



Town of Vienna

Meeting Minutes

Town Council Meeting

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

Monday, April 9, 2018

8:00 PM

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

Regular Meeting

Invocation: Reverend Garry Genser, Vienna Seventh-day Adventist Church

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

1. Roll Call

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

2. Approval of the Minutes:

- A. [18-821](#) Request Approval of the Minutes of the February 26, 2018 and March 12, 2018 Regular Council Meeting and the Work Session Minutes of February 12, 2018

It was moved to approve the minutes of the February 26, 2018, as amended, the March 12, 2018 Regular Council meeting and the Work Session minutes of February 12, 2018 as submitted.

A motion was made by Council Member Majdi, seconded by Council Member Bloch, that the Minutes 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

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. John DeLong, 904 Carole Ct. SE addressed Council regarding the proposed parking garage on Mill St. He stated that there needs to be a real careful quantitative analysis of the project. He is concerned about a 4.6 million dollar investment in here and who it is going to benefit. He wondered what level of taxes need to be generated in order to pay for this parking garage. He hopes as Council goes forward with this that they will continue to analyze this carefully and assess whether or not this is good for everyone. Mayor DiRocco stated that they will have town staff follow up with him on some of the questions that he posed so he has some of those answers.

A local Boy Scout from Troop 976 introduced himself to Council. He is working on his Communications Merit Badge.

4. Reports/Presentations

A. [18-772](#) Arbor Day 2018 Proclamation

Councilmember Colbert presented a Proclamation designating April 27, 2018 as Arbor Day in the Town of Vienna

A motion was made by Council Member Colbert that the Proclamation 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

[18-824](#) Proclamation for Volunteer Recognition Day

Mayor DiRocco presented a Proclamation designating April 17, 2018 as Volunteer Recognition Day in the Town of Vienna.

A motion was made that the Proclamation 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

A. Report and Inquiries of Council Members

Councilmember Sienicki reported that it is Vienna Idol season again and auditions will be held at Caffè' Amouri. You can go online for the schedule. It will benefit James Madison High School students and SUDEP for Epilepsy.

Councilmember Sienicki also reported that Vienna Public Art Commission will be holding a Dining for Dollars event on April 17th from 4:00-8:00 p.m. at Chipotle.

Councilmember Noble reported that the Native Plant Sale will be on April 21st at the Community Center beginning at 8:00 a.m.

Councilmember Springsteen asked the Town Manager to report on the Community Center.

B. Report of the Town Manager

Mr. Payton asked the Director of Parks and Recreation, Leslie Herman and Dan Straughtman from Orr Partners to come forward and provide an update on the Community Center punch list. Mr. Straughtman stated that they had a very good conversation with Phillip Keller on Friday. Over the past couple of weeks they have had an increase with correspondence with Keller and they have had someone at the center virtually full time for a number of weeks. They have not done a very good job of communicating with us about what has been completed and that is what the basis of the conversation with Mr. Keller was about. They received an update on the punch list and it does appear that what they say is done, appears to be done. They are going to have the design team come back and back check to be sure that is correct. Leslie and her staff have done a very good job of back checking things as they have been completed on the interior as well. Their general feeling is the punch list is nearing completion. According to Keller, if their numbers are right, there are ten interior items that they have left to do, there are more on the exterior. The vast majority of them they show as being complete. They hope over the next couple of weeks they will come to final resolutions.

Mr. Payton asked Ms. Herman if the Community Center was in full operation. Ms. Herman stated that currently the entire building is in full operation except for the kitchen. There was a hood issue, the old hood that they were planning on putting back in is not up to code so they need to resolve that issue. Other than that the entire facility is being used as planned.

Mr. Payton asked Mr. Gallagher to provide an update on the progress of Marshall Road construction and traffic. Mr. Gallagher stated that with the construction of Marshall Road they have Marshall Road closed and detours set up. The west bound traffic headed towards Nutley Street is detoured off of Marshall Road on to Tapawingo Road, east bound traffic from Nutley is detoured on to Kinglsey Road and Ware St. They have seen an increase in traffic on these roads and concerns that he has received from residents are being addressed. He understands that the current advertised date for keeping Marshall Road closed is through June, however, progress is going much better than they projected and they actually hope to have the road open before the end of April. By closing the road it allows the contractor to work in a more efficient pace.

C. Report of the Mayor

Mayor DiRocco reported that this Friday, April 9th, instead of her traditional walk that she has at 9:30 a.m., she will be hosting a bike ride. It will start at the Community Center instead of the Town Hall at 9:30. They will probably do a bike ride around the southwest Vienna area. It is going to be led by Charlie Strunk of the Bicycle Advisory Committee. He has put together a couple of rides that weave through Vienna and anyone that is interested please join them.

