



Town of Vienna

Meeting Minutes

Town Council Meeting

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

Monday, August 21, 2017

8:00 PM

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

Regular Council Meeting

Invocation: Pastor Kyungsuk Cho, Wesley United Methodist Church

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

1. Roll Call

2. Approval of the Minutes:

- A. Approval of the Regular Council Meeting minutes of July 10, 2017 and the Work Session Minutes of May 15, 2017.

It was moved to approve the minutes of the Regular Council Meeting of July 10, 2017 and the Work Session minutes of May 15, 2017 as submitted.

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

3. Receipt of petitions and communications from the Public

A local Boy Scout from Troop 345 introduced himself to Council. He is working on his Citizenship in the Community Merit Badge.

4. Reports/Presentations

- A. Vienna Community Center Proposed Ecological Enhancement and Education Program

Ms. Leslie Herman, Director of Parks & Recreation introduced Ken & July Morton with Restore Nature. They have been in discussions for a few months with the town and presented a proposed Ecological and Enhancement in education program that will primarily be at the Vienna Community Center.

- B. Proclamation for National Payroll Week

Mayor DiRocco read the Proclamation for National Payroll Week.

- C. Vienna Community Center Update

Ms. Leslie Herman, Parks & Recreation Director, Dan Straughtman of Orr Partners and also available were Tom Hamilton and Anita Ayers with Keller Brothers and Doug Cowdry with RRMM Lukmire Architects provided Council with an update of the Community Center Renovation.

A. Report and Inquiries of Council Members

Councilmember Bloch reported that she has changed her name back to her maiden name of Bloch.

Councilmember Springsteen asked Public Works to let Council know when they will get approval on the drainage system on Orchard Street and also if the builder gets a certificate of occupancy. Mr. Gallagher stated that the property has not requested a CO at this point but he believes they are very close and expect it within the week. Councilmember Springsteen asked that they look it over with a fine tooth comb.

Councilmember Noble reported that the organization he works for hosted their international annual meeting in Toronto and mentioned that has brought information back for some of the town boards/commissions.

Councilmember Sienicki thanked the Public Works Department who have been working on the Maple Avenue reconstruction. She knows it is a lot of work and a lot of headaches especially on Maple Avenue but thanked them for making it better.

B. Report of the Town Manager

Mr. Payton reported that he has been in contact with the City Manager of Charlottesville and other Town and City Managers regarding the events that happened in Charlottesville. He wanted the public to know and understand that we work together for mutual aide with other communities when it comes to law enforcement communications and other means that they can support one another. Our purpose is to make sure the public is safe and able to express their first amendment rights in that we like to try and keep the public safe.

C. Report of the Mayor

Mayor DiRocco reported that there will be a grand opening celebration for the Community Center Renovation on September 23rd at 10:00 a.m. and hopes everyone in the community can come out and join us. She stated that Leslie Herman and the Parks & Rec team have been working really hard on the center and gave them kudos for working so hard and continuing to work hard to make sure everything falls in place and the Community Center is ready to go for classes on the 18th and the grand opening on the 23rd.

D. Proposals for Additional Items to the Agenda

None

E. Closed Session

A closed session was not held prior to the regular meeting.

It was moved that the members of the Vienna Town Council convene in a Closed Session this date, Monday, August 21, 2017, at the conclusion of the regular meeting, in accordance with Virginia Code Section 2.2-3711A.(3.), for purposes of discussion or consideration of the acquisition of real property for a public purpose, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body.

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

It was moved that Bob Leggett be appointed to the Town /Business Liaison Committee for a two-year term to fill the vacancy left by Mark Uhron. Said term shall be effective from August 22, 2017 through August 22, 2019.

It was further moved that Mayor Laurie DiRocco be appointed as Representative to the Northern Virginia Regional Commission for a one-year term. Said term shall be retro-actively effective from July 1, 2017 through June 30, 2018.

It was further moved that Council Member Howard Springsteen be appointed as Representative to the Town Employee Retirement Committee for a one-year term. Said term shall be retro-actively effective from July 1, 2017 through June 30, 2018.

And it was further move that Council Member Carey Sienicki be appointed as Representative to the Fairfax County Board of Supervisors for a one-year term. Said term shall be retro-actively effective from July 1, 2017 through June 30, 2018.

