty spaces along Church St. in the middle of the day. She does not see the great need for it. She is a little concerned that they are rushing into something just to have a nice tall building.

Mr. Raul Tuazon, 208 Owaissa Ct. SE thanked Council for the opportunity to provide comments on the proposed purchase of a public parking structure on Mill St. In addition to his oral comments he submitted two pages of written comments as well. He thanked the town staff for holding the informal sessions and the follow up work that was done on traffic with the consultant's subsequent to those meetings. The need for additional parking in the central business district is clear, never the less, he very strongly believes that committing the purchase of public parking floor as proposed at this time, is not prudent. It would place the town at substantial financial risk and uncertainty, it would compromise the town's impartiality, considering permitting for the structure itself and future permits, and foreclose other options for addressing current and future parking needs in the area before such options can be carefully considered. In addition the town may incur a serious reputational risk regarding its fairness and impartiality regarding any future development in the Mill Street Dominion Street corridor. There are a number of questions regarding the financial aspects of the proposal that much be clarified before considering making the financial commitment including the bond issue. First is the proposed condominium ownership model the appropriate model for the town or do other models better serve our interest including lease, rental or allowing the private owner to operate the garage as their own business. Will the town charge for parking to partially offset capital operation and maintenance costs? What about the option of using the NVTAF funds that have been mentioned. Will the proposed project be built if the town did not commit to purchasing the funding? Does the developer have experience in managing a property where a public entity would be part owner? And has the developer be successful? No alternatives appear to have been considered for addressing parking needs in the central business district nor alternatives for the best use of an additional \$4.6 million of bonded indebtedness. Alternatives should be seriously considered before making a decision on purchasing a parking floor in the proposed private development. Partnering with Fairfax County is an option and options for securing additional parking in addition to Madison High School for onetime events. There are already discussions about the future of the Mill St, Dominion Street corridor including the option of re-zoning for mixed residential use. A commitment by the town to purchase a parking floor in a private development could seriously affect the ability of the town to be impartial in future discussions.

Mr. Tim Fricker, owner of Bikes @ Vienna, 128A Church St. NW stated that as an owner of a business on Church Street he is strongly in favor of anything they can do to improve the parking situation. Some people that have told him and who have spoken this evening that they don't see a problem with parking then they need to go to his shop

on a Saturday in the middle of summer and see the parking problems they have. At times Church Street can be very tight with parking, not just his location but all along the street. Anything they can do to alleviate that is a good thing. In addition discussions have been held about parking adjacent to the Library and he thinks that is a great idea but it does not good for Church St. merchants. He doesn't think anyone in the room would say they enjoy trying to get across Maple Avenue. Anything they can do in the Church Street area, including this Mill Street project, he thinks it is a good idea. That being said, one thing that must happen if they are going to do this, or anything like this, they need to inform and educate everybody that you think should use this facility that it is there and should be used. That means talking to the business owners and telling them to encourage their customers and inform them that there is a parking garage down the street. There needs to be signage, newsletters etc., the word needs to be put out that it exists and needs to be used. Northern Virginia is not famous as a pedestrian area, they need to be re-educated and shape their behavior a bit. As a member of the Bicycle Advisory Committee he strongly urges Council to consider some sort of bicycle parking facility within this new structure. To have some sort of covered/enclosed bike parking in this area would be a huge help.

Mr. Matthew DiFiore, 207 Owaissa Ct. SE stated that he agrees with the lady that spoke from MIDRA and Mr. Tauzon on the remarks they provided. He also believes that this Public Hearing should be continued beyond tonight. The reasons are the summary of the Mill St. staff parking meetings that were held during the month of January and February and posted on the website February 8th were not included in the read ahead for tonight's meeting in the agenda and it should have been. The traffic and intersection analysis was delivered on the 22nd and he doubts that anyone has had any time to take a good close look at what was in there. It specifically talked about the traffic lights and the Director of Planning & Zoning indicated that it was not something that was part of this, but should traffic lights become an issue then we are looking at another \$200,000-\$500,000 to do traffic lights at both Mill St. and Church Street and probably Park St. and Church St. so there are other issues they need to think about. There were questions that were raised by folks at the community meetings that should have been answered prior to tonight's meeting. He didn't count the questions but there were enough of them that asks for some of the same things that Mr. Tauzon and the lady from MIDRA talked about and should have been available to the public before this hearing. He asked if the Town has done due diligence regarding the price of this \$4.6 million. Based on a cursory review online of prices per square foot, per floor of parking, it seems that \$4.6 million may be 25-50% more than what it should be. The CIP called for a parking structure at the Patrick Henry Library and there was discussion back in January about moving that back to 2028 and should that be the case it would be nice to know how

much it is going to cost in addition to the \$5 million, if we move it back eight years and see what we would have to pay for it in the future.

Mr. Bruce Kraselsky, 323 Park St. NE stated that he is the President of the Mill Dominion Residents Association (MIDRA). He has been a resident of Vienna for the past three years. He is happy to say that MIDRA, a tax exempt organization, to represent the residents that live around the corridor, it is nondiscriminatory, they don't give points for seniority if you live there or if you rent or own, you are given the same rights and level of respect. MIDRA was formed to give a voice to the residents and with all due respect in the presentation tonight, to introduce the concept of a parking garage and the need for parking, there was a lot of service paid to the business owners in the area and he doesn't remember one reference to the interest of the residents that border the corridor that live, and are the consumers for these businesses. MIDRA is certainly not averse to the businesses, they are totally pro economic development. Their whole point is that they want to make sure that when decisions are made that have potential long term and significant financial impact for the town, that they are simply really well thought through and that there is a logical, rational approach for the decision making that hopefully based on the information they are all able to gather, residents, businesses and other stake holders, and with the support of the Town Council, that they will come out with the right decision. Their concern with respect to the parking garage is that they haven't done their homework yet. He knows this issue has been around for ten years concerning parking but it is one thing to say that on a given Sunday that maybe the area around the church is crowded or on a Saturday afternoon because there is a cafe presentation at Cafe' Amouri that there is no parking, but in terms of making a decision on a 4.6 million dollar structure that will have decades of impact in terms of its presence and potential significant financial presence. He thinks there needs to be more of a quantitative analysis to see if that is where they want to spend their money, is that the best place on Church St. to put a parking garage. With respect to the use of NVT A funds, he knows the current thinking is that we are going to propose to do that because it defrays the cost of parking and the commuters from outside of Vienna won't come.