Mayor DiRocco reminded every one that Storytime with the Mayor is this Saturday April 14th at 10:30 a.m. at Patrick Henry Library. Anyone that wants to attend just needs to show up, no sign up needed.

Mayor DiRocco reported on a very sad note that Councilman Jeff Davidson, member of the Herndon Town Council for many years has passed away. She is sending condolences to Councilman Davidson's family and to the Town staff and Council.

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, April 9, 2018, the Town Council met for personnel matters, specifically the interviewing of individuals for consideration of appointment and/or re-appointment to Town Boards and Commissions.

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

And it was further moved that the Closed Session be continued to Monday, April 23, 2018 at 7:15 p.m. in accordance with Virginia Code Section 2.2-3711.A.(1) for personnel matters, specifically the interviewing of individuals for consideration of appointment and/or re-appointment to Town Boards and Commissions.

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

It was further moved that Susan Stillman be re-appointed to the Community Enhancement Commission for a two-year term. Said term shall commence on April 19, 2018 and continue through April 19, 2020.

And it was further moved that Freya Fisher be re-appointed to Historic Vienna, Inc. for a two-year term. Said term shall commence on April 19, 2018 and continue through April 19, 2020.

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

This matter was approved as shown above

5. Public Hearings

[18-806](#)

Public Hearing on FY 2018-19 Proposed Budget

Attachments: [Notice of Public Hearing Budget FY 18-19](#)

Mayor DiRocco called the hearing to order at 8:34 p.m. The Town Clerk called the roll and all members of Council were present.

Ms. Marion Serfass, Director of Finance, explained that this is the public hearing on the proposed 2018-2019 proposed budget. The proposed budget for the fiscal year has been presented to the Mayor, Town Council and residents. The proposed budget has been reviewed by the Town Council during Work Sessions on March 17th and 19th. A final Work Session will be held on April 16, 2018 to discuss funding current unmet needs. This public hearing is held so that Town of Vienna residents can provide input. The proposed fiscal year 2018-2019 budget totals \$38,542,470.00 for the fiscal year beginning July 1, 2018 and ending June 30, 2019. It is broken down as follows: \$25,353,990.00 for General Fund expenditures; \$4,223,290.00 for Debt Service Fund expenditures; \$8,601,190.00 for Water and Sewer Fund expenditures and \$364,000.00 for Stormwater Fund expenditures.

The proposed budget is based upon a stable real estate tax rate of \$0.2250 per \$100 assessed value; a bank net capital at \$0.80 per \$100 valuation, and a utility tax for residential uses at a rate of 20% of the first \$15 and for commercial uses at a rate of 15% of the first \$300. No changes to these tax rates.

Councilmember Majdi stated that in the past work sessions they talked about historic tax breaks and revenues over time and in preparation for next weeks work session he asked Ms. Serfass if she could take a look at the tax burden that our citizens have faced on average and provide it at the work session. Ms. Serfass stated certainly and that it is in the budget message this year regarding this rate and the changes.

Mr. John DeLong, 904 Carole Ct. SE stated he did not come to the meeting planning to talk on this and has only had a chance to glance through the budget briefly but has two points. One he can barely hear back in the seats with the microphones at

the dais and two Councilmember Majdi's comment brings up something that he has asked about in previous years which is we have sort of tried to layer cake the various property valuations in the town and look at what the historic rates have been at each layer of property. Ms. Serfass asked if he wanted it at each \$100,000 of assessed value. Mr. DeLong stated more of something between \$500 and \$750 and then \$750 to \$1.2 mil and then above \$1.2 mil. He is going off memory from last year where he did some analysis on this and shared it with Council and it showed some disparate impacts across those various layers. He is wondering if it is something they looked at this year and if it is something that Council is concerned about. He also mentioned that in his community, some of which is an older community, they are finding that a lot of their residents are leaving and this is a general concern, not just the budget but obviously the taxes they are levied on them impacts people's decisions on where to retire. His neighbor is just retiring from FCPS and moving down to South Carolina which is not all that unusual but the concern he has is that it really tears apart a community when we can't keep our people here, when they don't choose to live here and retire here we don't have the required stability to develop a sense of community and get people to focus. He just wanted to highlight that to the Council, he hasn't looked at the demographics but is sure there is someone at the County that could help them do that. Mayor DiRocco stated that there actually are a lot of people that do want to retire here and we do hear from some of them that it is about housing sometimes, meaning the type of housing that is available, sometimes it is just having the services and the walkability so they can get to the places they want to get if they don't want to get in the car. She thinks there are a number of factors in that equation when you are looking at retirement but she agrees it is important that we are able to keep all members. She thinks the Town of Vienna has a pretty long tradition of keeping a lot of residents from many generations and hopefully we can continue that into the future. She thinks Ms. Serfass does have some analysis on different areas and what dollar figure and the amount of tax they will have based on their assessed value. Ms. Serfass stated that what she has handy is this year's snapshot but what she thinks Mr. DeLong is asking for is some sort of historical look at that and they can create something like that and pull it together. Mr. DeLong stated there was something done many years ago back in the 90's, called the Cole Commission at the County level and Tom Davis was there at the time, Chair of the Board of Supervisors, and he convened a commission led by a Cole and what they looked at and his recommendation was that they try to hold tax increases on a per capita basis stable with inflation. It would be quite interesting to see how far away from that we have gone because when you look at the county it is out of control. It is always useful to go back and say "what are these expenditures on an inflation adjusted basis and a per capita basis and why are we deviating from them and can we justify that. He thinks it would be a useful exercise.