And it was further moved that Council Member Douglas Noble be appointed as Representative to the Hunter Mill Land Use Committee for a one-year term. Said term shall be retro-actively effective from July 1, 2017 through June 30, 2018.

And it was further moved that Council Member Carey Sienicki be appointed as Representative to the Hunter Mill Budget Committee for a one-year term. Said term shall be retro-actively effective from July 1, 2017 through June 30, 2018.

And it was further moved that Council Member Tara Bloch be appointed as Representative to the Northern Virginia Park Authority for a one-year term. Said term shall be retro-actively effective from July 1, 2017 through June 30, 2018.

And it was further moved that Council Member Tara Bloch be appointed as Liaison to the Fairfax County Park Authority for a one-year term. Said term shall be retro-actively effective from July 1, 2017 through June 30, 2018.

And it was further moved that Council Member Douglas Noble be appointed as Representative to the Northern Virginia Transportation Authority for a one-year term. Said term shall be retro-actively effective from July 1, 2017 through June 30, 2018.

And it was further moved that Council Member Linda Colbert be appointed as Representative to the PCAC for NVTa for a one-year term. Said term shall be retro-actively effective from July 1, 2017 through June 30, 2018.

And it was further moved that Council Member Howard Springsteen be appointed as Representative to the Hunter Mill District Transportation Advisory Council for a one-year term. Said term shall be retro-actively effective from July 1, 2017 through June 30, 2018.

And it was further moved that Council Member Linda Colbert be appointed as Mayor Pro Tempore for Fiscal Year 2017-2018.

And it was further moved that Mayor Laurie DiRocco and Council Member Linda

Colbert be appointed as Representatives to the Greater Tysons Citizen Committee.

And it was further moved that Mayor Laurie DiRocco and Council Member Douglas Noble be appointed as Representatives to the Tysons Partnership.

And it was further moved that Council Member Carey Sienicki be appointed as Representative to the Tysons Planning Commission.

And it was further moved that Mayor Laurie DiRocco be appointed as Representative to the Tysons Transportation Service District Advisory Board.

And it was further moved that Town Manager Mercury Payton, Town Attorney Steve Briglia, and all Members of Council be appointed to the Charter Committee, and Mayor Laurie DiRocco be appointed as Chairperson to the Charter Committee.

This matter was approved as shown above.

5. Public Hearings

A.

Public hearing to consider recommended changes from Planning Commission, staff, and Town Council regarding the Definitions section of the Zoning Ordinance, Article 2, Section 18.4

Mayor DiRocco called the Public Hearing to orders at 9:16 p.m. The Town Clerk called the roll and all members of Council were present.

Patrick Mulhern, Director of Planning & Zoning explained that this amendment to the zoning code was forwarded to the Planning Commission a little more than a year ago, 7/11/2016. They did a lot of work with the Planning Commission to get this recommendation to Council. He took the Planning Commission recommendation and added some of the items that Council had wanted in there based upon the items they approved in the MAC and some other items that were not included. He clarified that the Planning Commission changes are in blue and the Council's are in red. Since July of 2016 they have had 15 meetings where some portion of definitions had been discussed. The first item for change is architectural front. They did not have architectural front in the definition section of the ordinance and it was a confusing point and they wanted to clarify that. The language is basically what Council forwarded and the Planning Commission agreed. Mayor DiRocco asked Mr. Mulhern to go through the definitions and then if there are questions Council can ask them.

Mr. Mulhern continued going through each definition. He stated that building height was actually added by the Planning Commission as a result of changes to the finished lot grade definition that they are recommending. Within the maximum vertical dimension measured from the average finished lot grade, the front of the principle building to the highest point of the roof is what they suggested. It will make more sense when they get to the finished lot grade definition. With "dwelling multi-family," Council had suggested taking out apartment house and staff is suggesting that they add "groups of three or more townhouses owned as condominium or offered for rent, may be considered as multi-family dwellings." This provides for the opportunity to have those in an RM2 zone but with townhouse's, because of the definition they adopted within the transportation and parking section, it still requires guest parking. "Finished Lot Grade" currently finished lot

grades for the purpose of measuring building height under the chapter, the finished lot grade is a pre-existing lot grade calculated as a mid point between the highest and lowest elevation points along the front set back line. He stated there have been some questions if that is the set back line for the zone or the setback line of the front of the house. In practice it has been the front of the house. The exception is for single family dwellings that basically allows you to deviate up or down by three feet. Councilmember Majdi asked Mr. Mulhern explain briefly what the goal is that they are trying to accomplish with this. Mr. Mulhern stated the objective is to have houses maintain the existing grade, the before built grade. This is mainly for tear downs when you look at the three foot change. The objective was to not have it built up and be a lot higher than the surrounding homes, particularly when the rebuilds are much bigger.