Will Tysons exploding and other surrounding areas exploding what will they do if commuters do come and fill up the garage, what then? Can we then opt out of our commitment or are we obligated for the life of that facility to support that? What is the impact on traffic, on vagrancy or on actually the core purpose of putting the parking garage in the first place which is to support the business requirements on Church Street and maybe Maple Avenue and so forth, if it's full because we have commuters in there during the weekdays from 6 a.m. to 7 p.m. then potentially that purpose that we are spending all the money on is not being properly served. The summary from the various meetings that the town held over a course of a number of Wednesdays, which was a great exercise and very much appreciated, but that summary included about 16

questions and issues that he understands the town has now engaged a consultant for 3 but there are a lot of issues that are significant and remain to be resolved and really should be before the town makes a decision. It is difficult for MIDRA to understand how the Town Council can propose to make a decision in two weeks. Their proposal would be to go back, answer all those questions, put together a complete public record and then have another hearing so the other stake holders can weight in and then make the decision.

Mr. William Fiore, 130 Shepherdson Lane NE, stated that he had a couple of concerns. What is the precedent for the condominium level that will basically continue on down Mill St and across Dominion, are we going to have restaurants, bars etc. are there going to be restrictions on what can go in there? He also has concerns about the money and he hopes that Vienna doesn't start spending money like the United States of America, we have to have some sort of fiscal responsibility. Vienna does need parking and it is an ideal place for it but we have to think about what will happen with the rest of Mill Street and Dominion. When he bought his place 19 years ago it used to be a cement plant and he realized that eventually that whole area down below him would be re-developed and could make Vienna a much nicer place to live even though it's a great place to live now. He asks that they think about the future, think about the money, think about what kind of lifestyle you want Vienna to become going forward.

Mr. Doug Francis, 413 MacArthur Ave, NE, stated that his main concern about the Mill St. parking garage project is the ongoing annual condo expenses that the Town of Vienna will be required to pay if the town purchases the parking spots. He did attend one of the work sessions in January and the focus seemed to be on the purchase price, NVTAs grant and the architecture of the proposed building. He feels it is important to be clear with the tax payers on what the annual expenses may be, specifically, is there an annual condo fee per space? Will there be a property tax bill per space? And is there a projected annual common area management fee per spot? He mentioned a cam feed because this building does have a freight elevator for the storage areas on the top floor, if it breaks or needs replacement, what would be the percentage or the responsibility that the town will have to contribute in a special assessment? Will the Mayor represent our interests as a member on the condo board? Will the town be able to sell them individually in the future? The overall impression he got from the group meeting, was that this building cannot be constructed without the Town of Vienna's financial participation. He does recognize that inadequate parking is hindering commercial development and other long range re-development plans across all of Vienna, specifically, here along the Church Street, Mill and Dominion corridor but he is not a fan of this project.

Mr. Dave Morrison, 325 Center St. N, President of Ayr Hill Square HOA and also a Board Member of MIDRA stated that he does not believe that the town will have enough information to make an informed decision on March 12th to purchase a floor in the Mill St. location for use as a public parking structure. He requests that the town postpone the purchasing decision until all relevant facts have been gathered and all concerns have been adequately addressed. He has four main concerns regarding the proposed Mill St. location. There are several important questions that remain outstanding from the community meetings held in January and February, he believes that the town needs to have their cost estimates, both acquisition and maintenance, fully documented and available for public review before a decision can be made. The town also needs to have a firm plan as to how the floor of the building will be purchased with contingencies documented and in place should a bond fall through or cost over runs occur. The town shall also consider how revenue will be generated for this garage. He has not seen any plans for this to be a pay to park structure but depending on the systems needed to implement a paying system that could lead to other increase costs that have not been talked about. The town has arrived at the conclusion that additional parking within the town is needed but has not factored paid parking into the need based studies. Charging for parking which he believes is the only fair option could substantially impact the proposed use of such a facility, making the results yielded from all prior needs survey's irrelevant. The town has not done its due diligence on selecting the Mill Street location for public parking structure. The need for a public parking structure was first identified over 20 years ago but the town is now ready move forward with this location without identifying and studying the pros and cons of other locations. The town is acting hastily on this issue and is working on the timeline of the developer of the building at the potential expense to town residents. The town needs to consider other locations or at least describe in detail on why this location provides the most benefit to town residents. A readily available site is not a good enough reason to move forward with such a large scale project. This public parking facility seems to unevenly benefit business owners of the surrounding area and commuters at the expense of Vienna residents. While the businesses within the corridor may need more parking and commuters might like more places to park, Vienna residents should not foot the bill. He would like to see a full analysis from the town on how this parking structure benefits all residents of the town and not just the businesses within walking distance or the commuters parking in the garage.

Mr. Michael Amouri, 601 Roberts Dr., commended Council for all the work that has been done to this point, it is a lot of work. He has been a resident of Vienna for 33 years and business owner for almost 10 years and he has seen a lot of change. He has heard a lot of good arguments tonight and a lot of them don't seem to be arguments for or against so much but for more information. He can only say that we need parking. For

the town to grow and to prosper in such a way that it is not necessarily financially. He can imagine people parking there and walking down Church Street and it becomes a walking corridor. Any locality that he wants to visit has a public parking center where people can park and go to multiple places along their journey. He thinks they need to look at the core of the central business unit, not necessarily in a suburban sense, it really is urban and needs to be looked at in an urban sense. If he goes to Old Town or Bethesda or Leesburg, he goes to spend the day and he parks where he can park in a public parking structure. He doesn't expect to park right in front of the business he is going to visit, he is going to park and walk. He thinks that yes, this just benefits businesses at the expense of the residents but he doesn't necessarily agree with that, he thinks it is a symbiotic relationship for everybody. He thinks as a resident when he drives to Church St. he wants to find a place to park, as a business owner he wants his customers to have a place to park. The character of the Church St. corridor is the small businesses, the mom and pops and as one of them he can't really afford to be on 123 and have a big parking lot. The town would be supporting local businesses when you put in a garage like this. He is also the chairman of the Vienna Business Association, he can't speak officially for them, but he can say as a member he can think of few businesses in that group, mostly all mom and pop businesses, that wouldn't be in favor of the parking structure. Property is not going to get any cheaper and opportunities don't pop up all the time but when it does you sometimes have to jump on that. More information is great but he thinks at some point yes, we do need a parking structure and it would not just benefit the businesses but also the residents of this town.