Councilmember Noble stated that he thinks one of the challenges that our town faces is that even though over the past ten years or so we have kept tax rates constant, we are facing progressively increasing rates at the county level which increases the net tax burden on all of our residents which is problematic for us as a community trying to provide all the local services that our community desires. We are trying to thread a little bit of a needle here and he thinks we are doing a very good job at it because we are providing those necessary services and doing it within the existing rate structure even though the revenue structures change a little bit with the changes in valuations.

Councilmember Springsteen stated that they have taken a couple stabs at some issues they are concerned about and one of the issues was police retention and salaries. There was a good article in the Washington Post about the issue with

Arlington and Alexandria and the salaries. He thinks we have taken a step in the right direction with certain officers where they have proposed to increase their salaries 5% vs. 3.5%. So there are certain issues where they are trying to address the concerns in the budget. They need to take certain steps to retain some of the police officers or they or going to have trouble. Ms. Serfass stated it is recruitment and retention.

It was moved to close the public hearing at 8:44 p.m.

Motion: Councilmember Sienicki

Second: Councilmember Colbert

Carried unanimously

It was further moved that the Town Clerk be directed to advertise a Notice of Intent to Adopt the Fiscal Year 2018-19 Budget at the May 7, 2018 Council meeting, following Town Council's consideration of the real estate tax rate.

Motion: Councilmember Sienicki

Second: Councilmember Colbert

Carried Unanimously

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

B. [18-807](#) Public Hearing for FY2018-19 Water and Sewer Rates

Attachments: [Vienna Rates Presentation 2018-03-26 FINAL](#)

[Sec. 1 13. Schedule of public works fees with changes](#)

[Sec. 1 13. Schedule of public works fees red lined](#)

[Town of Vienna Water and Sewer Rate Study Report Final](#)

Mayor DiRocco called the public hearing to order at 8:46 p.m. The Town Clerk called the roll and all members of Council were present.

Ms. Marion Serfass, Director of Finance, explained that there was an error on the agenda and handed out the updated information. It was the consumption rate for Commercial over 360,000 gallons. She also handed out the full report from the MFSG who are the consultants that prepared the report. Mr. Michael Maker from MFSG is in attendance to answer any questions Council may have.

Ms. Serfass continued and explained that they had selected Municipal and Financial Services Group (MFSG) under RFP 18-04 to perform a Water and Sewer Rate Study. They presented the results at a work session on March 5, 2018. Council had lots of questions and asked for some adjustments to the capital investment portion of the study which were able to be accomplished with a minor change to the rate structure that was first presented and she thinks that was a pleasant outcome for all of us. The key recommendations that MFSG has made are as follows: to maintain a minimum of 90 days of operating expenditures in cash, to use the American Waterworks Association suggested equivalence for the flat charges, the quarterly service charge, we had charged one rate for all residential which will continue but different rates for commercial but they were not in line the meter equivalence. The one inch meter would have one equivalent and the one and half inch meters should