What staff had originally recommended and Council referred to the Planning Commission, they simply looked at making this consistent with the way they actually implement it as a practical matter. A lot grade is a finished surface of ground abutting a building or structure as opposed to a set back. They had said to deviate upwards because that was a concern but he knows there was a concern about changing that so the Planning Commission has a version that dips upward or downward and looking at pre-existing lot grade around the footprint of the single family dwelling. The Planning Commission kind of scrapped all of that and they spent a lot of time on this in going through a lot of iterations of examples and what works and what doesn't. They came up with this recommendation which basically combines A & B so this would be for single family as well as commercial buildings. Finished lot grade means a finished service of ground abutting a building or structure. Finished lot grade may deviate from the pre-existing lot grade by no more than three vertical feet at any one point along the pre-existing lot grade around the foot print of the building or structure. It does have a provision where the Public Works Director may waive the three foot lot deviation requirement if deemed for a good cause and not contrary to a public interest. There has been confusion about "Lot front of" and what was suggested by Council is you give the Zoning Administrator, for reasons of safety or continuity, he could make a decision about changing where the front of the house would face. Generally if you have a corner lot it is a shorter side so there would be an exception made by the Zoning Administrator for continuity or safety reasons. The Planning Commission took out "except where a house is built with it's front entrance on the long side. They didn't think that existing situation should stand unless there was a continuity or safety reason for it to continue with a tear down and re-build.

Some items that were added by Council. There were a couple added during the MAC discussion, one being Multi-Modal transportation impact analysis. Council's version in red means "the study of" and the Planning Commission added, "development- related existing and future conditions of travel demand and supply to include analysis of vehicular, pedestrian and bicycle traffic, transit, and parking in a defined study surrounding the proposed development site." "Public engagement plan" was also discussed during the MAC update and means a plan that establishes the principles, processes and milestones for public engagement related to a development proposal to address the needs of community stakeholder's and to engage people in the decision-making process. "Recycling Station" the Planning Commission had taken out but Council recommended it be added back in. Recycling station means a space or container allocated for collecting and loading of recyclable materials that can physically comply with expected collection of a building's use. Early in the discussions, Council asked that they add "Stoop" which means a small staircase, typically, but not necessarily, constructed of concrete

and/or masonry, ending in a platform, and utilized primarily as an access to a building. These were the major changes there were some administrative changes as well.

Councilmember Majdi asked Mr. Mulhern to explain the rationale for the addition in blue on the multi-modal transportation. Mr. Mulhern stated that they wanted to make sure the analysis was strictly related to the development and not off site and not to expansive. It had relevancy to the project in fairness to the applicant.

Mayor DiRocco asked why the Recycling Station was taken out by the Planning Commission. Mr. Mulhern stated yes, that Council had asked that it be added and the Planning Commission recommended taking it out. Mayor DiRocco asked why? Mr. Mulhern stated that they didn't think it should be that specific and give the latitude to the developer.

Councilmember Majdi asked Mr. Mulhern if in his view does the addition of development related restrict the areas that would be part of the study. There is a clause at the end of the definition "in a defined study surrounding the proposed development site." Does the addition of "development related" modify the meaning of that clause in any way. Mr. Mulhern stated that he doesn't think so, he thinks with the changes in the re-zoning laws at the state level, in July, there is really a need to tie the project to whatever requirement, be it an improvement or even a study, and he thought adding that helped to do that.

Councilmember Noble stated that we may have used "development" too many times in this and maybe the last time, right before development site, just simply saying "site" may be appropriate just to clean up and thin out the language.

Councilmember Sienicki asked for some clarification from the Planning Commission's recommendations.

Ms. Patty Hanley, 333 West St. NW stated that she supports a lot of these changes especially with the residential builds.