Mr. Craig Burns, 301 Center St. N, stated that two years ago he ran for Town Council and one of his main issues that he ran out was parking. He is thankful every day that there was not enough ground swell in the community to vote him in for Council and he doesn't think there is a giant ground swell for this. He thinks it is great idea to have public parking in Vienna, he is just not convinced that this is the best plan and he agrees with all the former comments. Maybe just delaying this much longer than after March would be a good idea. The cost per space is excessive, the granting of a variance on the setbacks alone would set a precedent for all that area and all future buildings would say they want it just like that. He pleads with Council to not grant any variances, height or setback, and keep the current footprint for any new businesses and the huge disruption of traffic during construction would be so close to the street if they allow the setbacks and it will cause huge congestion even after construction. He appreciates the good word getting out for public hearings and thanked everyone for doing that. His only request is that the flyers be neutral from the town, the one that went out sounded like the town is for this. He asked if residential units ever be allowed in this CM Industrial zone. Every town needs and industrial area with mixed use. This area is bookended by Vienna Presbyterian Church, Vienna Assembly of God and there are growing

businesses for children and youth in this area and his concern is that they need some assurances that the businesses that will eventually get into that spot are going to be family friendly and will reflect the small town environment in Vienna.

Mr. Howard Uman, 114 Wilmar Place NW stated that in no uncertain terms he is opposed to this project and he wants to be very clear. He feels this is fiscally irresponsible to be spending \$4.6 million dollars on a garage when it doesn't seem that it will not get a great amount of usage. The town has stated that the state might pay half but he is still a taxpayer to the state. The meals tax that is supposed to be paying for this which is 4% and to accrue that money \$115 million dollars of restaurant revenue. Additionally, this town will be part of a condominium and we already pay for infrastructure in the town and now we would pay double, essentially, for maintenance on this property. Since this building is not exclusively a garage we would wind up subsidizing our neighbors that actually damage the building more and we will be behoovant to the condo association which is 80% owned by one individual so there will be no ability to influence the board of that association. He went to the sessions and thanked staff for having them. Lots of information was missing and is still missing. The location of this garage leaves much to be desired. It won't be useful for the businesses on the south side of Maple Avenue, the businesses that it is supposed to help is a 5-10 minute walk and people don't walk that far. He lives right behind Bazin's and no one parks in front of his house and that is much closer than the planned garage. He asked that Council please consider these facts when making their decision, there is so much better that the town could do with 4.6 million dollars.

Mr. Mark Stahl, 450 Druid Hill Rd, stated that he is in favor of parking, the town needs parking. There is two sides to the story, the one side is what the Town Council has considered for years, the Planning Commission sees the need and what the businesses that thrive in this area need and that is public parking. The other side of the story is citizens that are opposed to, often times any, change, they just see things as advancements that are not in everyone's best interest. The way he looks at it is that this is a very sophisticated group of people that he is speaking to and staff that has serious credentials and based on that he thinks they all know what they are doing and will make the right decision and whatever decision it is, he supports it.

Ms. Alicia Downs, 156 Church St. NE, stated they have seen some of the elevations from the developer and they are supportive of the first elevation and want to continue to work to make sure whatever is there is aesthetically pleasing. She also mentioned that they put in a request to acquire the alley back there that is filled with debris and rubbish and dead trees. They would like to fill it with evergreen trees to beautify both sides of the property.

Ms. Patty Hanley, 333 West St., NW stated she is speaking as a property manager to two businesses to let Council know that they definitely need parking on Church St. It is something that affects them very much. She does have a little bit of an issue with the parking study they reference in 2008 when they said 250 spaces was the demand and their first building they did six extra spaces and their second building they did 22 extra spaces. They realized that a rate of 1 to 300 is what a really thriving business will support. That being said, all the businesses that have developed in C1-B are down on the other end of Church St. and she would have hoped that some funds would be available for other opportunities. As a resident she is always concerned about how the neighbors get affected by these types of buildings. She likes this idea and she hopes all the things she addressed in an email to Council earlier get fully vetted, she hopes the feasibility studies get done and hope they get the chance to move forward.

Holly DePaul 10214 Vale Rd. stated that she is not a resident of the Town of Vienna but has lived here for over 17 years. She learned of this project when her Boy Scout came home after working on his Citizenship in the Community. She has a few items that she feels are important and need to be thought through. She read them to Council. She is not in support of this project.

Mr. Sam Scholar, 409 Holmes Dr., NW stated he has been here for about 32 years. He has seen a lot of changes and not all of them were good changes. He further stated that people are lazy and will park as close as possible to the place they want to go. He can't imagine anybody parking at the intersection of Mill St. and Church St. and walking to the bicycle store or Bazin's etc., it's not going to happen. He is not in support of this project.

Ms. Friderike Butler, 602 Spring St. SE, stated that she has lived in Vienna for 25 years and is also the Chair of the Town Business Liaison Committee. In that role she has had the opportunity and the pleasure to work with many small businesses in Vienna and hear about their day to day pains and gains. The parking situation right now in Vienna is inadequate because the parking situation is very uninviting. It is basically limited to individual businesses and it makes it very hard to enjoy Vienna for all the wonderful little shops that we have. It makes it virtually impossible to park in one space and walk around and enjoy 5 or 6 businesses. The Mill St. garage would respond to that situation and it would be a centralized parking for all of the events that we have and you would be able to explore Vienna and discover all the little gems. She welcomes the exploration of the Mill St. project and is looking forward to getting answers to all the questions that were raised. It is her understanding that the construction of the building is really not contingent on the purchase of the floor by the town so it really is in the benefit of the town to explore how we can take advantage of the construction that is going to happen.

Ms. Peggy James, 2752 Stone Hollow Drive, stated that she is here in a couple of capacities. She first stated that she is definitely for the parking structure. She can appreciate everyone's input on both sides and has learned a lot from the people who are not for it. She used to own a business on Church Street that did not succeed and she believes one of the reasons was because there was not adequate parking on Church St. She has seen other businesses go under as well, it is a tough place to shop and a tough place to find parking. Christmastime is the big show and people just don't come like they should so businesses cannot stay. She also sat on the Town Business Liaison Committee for four years and had a chance to talk to a whole lot of businesses and parking has always been an issue. That is the biggest complaint when she walks down Church St. She is also the Director of the Vienna Business Association but she is not speaking on behalf of them but she deals with lots and lots of businesses every day and she literally walking around Vienna talking to businesses to see what she can do personally to help businesses to succeed, it is tough, small businesses do not have it easy. Parking is a big thing, being able to get to a business is a big thing, and she does understand that people do think that they should be able to pull up and park but that is not a reality. She does think that people will use this parking garage. In her humble opinion she hopes this goes forward, it would be a tremendous coup for Church Street and the surrounding businesses as well as on the other side on Maple Avenue.