be 2.5 times that. The other goal of that portion is to restructure the flat charges are to get to generate a greater percent of revenue from those flat charges because there are a number of fixed expenditures to run a water and sewer system. To better match up the rates to those charges they currently collect 7.7% of our revenue in fixed charges and where we will get to by 2021 is the industry standard of 15% of our total revenues from the flat charges, that is why the flat charges were restructured. Another recommendation the consultants made was to re-align the residential and commercial tiers so they more accurately reflect the actual consumption of our customers so that 50% stay in the first tier, 80% of the customers are in the 2nd tier and the remaining customers are above that tier. That encourages conservation by allowing people to be at a lower rate at a lower tier and indirectly helps some of our older residents because they are not large water consumers and now their whole bill will be at a lower rate. What the rate structure changes do is they are going to have a 3.5% increase in water rates, a 10% increase in sewer rates and a service charge increase of 10%, overall it is a 6.7% increase, \$13.61 per quarter or \$54 per year for your average customer. Mayor DiRocco stated that part of that is also for investment in our water and sewer system. Ms. Serfass stated that was correct and what was highlighted in the final report is originally they had forecasted an investment in the water infrastructure and sewer infrastructure of 1-2 million dollars every other year, now they have restructured this to 5.4 million dollars of investment that can be covered with these rates every two years or 2.7 million dollars a year. Part of the reason for that is that they looked at a chart that showed how long it was going to take and what the conditions are of water and sewer pipes which is not just a Vienna phenomenon it is a nationwide phenomenon based on investments in infrastructure. It looked like they were going to have some issues so Council asked the consultants to re-work that and they were able to re-work with just about a \$2 change in rates per quarter. We were very pleased with that outcome, that will allow us to adequately invest in our infrastructure. We don't want to have high rates or increase our rates but the goal of the study was to increase rates over time. By doing this more slowly they are not taking all the increase in the first year they will do it over a number of years so we can achieve those objectives.

Mayor DiRocco stated that it is basically to make sure, because some of the breaks are because of the age of a lot of our lines and coming to where they need to be re-done as well as ones from the 70's and 80's, so two different groups are coming due at the same time and Council really wanted to make sure that we invest in these water and sewer lines, cover all that and invest in our systems.

Councilmember Springsteen stated that we are basically doubling our output in terms of maintenance capital cost which is good. For years we were not doing much and now we are doubling with a fairly aggressive effort now.

Councilmember Noble stated that another piece of the puzzle is that we pay some fairly hefty fees, at least as far as the capital program, to Fairfax County as part of their wastewater treatment program which is rolled into this as well. The other thing in the context of looking at the out-year perspective capital expenditure on water and sewer, there were some in 5-7 year range with some pretty hefty spikes because of the older infrastructure then there is a little bit of a valley, and then you get into the 20 year plus range and there is some huge spikes in terms of cost of replacement infrastructure. By going higher with rates now and getting ahead of the curve on some of the infrastructure that is older, getting it replaced, and then working with the water and sewer staff in terms of using a progressively update model, we are going to lower the cost in the out-years, which for the benefit for

Vienna residents in the long term, will be better doing our investment early, sooner than waiting for the huge costs later. That is how a lot of places around the country have gotten really messed up in terms of their water and sewer systems and meeting treatment requirements. He appreciates the complexity of the analysis and the ease of the presentation in terms of us understanding it from the consultanting firm and Marion's staff.

Councilmember Majdi stated that he has been moaning and groaning about this issue for four years now with the need to invest more into the water and sewer and he is so pleased with the staff recommendation, the recommendation from the consultant, the leadership from the Town Manager and the Mayor and the Council is pushing this and he thinks it is absolutely terrific. One thing he added was that they were asked to provide our favorite Viva Vienna memory and he was looking back at a newsletter from the 80's to try and jog his memory for fond memories as a kid there and he was looking at the May 1987 issue and he saw that the Council had raised the water rates a full 10% so 6.7 is not that bad, historically speaking. Of course at the time we went from \$1 to \$1.10. He thinks this a really needed investment in our infrastructure and he thinks it is smart stewardship and he is very much in favor. He also added if you look at the minutes from the work session you will see that we got a recommendation from the consultant on investing more on our infrastructure and we said actually we want to go even more than that. He is very proud of the group and thanked the Mayor and Town Manager for their leadership.

Mr. Payton mentioned that as Ms. Serfass indicated, the region is experiencing water and sewer infrastructure issues and so rates in the region are also increasing as well to try and address these issues. Vienna is not a lone when it comes to investing in our infrastructure and having to deal with added costs to do that.

Councilmember Colbert mentioned that in 1987 her father was on the Town Council and she knows infrastructure was very important to him so this is exciting, he would be pleased.

Mr. David Heagy 2235 Gherkin Ave, stated that he is in support of the rates if they will do two things that concern him. One of them is that it will reduce the time that the residents and the firefighting crews are without water and also to reduce future increased costs. In the research he has done, waiting just costs more. One of the causes of breaks is degradation in the pipes so you wait and you pay more. He spoke before where there are other affects. In January they lost water for four days and during that time there was a concern about a gas main leak in the trenches and the County sent 8 fire trucks and crews for that day which affects their response time and they also did not have the water pressure they needed and that is a concern that he has. Looking at the report online in the powerpoint presentation there is a graph titled "Line Replacement Analysis" and it looks like there is a large shortfall between the next replacement, which he thinks is around 2023 and he is just wondering if he is reading that correctly. When you look at what the needs are for refurbishment and what is going to be available, there is a large shortfall. Mayor DiRocco stated that he is reading the chart correctly and asked Ms. Serfass if that is based on the 1.5 million dollar investment or the 2.7. Councilmember Noble stated that was the figure that he was referring to. This is a static view of the current year of what the prospective analysis would be going into the out years. What they haven't worked in is the thing he asked for, which is, can we do a year over year analysis taking into account those elements of the systems that are replaced. As thats incorporated into the analysis these big spikes in the out years will go down because past work will have been accounted for. The chart here in the red and blue