Councilmember Majdi asked about the change in the definition of multi family dwelling unit and the reason for the change is to clarify how parking requirements apply to multi family dwelling units and was curious if this new definition makes sense to Ms. Hanley. She stated that she does not have a problem with the word "Townhouse" except for legally you have two types of ownership of property, condominium ownership or fee simple and those are clearly defined and in real estate people know what those are. When you start to say "townhouse" "townhouse style," things can get muddled and there is already a townhouse section so it is fine in there or it's fine not in there. Maybe to the developer coming in and thinking they can't do it is not something you want to turn away.

Councilmember Sienicki stated that with the Public Engagement Plan she believes the Planning Commission decided not to recommend and asked if that was because it is already in the MAC. Mr. Mulhern stated that it is in the MAC but the chairman also wrote Council a letter that talked about why they didn't recommend including both recycling station and the public engagement plan. Basically, the gist of it on the public engagement plan is that the only requirement they have is the public advertisement and the public forum that they have so they didn't think it was necessary and they thought the developers would go the extra mile.

It was moved to close the public hearing at 9:36 p.m.

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

Councilmember Noble stated that he has a concern about the lot height deviation. The way it reads now, where we measure is at the set back lines which is out from the home within the existing generalized lot grade, front to back and side to side. If you then measure the grade from immediately surrounding the foundation of the existing building, then you're at the elevation that the grading is up to the base of the edge of the building, which could be two feet or three feet as it is today with a building built in the 50's or 60's. What they are saying then by changing this, is that we want the builders to be allowed to go three feet up from an elevation that is already graded up towards the edge of the building that's two feet off the ground as opposed to going, if you're at the set back line, up to three feet above the general lot grade of a lot. Given some of the examples he has seen with the current interpretation, he doesn't think that is what we want and has a real problem with what is being proposed here of moving it to the existing footprint of an existing building as opposed to set-back lines. In retrospect he thinks they should be enforcing it as it was originally written and we will end up with buildings that are actually lower in most cases where the lots are generally flat or gradually sloping.

After further discussion it was decided that they still need more discussion on lot grade before approving the definition.

It was moved to approve amendments to the Definitions section of the Zoning Ordinance, Article 2, Section 18.4 with the exception of Finished Lot Grade and it was further moved to direct the Town Clerk to advertise a Notice of Intent to Adopt for Town Councils September 11, 2017 meeting.

*Motion: Councilmember Noble
Second: Councilmember Bloch
Motion carried 6-1*

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:

7. Regular Business

- A.** Review of a proposed six-lot subdivision and **final plat** application by Mashie Drive, LLC as well as Planning Commission's recommendation for approval of re-subdivision of four existing lots into six new lots in the RS-16 zone with two waivers requested.

Upon a finding that the proposed six-lot subdivision complies with provisions of Chapter 17 of the Town Code, it was moved that Town Council approve Mashie Drive, LLC's request for a six-lot subdivision and final plat resulting from the re-subdivision of four existing lots, 77, 78, 79, and 80 located at 101, 103, and 201 Mashie Drive as well as 701 Maple Drive, in the RS-16 zone.

It was further moved to approve the two requested waivers as provided for in Section 17-12 of the Town's subdivision ordinance to include waiver of the required construction of sidewalk along Follin Lane SE and waiver of lot deviation of more

than 3 feet to accommodate needed grading and fill to build the cul-de-sac.

Motion: Councilmember Bloch

Second: Councilmember Springsteen

Councilmember Sienicki offered a friendly amendment to include design of a sidewalk along the Follin Lane side of the property while the development of the site is done.

The maker of the motion did not accept the amendment.

Motion carried with a vote of 6-1

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:

- B.** Consideration of Planning Commission recommendation to Town Council on a request for **site plan modifications** for yard setbacks, maximum lot coverage, and building setbacks for a proposed townhouse condominium development on property located at 135 Center Street S, in the RM-2, Multi-Family, Low Density zone (*proposed addresses are 135 Center Street S to 159 Center Street S and 101 Locust Street SW to 107 Locust Street SW*). Application filed by John Sekas of Sekas Homes, Ltd on behalf of Willow Creek Estates, LC, owner.

Upon consideration of the Planning Commission's recommendation, input from the public, and a finding that the integrity of Town Code Chapter 18 and the health, safety, and morals of the Town will not be thereby impaired, it was moved that Council approve the requested site plan modifications for yard setbacks, maximum lot coverage, and building setbacks for a proposed townhouse condominium development on property located at 135 Center Street S in the RM-2, Multi-Family zone.