Mr. Ben Walsh, 313 Park Street, stated that he lives close to the proposed site, he drives by it every day and is very familiar with it. One thing that has not been discussed is the businesses and he heard that one aspect for the first floor was retail and he does not know what that entails, is it restaurants or other businesses but on google maps it says there are 42 existing parking spots in the front and on the side. There is also 11 parking spots in the space between that building and the yoga building next door. That is 62 existing parking spots for those businesses. He is not sure if they are shared with other businesses but he feels there is ample parking at least for those businesses. What is the status of those 62 existing parking spaces, are they going away or are they going to be absorbed into this second floor area? If there are going to be restaurants, bars and other family friendly places going in on the first level they will need parking and asked if parking for those businesses going to be in the existing 62 parking spaces around or are they going away and those patrons will have to park on the second floor. He is not either for or against the development but he is in support of having answers to his questions and the other questions that have been raised.

Mr. Alan Feeser 9430 Delancey Dr, stated that he has concerns about this process being done. The documentation that was provided as part of the agenda does not match what has been described by the people who have made presentations. The document shows

a two story above ground facility and you are talking about a four story facility in many of the descriptions so he is concerned that there is a discrepancy between what documentation is being provided to the public and what is being used for making the decision. He is not for or against it but he feels there needs to be a lot more thought put into what you are building, where you are building and the affect it is going to have on the community. The historic flavor of the particular area are significant. We lost the trains but we don't want to lose the trail, it has a significant amount of pleasure and profit for the residents. There was a skirmish in the Civil War that took place just north of that particular area, the first ever that a train was involved in a military skirmish. He asked how retailers that will go in the facility will be determined. There are two schools on Dominion that provide both education and after school care for children of most ages of grade school yet there is a gun store that is across the street, how are they going to determine what retailers are allowed to take part in that building once it is built. His last point is that the quantity of spaces that is being set aside for the Town of Vienna is like 25% of the total, is it really necessary? Is that the government that needs that space or is the government suggesting that we set that aside for the use of the residents of just the area?

Ms. Susan Hewitt, 10300 Bushman Dr., Oakton, stated that she loves the unique character of Vienna and the small business owners. She feels this is going to be a wedge to drive in more and more development and the character of the town will be destroyed. There is nothing like Vienna in Northern Virginia and she thinks if it's the business owners that want parking she thinks they might be disappointed because if the character of Vienna changes those small privately owned businesses will not exist. The more expensive the development gets in, these businesses will not exist, even the ones on Church St. that want to have parking. She implores Council to keep Vienna as it is.

Mr. Bob McCahill, 429 Center St. North, he is President of Northeast Vienna Citizens Association but is speaking as a citizen that has lived here since 1980. He thinks the structure at 45' is out of character for that spot when so close to the town's historic features such as the Freeman Store, the historic Vienna Presbyterian Church, Boutin Hall and Centennial Park. It is so close to what we consider Vienna and he thinks it would set a precedent and has to be thought out very seriously if you want to go to that height. Let's say the town does not decide to go into the parking business and the builder decides not to go up 4 stories and goes to 3 stories, he could still do that if he keeps the ground parking and he thinks his business model would still work. There were lots of things brought up tonight that he had not thought about and thinks it is worth it to take a longer look at this.

Mr. Drew Meren, 308 Edwin Lane NE, member of the Planning Commission but talking as a resident of the town. He uses this area very much, has young children and ride

bikes all the time. Originally he was on the Transportation Safety Commission when the idea of parking came up for the Pedestrian Advisory Committee. He is very appreciative that this idea did come up and thought has gone into it. He voiced his support as a resident that uses this area. There are some businesses in this area that his family would like to not have there anymore and is very appreciative that someone has come in and that the town is looking to have parking for the businesses that are very much welcomed for all the citizens. He likes the idea of additional parking, anybody that travels in and out of Vienna during the evenings. This is a wonderful addition to the town and he just wanted to voice his support for that.

Mr. Chris Olson, 612 Upham Place NW stated that he is not sure if he really understands the Planning Commission's findings about the traffic impact because if you go from Beulah Road on Church Street down the middle, in the morning, it is wall to wall and it is wall to wall down Mill St. and Dominion. Fortunately people have not been too reckless and have tried to allow people to merge. His feeling is when you say you don't need a traffic light or a roundabout, he doesn't know that you actually know what is going to happen when you start building in this corridor, particularly with this being the first. When people come and park there they are going to have to leave so somewhere along the line you are going to see an increase on two lane roads, and that is all they are ever going to be because there is no place to expand.

Mayor DiRocco stated they are going to try and answer as many questions as they can and the ones they don't have answers for or that they just don't get to, they will post the questions and answers on line.

Mr. Payton stated that a number of things have been mentioned this evening and questions posed. He does have some responses and then the Director of Finance and Planning & Zoning will answer some as well. He first mentioned that without the NVTa funding this project can happen. Whether it does or not is Council's decision. He asked the Finance Director a couple months back to restructure our Capital Improvement Plan (CIP) which goes out to about 2034 and we have restructured it so we would not have to raise the meals tax to acquire the funds for this project. Our CIP was adopted in September of last year and from that point forward to this point is when we learned the reality that this project could happen and at the same time they learned about NVTa funding. He wanted to make Council aware of the NVTa possibility and what he asked the Finance Director to do was to come up with a model that would allow Council to consider this project, one without raising the meals tax and also to consider NVTa funding if possible. Even if we are awarded the money Council would have to make a decision on whether or not to accept those funds. Staff would also make a recommendation to accept those funds or not. If there was something about the provisions in the NVTa that would not be positive toward the town then staff would

recommend to Council not to accept those funds and they would still have the capacity, fiscally, to acquire the second floor for the structured parking. He also stated that it was expressed that if the town acquires this for parking that it would exclude the library site as a possibility but within our 2034 CIP there is funding available for two locations so if this were one we would also have the fiscal capacity to acquire another site or work with another partner on another site so this would not preclude the library project or any other project in another location. It was mentioned that the library project would be pushed back to 2028, it is in the 2026 CIP based on the information that we have to date in our current CIP. This is not the only site that we have looked at, there have been three or four other locations that we have been in conversations with the property owner. Some have gotten further along than others, this just happens to be the one that has gotten to this point. We have been pretty open about the fact that parking is a necessity based on what we have been hearing from the business community as well as residents. Another point is that we have a residential community, probably about 80% residential as far as the revenues for the town and what we try to do is help our business community to diversify our tax base and if we have a thriving business community then it means that the residential taxes would not be so high. If you diversify your tax base and have a thriving business community then you can have your taxes as low as possible in a residential community. If the small businesses on Church St, Mill St. or otherwise are expressing to the town that they are having challenges because of parking and we want those businesses to thrive as much as possible plus there was a commitment made that the Church Street Vision would have some parking committed to it. Those are just some factors that come in to play when we consider to look at parking or not that will help support Church St. The intent is not to be adverse to residents, it is a comprehensive look to help strengthen the business community on Church St. and otherwise. He also stated that it was mentioned that our meals tax was 4 cents and it is actually 3 cents. The meals tax was raised to cents for the Town Green for a number of years but then it was sunset back down to 3 cents. He wanted to clarify this because they take that seriously when they consider talking about raising the meals tax to fund something specific. Our meals tax right now is 3 cents and that tax helps to support all the capital projects that are associated with the General Fund.