is a static picture of what it is but isn't parametric in terms of what the progressive set of improvements are that would affect the peaks. The financial piece of it does in terms of the cost in terms of the revenue side of it but not the cost picture side of it year over year. Mr. Maker stated that the line there is what they are currently spending in your CIP and it is then projected out so your CIP may go 5-10 years then there is an inflationary factor added on. The peaks are a high level financial analysis of what you have in the ground now, when was it installed, what is the material, what is the length and then based on the replacement life of those assets, when are they do to be exceeding their useful lives. It is not the same as an engineering analysis.

Mayor DiRocco stated that there are lines from the 40's and 50's are having to be replaced as well as the 70's because of the material they are made of so a bunch of different lines need to be replaced which is also why they are increasing the investment into those lines. Mr. Heagy asked if the plan for the future to replace them is still going to be the number of breaks on a particular line. Mayor DiRocco stated she believes that is one of the main criteria and age. Mr. Heagy questions that because if one place had four breaks and another one three, it doesn't mean that the three doesn't need attention. Mr. Gallagher stated that one of the criteria to determine the priority of replacement is the number of breaks but there is other criteria that they look at as far as age, condition of the pipe, complaints of water quality issues and things like that. It is a very complex bit of data that they look at that helps them determine how they prioritize.

It was moved to close the public hearing at 9:05 p.m.

Motion: Councilmember Springsteen

Second: Councilmember Bloch

Carried Unanimously

It was further moved to approve water and sewer rates and public works fees for FY2018-19 as presented. And I further move that the Town Clerk be directed to advertise a Notice of Intent to Adopt water and sewer rates and public works fees for Fiscal Year 2018-19 at the May 7, 2018 Town Council meeting.

Motion: Councilmember Springsteen

Second: Councilmember Bloch

Carried Unanimously

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

C. [18-812](#) Public Hearing for Renewal of Franchise Agreement/Ordinance with Washington Gas

Attachments: [WashingtonGasFranchiseCouncil Meeting - April 2, 1984](#)

[Washington Gas Town of Vienna Franchise Executed \(May 7, 1984\)](#)

[Publication of Public Hearing Town of Vienna Washington Gas Franchise Agreement 03-22-18](#)

[DRAFT ORDINANCE AND FRANCHISE FOR NATURAL GAS TOWN OF VIENNA 04 05 2018 FINAL DRAFT MA SDB DRH Clean](#)

Mayor DiRocco called the Public Hearing to order at 9:07 p.m. The Town Clerk called the roll and all members of Council were present.

Mr. Briglia explained that this comes before Council on an advertised Public Hearing on a proposed renewal for a franchise agreement with Washington Gas. Washington Gas is our long time natural gas provider in the Town of Vienna and have had a franchise for many, many years. Washington Gas is a licensed and regulated public utility service and licensed by the State Corporation Commission. It is a heavily regulated area of providing natural gas through pipeline transmission. Washington Gas has all those licenses and they wish to continue to be our provider of natural gas in the Town of Vienna. They are authorized to serve as a public service utility in the Commonwealth of Virginia but they still have to come to the localities and get a franchise to use the right of ways in the streets of the town. Their prior franchise which was executed by the Town Council by Ordinance in 1984, has expired. We were contacted by Washington Gas last year about renewing it. They engaged in discussions and negotiations and did a total revamp of our Franchise Agreement. He looked at what other jurisdictions have recently done and came up with this draft franchise agreement between the town and Washington Gas. He worked with the Town Manager and the Director of Public Works to review all the provisions. Mr. Gallagher reviewed the technical aspects of the franchise, the Town Manager reviewed the business side and he reviewed the legal side. He attached the old franchise to the agenda to give them an idea. There was nothing wrong with the old franchise as that it was a lot of jurisdictions used to do and still do. Many of the renewal's that he has seen are very simple and straight, however, he felt the town's needed some updating. There is a new franchise fee, it is a twenty year proposed franchise term, which is again fairly standard for this type of public service utility. There are provisions for notice for road work and road cuts. There is a requirement of a bond which there always is with this kind of agreement.

Mr. Scott McGeary of Washington Gas, 6801 Industrial Road, Springfield, stated as the Director of State Public Policy for the company they appreciate Council placing this on the agenda and the opportunity that they have to continue to provide safe and reliable service to their customers.