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:

- C.** Adoption of changes to the rezoning protest vote provision in the Zoning Ordinance, **Article 24 - Rezoning and Amendments, Section 18-248 - Protest against proposed change.**

It was move to adopt proposed changes to Article 24 - Rezoning and Amendments, Section 18-248 - Protest against proposed change, and it was further moved to direct the Town Clerk to advertise a Notice of Adoption.

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:

- D.** Adoption of Town Logo Concept

It was moved to adopt the logo concept A as the concept on which the Town of Vienna's new official logo will be created.

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

E. Contract Renewal for Printing and Mail Preparation of Town's Monthly Newsletter.

It was moved to approve the renewal of the contract with Day & Night Printing, based on IFB 17-01, for printing and mail preparation of the Town's monthly newsletter in FY2018 at an annual cost of \$22,008.

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:

F. Request CIP spending with Mity Lite for the purchase of chairs, tables, and carts for the Vienna Community Center

It was moved to approve spending of \$32,399.38 with Mity Lite to purchase chairs, tables, and carts for the Vienna Community Center.

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:

G. Request approval to increase MVP Sports contract for parks and recreation camps through June 30, 2017 in excess of \$20,000, per terms and conditions of RFP 15-01.

It was moved to approve MVP Sports' contract in an additional amount not to exceed \$1,725.38 through June 30, 2017.

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

H. Request Approval to Publish Annual Report of Delinquent Real Estate Properties as of June 30, 2017

It was moved that the delinquent real estate property tax list, as submitted by the Director of Finance/Treasurer, exclusive of those taxes paid since June 30, 2017, be published in a newspaper of general circulation in Town and posted on the Town's website. It was further moved that the list be transmitted to Fairfax County with a request that it be posted and entered into County records according to law. It was further moved that delinquent real estate property taxes be recorded as a tax lien against said properties.

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

I. Award of Capital Lease Contract (IFB 18-07) for Financing of FY 17-18 Vehicle and Equipment Replacement Program

It was moved to award Capital Lease Equipment Purchase Contract IFB 18-07 to City National Capital Finance at an interest rate of 1.67%.

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

J. Request approval for additional FY17 spending with Broad Run Recycling, LLC

It was moved to approve additional FY17 spending in the amount of \$15,200 with Broad Run Recycling, LLC, utilizing IFB 17-09.

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:

- K.** Request approval for spending \$100,000 with E.E. Lyons Construction for water main and appurtenances improvements within the Town's water service area

It was moved to approve expenditures of \$100,000 with E.E Lyons Construction for water main improvements under IFB 16-19.

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:

- L.** Request approval of vehicle purchases within the Vehicle Replacement Program for FY18

It was moved to approve proposed expenditures for replacing vehicles numbers 34, 67, 95, and 163 within the Vehicle Replacement Program at a cost of \$340,619.09.

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:

- M.** Supplemental Invoice for Town Attorney Charges.

It was moved to approve the Town Attorney's request for payment of supplemental legal services for FY16/17 in the amount of \$20,603.61 from om the account number referenced in the Agenda Staff Report.

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

F. Closed Session

Meeting recessed into Closed Session at 11:31 p.m.

Mayor DiRocco called the Regular Meeting back into order at 12:14 a.m. The Town Clerk called the roll and all members of Council were present.

It was moved that the members of the Vienna Town Council be polled to affirm that during the Second Closed Session convened this date, Monday, August 21, 2017 and Tuesday, August 22, 2017, the Town Council met for purposes of discussion or consideration of the acquisition of real property for a public purpose.

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, September 11, 2017 at 7:00 p.m. in accordance with Virginia Code Section 2.2-3711A(1), for purposes of discussion of personnel matters, specifically the interviewing of individuals for consideration of appointment and/or reappointment to Town Boards and Commissions.

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

8. Meeting Adjournment

THE TOWN OF VIENNA IS COMMITTED TO FULL COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT STANDARDS. TRANSLATION SERVICES, ASSISTANCE OR ACCOMMODATION REQUESTS FROM PERSONS WITH DISABILITIES ARE TO BE REQUESTED NOT LESS THAN 3 WORKING DAYS BEFORE THE DAY OF THE EVENT. PLEASE CALL (703) 255-6304, OR 711 VIRGINIA RELAY SERVICE FOR THE HEARING IMPAIRED.