Councilmember Springsteen stated that he has some concerns on the Mill St. property. He thinks the price of Mill St. was \$36,000 and the county was saying \$22,000 so there is a significant difference with the library. Mr. Payton stated there was a difference if you look at cost in that manner, there is a difference between what our conversations were with Fairfax County and our conversations with the owner of this property. When we have an opportunity to acquire parking he thinks it is staff's responsibility to put it before Council so the Council can make an informed decision on whether or not to do it.

Ms. Marion Serfass, Finance Director stated that the condominium form of ownership includes land which would not be contemplated with the library parking and that is one of the factors that makes the parking spaces more expensive. They have been working with Kinley Horn who has provided the traffic and engineering information and they are also a parking consultant. They have worked with them since the fall to work with the seller to negotiate the price and they have brought the price down quite a bit. She continued answering some of the questions that were asked. The first one was can we articulate the funding and she thinks the Town Manager has done that. We have a 25-30 year capital project model where we estimate things and these things are just a plan and may or may not come to fruition but there are many ways around that plan and he asked us to look at funding this project and the library project with and without a meals tax increase and with and without the NVTa funding. All those scenarios can work, so it can work without a meals tax increase and it can work without NVTa funding. This is based on projections of meals tax and projections of other projects, nothing is signed or set in stone. What decisions makes now will determine what kind of funds are available later but there is a lot of flexibility. The amount that is the capital plan right now for the library parking is a place holder. We are working with the County but right now we do not have any idea on when that is going to happen. Is there a financial risk? The way that this project is structured as a condominium and there is a contract, it is going to be a sales contract and there has been a negotiated sales price and as the Town Attorney said we are not going to bearing that risk. If the project doesn't go through, we get our money back. Are we going to charge for parking? We are not going to charge for parking in the beginning, we want to see what kind of usage we have and address it at that point. She pointed out that public projects are not for profit, we break even. We have a balanced budget and we have to make that balance budget and can't spend more on capital expenditures than we have the money for and that is her responsibility to make sure that doesn't happen as well as council's. We are not charging for parking and it is not a factor determining whether we go forward in the project or not but it may be something to offset costs in the future. Have we done our due diligence? We have been working with Kinley Horn since the fall and they have given us advice on what type of costs are appropriate for parking garages and they have looked at the plans and made some adjustments to that so we have been working pretty diligently on that to make sure that structure is right. If we move the parking garage back to 2026 what is the cost of that? They can calculate the cost but there are so many unknowns at this point but they can put an inflation factor in and see how that works out. Are we obligated for the life of the project for the NVTa Funds and how do they work? Their understanding of that is that we must commit to make this project a parking garage for its life. If we change the usage of the project then

we have to return the money. If we get the grant and accept the funds then we are committed to building a parking garage with those funds. The other thing that has come out is that we are not obligated by using the NVT A funds to police the site and determine if the site is used for multi modal commuter parking, it is solely self-reporting. We can put signage up and say this is for commuter parking but we don't have to prove it. What are the condo expenses? The condo expenses are unknown at this time. She understands that residents are concerned and want to know what they are. There will be operating expenses, there will be condo expenses and they will be negotiated between the seller and the town for our portion. Kinley Horn has given us some information about operating costs, one estimate was around \$50,000 per year but they included things that as a public entity we wouldn't necessarily include so they need to be vetted a little bit and as this project moves forward we will have a better idea of what that is. Is there a property tax bill? On a condominium since we are a tax exempt organization we would not pay a property tax. Common area management fees are undetermined at this point and the Town Attorney will negotiate those. Who will be a member of the condo board? Also unknown at this point. Will we be able to sell the condos later? Not unless we want to return the NVT A fees so most likely not. Can the developer build without us? She can't speak for him but from what we have heard, yes he can. What happens with cost overruns? We are not responsible for that. One person mentioned the net present value and the model that we use is a cash flow model, talking about cash flow without net present value. She can look at that. Do we lose the NVT A funds if the spaces aren't utilized? No we do not. Those are the answers that she has and if any resident has questions for her she is happy to answer them.

Ms. Cindy Petkac, Planning & Zoning Director stated that most of the questions were related to finance but she wanted to clarify some of the zoning questions. In the CM zone the height limit is 45' and residential uses are not permitted. There was also a question about parking for commercial uses in the self-storage facility. The 127 spaces on the second floor is separate from the parking that is required for the commercial and self-storage. The parking required per our parking requirements is 160 spaces and they are proposing to provide 167 below grade and in the rear of the first floor commercial uses. She asked Kimley Horn to respond to some of the questions centered on the location.

Councilmember Noble stated that one of the speakers mentioned that their understanding of the building was that it was going to be enclosed on the parking floors and there was a concern about ventilation or not ventilation, being open or not open in terms of air quality and ventilation. Someone also mentioned that the

renderings read as two floors instead of four floors and he is not sure what the issue is with that. From a presentation he seems to recall it was fully screened but it was open through that screening, not an actual solid wall. Ms. Petkac stated that the Director of Public Works could answer that but the later piece she added the elevation showing the renderings does show four stories. Mr. Mike Gallagher stated that it is a solid wall in the back. You can have a parking garage that is completely open and you don't have to have ventilation shafts but when you do start to enclose it then it requires ventilation. This would propose ventilation because there is a solid wall in the back. Councilmember Noble asked if the ventilation is part of the design exercise of the HVAC systems that would be towards the front of the building as part of whatever we might consider. Mr. Gallagher stated that was correct.