Mr. Donald Hayes, Assistant General Counsel of Washington Gaslight Company stated he has been with the company for many years and appreciates working with Mr. Briglia and revising the franchise ordinance. They have been in the Town of Vienna for many years, the franchise did lapse and they are here to renew it for another 20 years under the terms and conditions outlined in the franchise ordinance. They are happy to answer any questions.

Mr. John Delong, 904 Carole Court stated he doesn't know anything about this agreement but when we have a 20 year agreement he wonders if there are provisions for checking these terms against competitors. Has this been put out to competitive bid, did we solicit any other providers or could they describe for the public what lengths were gone to to ensure that this is providing the best terms. Mr. Briglia stated in terms of competitive bids, the town did review all the recent franchise agreements that have been negotiated across the state and did receive cooperation from other jurisdictions on their experiences on these types of franchises. In terms of competitive bidding, you can't have more than one natural gas provider. It was advertised in accordance with the state statute. It is a little different than a Telecom Franchise where you can have more than one.

Mr. Delong also asked if any of our surrounding jurisdictions here in the Northern Virginia area have chosen to change their natural gas provider in the last five years or so and when these agreements come up do they get negotiated with an

alternative supplier or is that just not done. Mr. Briglia stated that it is his understanding that no one is using an alternative supplier in our immediate area, the northern region of Virginia. He knows Fairfax City is in the process of negotiating their renewal and he knows Winchester did theirs back in the summer. He does not know of any nearby locality that is using another supplier.

Councilmember Springsteen asked Mr. Briglia if it was correct that there is an inflation cost every year on this. Mr. Briglia stated there is a provision for an escalation in the renewal of 1.5%.

Councilmember Noble stated that many times escalation rates are subject to re-negotiation in later years based on market or request by either party and asked if that was considered as part of the negotiation. Mr. Briglia stated it wasn't but to put in prospective we had no annual inflation rate before. Most jurisdictions do a simple flat fee at the beginning. This was more of a modern franchise agreement. They talked about going to a linear foot measurement as opposed to a flat fee but the way they came up with this number, was based on not only the number of customers in Vienna, but the square mileage, and compared it to other rates that other jurisdictions negotiated. Councilmember Noble stated he is not worried about what the value part is, he is more worried about that the escalation rate could not be mutually re-opened. Mr. Briglia said it can't be re-negotiated, it was set by both parties. Councilmember Noble asked if it was something considered by both parties or are we basically done with this agreement. Mr. Briglia stated not that is why we are having a public hearing. Councilmember Noble asked Mr. Briglia if he or Washington Gas would be amenable to the idea that an escalation clause, subject to the mutual agreement of both parties, could be revised after a five year increment or something like that. Mr. Briglia asked if there was a suggestion on what it would be tied too, inflation rate. Councilmember Noble stated an inflation rate or exceeds a certain amount or something like that. Mr. Briglia stated he could go back to Washington Gas and talk to them about it. Councilmember Noble stated it is just in other contracts that he has seen are typically a five year term and this is a twenty year term at 1.5%. He doesn't think any of us can predict, 15 years from now, what the relative differential in increase in market is 20 years from now or even 15 years from now. He thinks it would be prudent if that there at least be the opportunity for discussion to occur, not specifically setting what that number would be.

Mr. Hayes stated to put this in prospective, Washington Gas does not make any type of payment like it is in this proposed franchise ordinance in any other town in Virginia except for Winchester. They have provided service in the Town of Vienna without this fee for many, many years. This fee is new and is not paid in any other jurisdiction in Virginia other than Winchester and there is a 1.5% inflation rate in that one as well. He thinks it will be subject to review in 20 years, it is a 20 year term with a substantial payment. Councilmember Noble stated that context would have been helpful to know that we are only 1 of 2 jurisdictions that have a franchise that is charged in this context. He still thinks escalation rates for long periods of time need to have a review element in them, just as a matter of contract.

Councilmember Springsteen stated we are getting more than we got 20 years ago and one of only 2 or 3 jurisdictions in Northern Virginia. He is just happy we are getting an increase, we have had not increase since 1987 and he thinks 1.5% is fine.

Mr. Briglia stated in fairness you do see certain types of provisions in certain types of contract on escalation provisions, this is a franchise for a utility. He is not going to argue the Washington Gas side but from the public side, we have an interest in

having stable rates and this provides that. The reason you do these longer term franchises as opposed to a 5 year license, licenses are 5 or less and franchises are traditionally 5 or more, is because then it allows a utility provider to do long term planning for rates. Some things are beyond everybody's control but this is one of the reasons you tend to have very simple franchise agreements and the payments to the locality for using the right of way are usually set in a way that it provides the provider a long term way of predicting their rates or having a stable one.