Mr. David Solomon with Kimley Horn answered a few questions that related to traffic or transportation as they came up during the meeting and also possibly some from the other meetings as well. With respect to the walk shed, the adequacy of the quarter mile radius and how that pertains to how far people are willing to walk, in their professional opinion and what they see in their industry, quarter mile radius is accurate in terms of how far people are willing to travel by foot. There is some question as to whether it is how the crow flies or based on a direct path so the benefit of the potential location for this parking garage is that it is right along the Church St. corridor which the vision of that is it is a pedestrian corridor, pedestrian accessibility and direct paths. It is not just a quarter mile radius but there is a directly accessible path to where folks want to go and he thinks that is an important component of that. The other component on why that quarter mile radius is adequate and can be strengthened, is that there is much that can be done to make the parking location attractive to people by advertising and promotions letting people know that is the location for parking which is an important component as well. People are willing to walk if they know and have an understanding of what their destinations are within a quarter mile. If there is adequate information people are willing to walk farther. He will say that a quarter mile radius is kind of industry standards. There was a question whether or not the traffic will increase along Church St. and he clarified that from the previous trip generation number that was provided by the developer's consultant, that there is a distinction that should be made between the traffic that will be generated by the proposed site. It is not entirely new traffic, some of it will be traffic coming from other parking locations in town so in terms of understanding what the true impacts of that traffic might be, you have to understand the some intersections will actually see less traffic because there will be less cars going through that as they are directed towards the proposed parking location. The other aspect of that as well, is as the town designates commuter parking locations that is potentially less people traveling during the congested peak hours as well. It is kind of

an up and down effect on the area streets. He wanted to make that clear in terms if someone was looking at the trip generation memorandum and saw the number of trips that were estimated that it is a very conservative estimate as it is not going to be all new traffic.

Councilmember Majdi asked if the developer has experience in partnering with a public body. Ms. Petkac could not answer that but she will follow up on it. He stated that Mr. Fricker brought up re-education on parking and walking habits and asked if we can influence that with signage in the Church St. corridor. There was discussion last year about re-doing all of our signs so we had coherent public signs and asked if that was something we could address. Ms. Petkac stated they could definitely look at that.

Councilmember Majdi asked if there was bicycle parking in the structure. Ms. Petkac stated it is her understanding that there is not and will look into that. Councilmember Majdi stated that one resident asked if based on a cursory review that the pricing per parking space is 25-50% more than the market value for park-it parking compared to structured parking and asked if that was accurate. Ms. Serfass stated not to her knowledge and they got information from Kimley Horn on that. Part of the reason that the cost is larger is because it includes some land costs, they can break it down.

Councilmember Majdi asked in what ways are we subject to the decisions of the condo board. Mr. Briglia stated they have thought about that because you don't want to always be in the minority of a vote so there would be certain factors in the condominium docs where certain things would require either a unanimous or a super majority vote to protect the minority owners. The other thing you could do for the common area maintenance or it may be in the town's interest to share in the routine maintenance costs with the other condo owner, the developer, because they are going to have more structure parking spaces in the town. We might want to put something in there that we have the right to have our own maintenance company or the town does it itself, or at our discretion we could join with the other property owner and bid it out to have one parking lot maintenance firm come and do the routine maintenance. One of the things our consultants have talked to us about and would be considered, is not just the day to day maintenance of emptying the trash, making sure the parking area is kept clean, but the long term maintenance costs and setting aside capital improvement money so they factor those in the yearly costs. Those are things that will probably be required of the condo docs that all parties escrow money for common maintenance of the building. We would make sure that there are no provisions in there that are just so discriminatory towards us as a minority condo unit owner.

Councilmember Majdi also asked how we can vote on March 12th if we don't know the grant status until May. Would it be contingent, would it be sorted out later or are we going to have to vote without that knowledge. Ms. Serfass stated it could be contingent. As she stated earlier the project could go forward with or without the grant money. We

wouldn't go out for financing until we knew. Councilmember Majdi clarified that there could be a commitment to do the project and then a decision on how to finance it later. Ms. Serfass stated that was correct. Mr. Payton stated to further answer that question, if the Town Council decided to move forward with the project prior to hearing an answer back from NVTa, they would structure it in going forward as if we were not getting the NVTa funds and then Council could pivot off of that if the NVTa funds came through they could make a decision whether to continue the course of not accepting the funds or accepting the funds.

Councilmember Majdi also asked how we do permitting for construction while we own part of the building by the condominium agreement. Mr. Briglia stated there are two components for permitting, there is the building permit component which the town reviews for applicable land use and we don't exempt ourselves except in very limited circumstances. There has been no suggestion that the town use any other procedure than what would be for any other property owner. The proposed parking structure building will require some site plan modification and those would go through with notice to the adjoining property owners and those affected and with recommendations from the Planning Commission and then it comes back to the Town Council to vote on it. The town can be a property owner and grant itself a conditional use permit and that would be done through the BZA. It technically can exempt itself from certain zoning things but we haven't in many many years. He can't remember the last time the town exempted itself from zoning for the purpose of a public purpose. The second aspect of it is the building code requirements go to the county so any structure the town builds is going to have to go through permitting and comply with the state uniform building code and those are reviewed by the county and that takes off some of the perception that there is a conflict. In the zoning approvals the town has always complied with our own zoning ordinance and not given ourselves self-serving exemptions unless there was a stated public purpose and the last time that came up was the tub grinder at the Beulah Road property where we needed a facility to put the tub grinder.

Councilmember Majdi also asked if this parking garage is going to mainly be used to serve the businesses that are in the building. There are two floors that have parking and what is to keep patrons of the businesses in the new building from coming in from using the public parking that we are purchasing rather than the 167 below. Also, would it be possible to add into the conditions for the sale, an explicit agreement in the contract. Mr. Briglia stated that inner play between owners in a condominium are usually put in the condominium documents and that is where that would be. There would be covenants that no owner of a unit would do uses that are inconsistent or in contrary to stated purposes, we could include that type of language. He knows what the developer said and he doesn't think he will have any problems making sure that his spots are not restricted in the basement and on the main floor to the public. He does

think it should be in the condo docs to make it clear on what everybody's rights are. He is required under our zoning ordinance to have so many spaces for the businesses and the self-storage and he has to have those spots. We are always going to reserve the right to meter and restrict access the public parking spots under our terms and conditions. One of the design discussions we are having is even if it is not initially going to be paid parking the conduit would be put in so you can add it later if Council changes its mind. He would not recommend that we accept any condo restrictions that preclude the town's ability to restrict parking on the town floor by paid parking or whatever conditions we want to put on it.

Councilmember Majdi stated the biggest issue for him on the project is there is a 10' set back requirement and part of the negotiation is that it be 8' from the residences on Park St. He asked why that is the case and what would be the cost, what could be the repercussions if it was a full 10' and why is it not 10'. Ms. Petkac stated that her understanding is it is to provide for the footprint of the parking floor where you need a certain depth and that depth is about 122-123' and to get that depth you need modifications from the front and rear setbacks. Mr. Adam Cochran with Kimley Horn stated for efficient parking, one of the things you want to look for is being able to get in 90 degrees to way which lays out very efficient parking which is what they are after. He keeps hearing about cost per space as one metric to evaluate a parking facility but the efficiency of a garage, the number of spaces you can park within a given footprint is a critical component to the design. When you look at an efficient parking layout, what you want to achieve is a full bay of parking which is 59-60' to include parking, drive aisle, parking and do it again. Anytime you lose a row of parking or start going to angled stalls you are going to lose that efficiency. By reducing the number of stalls that we can park on a given floor plate which then worsens the efficiency. To get an efficient layout we need to be at that 122-123 full building depth. That also has to include the barrier and the facade to the full outset of the building and not just the parking within. Councilmember Majdi asked why couldn't we have a full parking footprint and then just move the whole thing 2' in the other direction to give the full 10' setback between the building and the residential area and move the building more towards Mill St. Ms. Petkac stated she would look into that and get back to him. Mr. Briglia stated he was involved in the discussions about that and there is a desire and requirement to have front setbacks on this building because there is going to be retail. The building is setback fairly significantly now because there is front parking for the businesses. The developer's original footprint was totally conforming with the town code but based on the parking consultants recommendations and talking about the efficiencies, the footprint became a little bit bigger and the farther you push it up forward the more you destroy the pedestrian area which is just a little bit narrower than what is on Church St. now with the sidewalks and the small planter strip and they wanted to incorporate that

feature and if you do it another two feet you will lose the planter strip and it makes the sidewalk very cramped, may not even be a standard size sidewalk. The back design is intended to have minimal impact to the residence. He knows it's only 8' but what they are talking about is not having access to an alley back there and also to be able to grade from the back of the building to the property line of the property owners so it does not harm the root structure of the existing screening trees that are there, that is one of the things the developer is having detailed talks directly with the homeowners on that and that has already been incorporated into the 8' design. It is more than just a setback it is the way the grading is back there too and that is going to be part of the proposed site plan. The 8' is to accommodate the footprint and still pushing it forward on the front.

Councilmember Bloch asked Mr. Briglia what kind of retail can go in that space and is the town allowed to dictate what retail goes in there, what the code looks like and what can go in that space. Mr. Briglia stated that in the CM limited industrial zone it is basically a non-residential zone and as the Director of Planning and Zoning pointed out, it is one of our oldest zones and most of its terms carried through from the 40's and 50's but what it says is that you are allowed to do any permitted uses in the C2 zone which is retail commercial. You can have restaurants now and you can have a shoe store there. If you look at the current building you have a mixed use, the lawnmower shop which has a retail component, you have the gun shop which is retail and in the past you had pure retail uses in there but then you also get the light manufacturing industrial. Then there is also conditional use permit uses that are only permitted in the industrial zone. He thinks the difference between a regular commercial zone is if you think about it as a commercial zone plus industrial uses, without any residential use, because in most commercial zones you can have some residential component, it can't be the primary and less than 50%, you can't even do that in industrial use. The other big difference in the industrial zone is 45'. Councilmember Bloch asked another question that some citizens have is can the town dictate what goes in these spaces. Mr. Briglia stated no, currently we couldn't. In a condo situation what you might see is that condo units between themselves, as part of the bylaws, would say you are going to limit the number of doctors and then they would flood the building with doctors so there has to be a mix of dentists, doctors and other professions and there would have to be a max and there couldn't be more than two dentists in the same building. This is not a land use restriction, it is by contract in the condo docs. The town's authority to limit the zoning would be based on what is in our zoning ordinance.

Councilmember Noble asked what kind of costs are we looking at for building maintenance, if we don't know yet that's fine but if we could collect that information it would be helpful. Mr. Cochran from Kimley Horn stated that specific to the capital expenditures and the annual operating costs, typically includes a seasonal sort of staffing component, we talked about it being a shared use, the annual operations, the

janitorial, the light fixtures and then there is the capital expenditures reserve that they recommend they escrow to make sure they do have money in case there is something that needs to be repaired. In the initial stages of the structure of the first 10-15 years they recommend anywhere from \$50-75 per space per year be put aside so if there is a capital expenditure you have the money available. Councilmember Noble also asked Mr. Cochran when we are dealing with the footprint interior to the parking layout, we recently updated our town code for parking stall depth to 18', down from 20' and would like to know what length of stall they used to calculate that relative to the layout. Mr. Cochran stated that is something they were looking at and the current design does show 18' with a 23' drive aisle, they are double checking the overall width.

Councilmember Noble also asked Mr. Cochran about the price per space. We have a certain price for this project and Ms. Serfass has indicated that some of that is because of the inclusion of land acquisition cost and asked what the ranges of cost per space for things between a metro parking garages versus something like this building versus a first level underground parking versus a second level underground parking. He would like to have that kind of range information available to everybody, do they have a rough magnitude numbers. Mr. Cochran stated when you look at a cost per space it can be a very dangerous number especially not knowing if there are land costs or if the costs include design fees or escalation, what's built into the total project cost. The range of costs for a standalone garage, long span construction, highly efficient can be as low as \$17,000 per space. When you start moving that into below grade or multi use facility that cost can vary and moving upward from \$17,000 into the \$20-25,000 range.

Councilmember Noble asked what it would be for below grade. Mr. Cochran stated that starts to add additional costs. Councilmember Noble stated that he what he has seen is below grade numbers, depending on water issues or no water issues, you are dealing between \$35,000 - \$75,000 per space if you go into a second and third level in parking. Mr. Cochran stated yes there is a very wide range. Councilmember Noble just wanted to get that on the table.

Councilmember Noble asked if there was any reason why we can't, per Ms. Hanley's comment, look at a regular setback above the parking level at 10'. Ms. Petkac stated she will look into that. Councilmember Noble stated that would be a useful thing to see what the interplay of that is. He also stated that we have had conversations about a number of other sites and obviously some of those conversations are deliberative so we can't really share a lot of that stuff because of the negotiating position and such but it would be useful, to the degree that we can, have a comparison of sites, spaces, time lines, order of magnitude costs so that we can share with the public some information that we are doing are due diligence in terms of town staff, council etc., to the degree that we can. He understands that we can't compromise negotiating positions but he thinks we can share some information. Councilmember Noble further asked Ms.

Serfass about some of the financial approaches. We are approaching this as a condo purchase but what are the financial implications of a lease and some of these other things in terms of the ongoing costs or costs per space. It will be useful information for us to have and be aware of. Ms. Serfass will look into that.

Mr. Payton stated that he thinks he understands Councilmember Noble's question regarding the other sites and if he understands him correctly, he thinks he needs to speak with the Town Attorney after this meeting because there are at least two sites that we had discussions with the owners that went to a certain point and then they couldn't go any further. Councilmember Noble stated that we don't necessarily need to indicate where it is but what was being considered to the degree that it doesn't disclose what property that is. He understands the sensitivity about negotiating position in terms of not compromising the town's ability to have an affirmative position but if there was more information than what we have, it might help with some of the questions.