It was moved to close the Public Hearing at 9:21 p.m.

Motion: Councilmember Bloch

Second: Councilmember Majdi

Carried unanimously

It was further moved to direct the Town Clerk to advertise a Notice of Intent to Adopt the proposed Washington Gas franchise renewal at the April 23, 2018 Town Council meeting.

Motion: Councilmember Bloch

Second: Councilmember Majdi

Carried Unanimously

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

D. [18-823](#) Public Hearing Regarding Transferring Collection of Vehicle License Registration Fees to Fairfax County

Attachments: [MOU TOV Fairfax Vehicle Fee Collection Draft 03 07 2018](#)

[ARTICLE 7. TOWN VEHICLE LICENSES DRAFT 03 07 2018](#)

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

Ms. Marion Serfass, Director of Finance explained that this issue was discussed in the budget work sessions. The town has been talking to Fairfax County and would like to follow the precedent set by the Town of Herndon and allowed by the state government to transfer the collection of the vehicle license registration fee to the County of Fairfax. This would mean that the county would be the Town of Vienna's vehicle license fee as a line on their bill when they bill their personal property. They would collect it and then remit it to the town. The benefits to the town are many to include saving \$15,000.00 per year in paper supplies and postage that we have by sending out these bills separately and it will be much more convenient for our residents. The Town of Herndon has been doing this for two years and they have reported over a 20% increase in collections. Although we can't assure that we do expect our collections will also go up. The county also has a very robust collection process. Mayor DiRocco asked if there were any negatives to this. Ms. Serfass stated there were none that she could think of. Councilmember Sienicki stated that maybe the delinquent fees would be somewhat of a negative for the town but a positive for the citizens. Ms. Serfass stated that was exactly right. She thinks we will have less late payments because it is part of the personal property tax bill and residents will be very pleased. Ms. Serfass stated that she thinks our collection increases will

offset any revenue lost from late fees. Mr. Payton stated that the only thing that could be a negative when you relinquish local control and citizens have issues, they will have to go through Fairfax County instead of coming to us. He still recommends that Council move forward with this. Mayor DiRocco stated they will have to monitor their customer service. Ms. Serfass stated that was a good point but she thinks because we are familiar with the process, we are more than willing to help residents.

Councilmember Majdi asked Ms. Serfass to speak to the issue of multiple late fees for residents having multiple vehicles. Ms. Serfass stated that if you pay your personal property tax bill late on multiple vehicles then you will have multiple fees. It is 10% of the total bill so it would not be the same sort of disparity between the amount of the bill and the amount of the penalty.

Councilmember Majdi stated that he thinks this is absolutely terrific and this all started out with a few emails that Council received from residents regarding multiple fees for cars from the town and wished they would do something about it. Council asked staff to take a look at it and asked them to consider a different way of doing business and then spent weeks and weeks on this, put in the hours and the work and now we have a better system, potentially if it passes. We have a better system where everybody wins, it's better for the town, it's better for citizens and it's better for revenue. He thinks it is yet another example of our town staff providing excellent service to our constituents and he is very pleased.

Mr. John DeLong, 904 Carole Ct, SE commended the Finance Department and is very happy to see this is finally getting done. He hopes it works out very well and wonders what the savings might be in addition to the postage and if there will be any staffing reduction.

It was moved to close the public hearing at 9:35 p.m.

Motion: Councilmember Colbert

Second: Councilmember Bloch

Carried unanimously

It was moved to approve the transfer of vehicle license fee billing and collection to Fairfax County beginning with fiscal year 2018-19 and it was further moved to direct the Town Clerk to advertise a Notice of Intent Adopt at the April 23, 2018 Council Meeting.

Motion: Councilmember Colbert

Second: Councilmember Majdi

Carried unanimously

Item was 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

6. Regular Business

A. [18-800](#) Request approval to hold the Solarize NOVA program

Attachments: [Solarize NOVA DRAFT Resolution 2015](#)

It was moved to approve the Solarize NOVA program for spring 2018 and authorize staff and the CEC to move forward with implementation.

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

- B. [18-798](#)** Request approval for additional FY18 spending with Virginia Public Works Equipment Company

Attachments: [New Quote 003108](#)
[Purchase Orders FY18](#)
[FFX County Contract 4400005534](#)
[DPW Request for Waiver](#)

Based upon written justification provided by the Director of Public Works and use of the Fairfax County contract with Virginia Public Works Equipment Company, it was moved to approve \$101,362.09 in total fiscal year 2018 spending with Virginia Public Works Equipment 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

- C. [18-799](#)** Request approval to purchase and reprogram mobile radios

Attachments: [Sales Quote For Town of Vienna PW - XPR3300 VHF Portables Qty 8, 8 Remote Speaker Microphone 3-6-2018](#)
[Sales Quote For Town of Vienna PW - XPR5350 VHF Mobile Qty 32 3-5-2018 \(1\)](#)
[whydigital_voice_factsheet](#)
[Stafford County Contract](#)
[Reprogramming to Digital Format Quote For Town of Vienna PW - VHF XPR3300 Portables & XPR5350 Mobiles 3-26-2018](#)
[Contract R15-342 Expiration](#)

It was moved to approve the expenditure of funds for purchasing and reprogramming mobile radios, riding Stafford County's communications products contract, in the amount of \$25,848.32.