Councilmember Springsteen stated that the building owner is asking Council to grant some variances but if they decide they don't want to do this and he builds by right we don't have to grant any variances and he will have to work with his existing footprint. Mr. Briglia stated that was correct but they are not variances, they are site plan modifications which is a different standard. He has had this discussion with the developer and he doesn't think he would mind. If the town is not going to buy this floor, the building plan he would submit would not require variances and he wouldn't ask for them or a site plan modification. The site plan modifications are driven by the floor plan needed for a usable parking floor. He also added that there could be some citizen requested site plan modifications that the developer would not ask for that the homeowners would want, including a rear masonry wall at the property line which is required under the current zoning ordinance. Under the current proposal there is a request to waive that but that is at the request of the rear property owners because it would destroy the tree line. Site plan modifications under our town code are supposed to make it a better project overall. The contract would be conditioned on the granting of the site plan modifications and if those didn't go through the town wouldn't go through with the sales purchase.

Councilmember Springsteen stated that we are spending a lot of time and effort looking at this and he has said over that past year, that he would like to take a low tech approach and have every business on Church St, if you want us to have parking then pull away all your no parking signs except for your handicap ones and have open parking on Church St. Try and rent spaces at the funeral home and try it. A lot of times he goes down Church Street there is plenty of spaces. Money doesn't grow on trees and he is concerned at \$4.5 that we haven't tried any low tech approaches. He has a lot of concerns about this. Mayor DiRocco stated that they did ask about opening up the

parking and trying it for a time period to say hey as a test run for the next couple of months can you open up the parking. Because of the businesses feeling that there was not enough parking, they were not willing to do that.

Councilmember Majdi asked if the town has the legal authority to take away the private restrictions on parking on Church St. Mr. Briglia stated no we can't force them to do it. He further explained the C1-B district in the town code. It is in the Comprehensive Plan that there is a goal to have public parking on Church St. or accessible to Church St.

Councilmember Majdi asked what the applicant/developer could do by right but he has a factual question on that. Our first work session on this topic the developer presented a draft plan for a by right development, that happened, we have a copy of that, we have seen it. The town staff at the time looked at and confirmed it could be done by right, he asked if he was correct on that. Mr. D'Orazio of Planning & Zoning stated that he recalls several scenarios where one might have had a portion that needed to be re-zoned but he does call that there was one that could be done by right.

Councilmember Colbert reported that Council has received some emails and asked that they be put into the record. Mike Pendergrast, 357 Ayr Hill Ave NE, had some concerns with the parking study regarding commuter parking and wasn't sure if the garage would help but wants to work on shared parking; Tony Zanet agrees that we need parking but thinks we may need a traffic light at Church and Mill; MaryEllen Larkin 317 Church St, has concerns with the garage because of the additional cars on Church St. but she does agree that a parking garage is needed; Philip & Stewart Downes, owners of Cooper Support Services at 319 Mill St. NE support the garage and support the Mill st. development one design. They said it would help solve the parking issue, it is the number 1 issue on Mill, Dominion and Church.

Councilmember Sienicki asked Kimley Horn to give some guidance about the number of compact parking spaces that are currently proposed for the structure and if they feel that it is an adequate amount. She doesn't believe it conforms to our current town code. She would like know the number of compact spaces and their thoughts are on the layout. Mr. Cochran stated that the current layout that they have seen does include both accommodation for full size and he they mean 9' wide by 18' long stalls whereas a compact stall could be as small as 8' wide by 16' long. He does not know the right numbers right now because they still have a couple of comments back on whether we should move some of the compacts and make them full size and whether we can re-adjust some of the parking as it is. He doesn't have final numbers right now so he will get back to them with the numbers. This is not the final layout, they will have to make further revisions.

It was moved to close the public hearing but leave the public comment open until Monday, March 5, 2018.

Motion: Councilmember Colbert

Second: Councilmember Majdi

Councilmember Springsteen stated that he is concerned that this is not ready for prime time, we still have a lot of questions unanswered and doesn't know if we will get the answers very quickly. This is consuming a lot of time with town staff when budget season is coming up. You can close the public hearing but he doesn't think it is ready for prime time that quickly.

Councilmember Majdi asked about process and when we consider later down the road, the NVTa funding, would we need to have a second public hearing to amend the plan to then change the funding source. If we make a decision on March 12th to move ahead with the parking garage but then later decide we would like to do NVTa funding which in many ways changed the nature of the project, will we have to have another public hearing. Mayor DiRocco stated we have to have a public hearing on the bond issue so before we go out to bond we have a public hearing and we should know by then on what the funding is. Ms. Serfass stated we may choose a private debt placement which is an RFP process but either way it has to come back to Council. That is just a question of how you are funding a project so what would come before council is an appropriation which would not be a public hearing. Mr. Briglia stated going out for bond would be a public hearing, the question would be are you going out for half of what you thought it was or the full amount. Mayor DiRocco agrees that we need time to get all the questions up and she knows we have timelines for getting things on the agenda so depending on how that plays out and if we have the answers. They can always defer it or answer some of the questions and defer it to another date.

Motion carried 6-1

Aye - 6 (Bloch, Colbert, Majdi, Noble, Sienicki, Mayor DiRocco)

Nay - 1 (Springsteen)

It was further moved that the Town Clerk set a Town Council agenda item for the regular Town Council meeting of March 12, 2018 for consideration of purchase of a floor in the proposed Mill Street project for public parking

Motion: Councilmember Colbert

Second: Councilmember Majdi

Councilmember Noble asked if staff will be able to prepare responses to all of the questions and get them up and posted for everyone sufficiently in advance. His

concern is some of these questions were a little more heavy lift than some of the other ones and asked Ms. Petkac if March 12th is enough time with sufficient advance information posting for him and the other staff to do that. Ms. Petkac stated they have started to put together a list of frequently asked questions and responses, will convene tomorrow and go over the additional questions that were raised this evening. They have every intention of providing the information in a timely manner. Councilmember Noble's concern is everything else they have to do and do we have to do this on the 12th or can two weeks later be ok. Mr. Payton stated that even with all of the questions answered there are other factors involved that could delay the March 12th date. He respectfully asked if it was necessary to put the March 12th date in the motion. Mr. Briglia stated that he had changed the motion and the intent of the motion is to keep it in front of Council so that have the choice to discuss it again and if nobody wants to call the question to approve the purchase because they need more information than they can do that. Councilmember Noble stated in that context he is fine with the motion as it is proposed.

Vote was taken on the motion.

Motion carried 6-1

Aye - 6 (Bloch, Colbert, Majdi, Noble, Sienicki, Mayor DiRocco)

Nay - 1 (Springsteen)