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

- D. [18-801](#)** Request award of IFB 18-13 and FY18 spending for Midlantic Marking

Attachments: [BID SUMMARY FOR AGENDA IFB 18-13](#)[IFB18-13FINAL](#)[IFB18-13BIDFORM](#)

It was moved to award IFB 18-13 to Midlantic Marking for traffic markings as needed and to approve FY18 spending in the amount of \$36,487.69.

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

- E.** [18-802](#) Transportation Safety Commission (TSC) motion for Tapawingo Rd SW and Kingsley Rd SW traffic-calming

Attachments: [TSC Motion Tapawingo and Kingsley Roads 013018](#)[PRINTABLE TapawingoKingsleyTSC](#)

It was moved to approve the Transportation Safety Commission motion for traffic-calming measures, excluding the verbiage temporary on the pole mounted speed display signs as presented by the TSC, along Tapawingo Road SW and Kingsley Road SW.

A motion was made by Council Member Bloch, seconded by Council Member Springsteen, 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.** [18-809](#) Request for waiver of required masonry wall for townhouse development located at 135 Center Street S (Cadence on Center).

Attachments: [PCSTAFF_REPORT_3-14-2018](#)[PC meeting of March 14 final](#)[135 Center St S Wall Waiver Request Application](#)[135 Center St S Approved Civil Plans with Wall](#)[135 Center St S Proposed Civil Plans without Wall](#)

It was moved to modify the request for a wall waiver at 135 Center Street South that, instead of the 200-foot wall in the approved plan, would allow Mr. Sekas to build his proposed 45-foot long brick wall and substitute additional evergreen trees to provide screening and noise abatement and modify the tree planting on the right by taking out four 8-10' trees and planting them someplace on the property.

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

Aye: 5 - Council Member Bloch, Council Member Colbert, Council Member Noble, Council Member Springsteen and Mayor DiRocco

Nay: 2 - Council Member Majdi and Council Member Sienicki

G. Request to set a public hearing for May 7, 2018 for rezoning of 245 Maple Avenue W and 101, 107, and 115 Pleasant Street NW from C-1A Special Commercial Zone to Maple Avenue Commercial (MAC) Zone for the proposed Vienna Market.

It was moved to set a public hearing on May 7, 2018 regarding rezoning of 245 Maple Avenue W and 101, 107, and 115 Pleasant Street NW from C-1A Special Commercial Zone to Maple Avenue Commercial (MAC) Zone for the proposed Vienna Market. It was further moved to direct the Town Clerk to advertise a Notice of Public Hearing.

A motion was made by Council Member Linda Colbert, seconded by Council Member Howard J. Springsteen, that this was 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

H. [18-811](#) Request to approve the final plat of 713 Kingsley Road SW and 911 Myers Circle SW.

Attachments: [PCSTAFF REPORT 3-14-2018 4](#)

[PC meeting of March 14 final](#)

[3 LOT RESUB PLAT MARCH REVISION](#)

[Revised Subdivision Plan_03192018_Combined](#)

[PROP LINE ADJUSTMENT MARCH 20 REVISION](#)

[Deed of Boundary Line Adjustment](#)

[Contract Purchaser agreement](#)

[DPW PC Memo 2018-03-08 a](#)

[Zoning Administrator Lot Front2](#)

It was moved to postpone the proposed subdivision of 713 Kingsley Road SW and 911 Myers Circle SW. until the May 21st meeting or until further at the request of the applicant.

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

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

I. [18-814](#) Terminate Maple Avenue Design Guidelines Contract with Lardner/Klein Landscape Architects

Attachments: [052317rv Vienna Design Guidelines Revised under 50 052317 Fee Proposal Vienna-REV](#)

[052317rv Vienna Design Guidelines Revised under 50 Extra Services 1](#)

[vienna_designguidelines_1](#)

[vienna_designguidelines_2](#)

[030118 rsent 120517 RV. vienna_designguidelines_2](#)

It was moved to terminate for convenience the design guidelines contract with Lardner/Klein Landscape Architects and it was further moved to thank Lardner/Klein for its service to the Town.

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 11:25 p.m.

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.