



Town of Vienna

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

Meeting Minutes Town Council Meeting

Monday, July 1, 2019

8:00 PM

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

- A. [19-1341](#) Swearing In of Newly Elected Council Members

Judge Kasabian of the Fairfax County Circuit Court swore in the newly elected/re-elected Council members.

Invocation: Reverend Corky Eddins, Christ Church Vienna

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

1. Roll Call

Present: 7 - Council Member Linda Colbert, Council Member Pasha Majdi, Council Member Douglas Noble, Council Member Nisha Patel, Council Member Steve Potter, Council Member Howard J. Springsteen and Mayor Laurie DiRocco

2. Approval of the Minutes:

- A. [19-1348](#) Approval of the Work Session Minutes of March 4, 2019.

It was moved to approve the Work Session minutes of March 4, 2019 as submitted.

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

Aye: 7 - Council Member Colbert, Council Member Majdi, Council Member Noble, Council Member Patel, Council Member Potter, Council Member Springsteen and Mayor DiRocco

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

Local Scouts from Troop 987, 872 introduced themselves to Council, they are working on their Citizenship in the Community Merit Badge. Scouts from Troop 1978 also introduced themselves to Council, they are working on their Communications Merit badge and a Scout from Troop 827 is working on his Eagle Scout.

4. Reports/Presentations

- A. [19-1346](#) Proclamation for Ayr Hill Garden Club 90th Anniversary

Councilmember Colbert presented a Proclamation recognizing the 90th Anniversary of the Ayr Hill Garden Club.

- B. [19-1349](#) Proclamation For Windover Heights Historic District 40th Anniversary

Councilmember Springsteen presented a Proclamation recognizing the 40th

Anniversary of the Windover Heights Historic District.

A. Report and Inquiries of Council Members

Councilmember Noble asked Mr. Briglia to update Council on the latest with Bey Lounge since it appears to be going back in front of the Planning Commission and the BZA. Mr. Briglia stated that in the follow up to the previous report, there were three noise violations for amplified music that the police investigated. The manager on duty was charged. The three cases came to court, there was a trial and they pleaded not guilty. The court found Bey Lounge guilty and he believes it was \$1,000 on one and \$500 on the other. The third one came in without legal counsel and the business was absent, the court imposed a \$500 fine. There was no appeal to the Circuit Court. Councilmember Noble asked if the recommendation to the BZA was to rescind their live music permit. Mr. Briglia stated the Zoning Administrator's made that recommendation.

Councilmember Springsteen reported that a VDOT contractor has been dropping oil on Beulah and Lawyers Road and they have been making a real effort on cleaning it up. He also received a phone call from a resident that paint was dropped on Windover or West Street and over to the property road and asked for that to get cleaned up. Ms. Herman stated that her department was guilty of that and apologized. They are working with Director Gallagher to have the paint removed and they have a plan to help get it taken care of.

Councilmember Potter thanked the Town Manager for setting them up with the department heads over the past two weeks and giving them great orientations and bringing them up to date on things that are going on, it has been very useful and it was nice to meet everyone.

Councilmember Majdi welcomed Dr. Patel and Mr. Potter to Council, he is happy to have them here.

Councilmember Majdi provided notice that he will be asking the Town Manager to add an item to the agenda for the next meeting. The item to be discussed would be to direct staff to develop draft amendments to the regular commercial code in C-1, C-1A, C-1B and C-2 and start the process subject to notice requirements according to the State Code and the Town Code, to amend the regular commercial code. It should contain three elements; 1- require the MAC street scape, 2 - changing the parking requirements and 3 - require parking lot landscaping. They have talked about this extensively for years. The MAC streetscape is part of the code already, 18-95.10, and also the preliminary draft design guidelines in sections 2.1, 2.2 and 2.3. It has been a hot topic around town for years and he thinks it is very popular and something they should look at. Doing it not just in the MAC but in the whole town. He thanked town staff, Director Petkac, Chairman Layer of the Board of Architectural Review and Laine Hyde for developing those design guidelines, he thinks it is absolutely spectacular work, and of course all the work that has been put into the MAC. He thinks it is a huge success and they should take a look at expanding it throughout the town. The second item with respect to parking requirements, they discussed in 2017 a change of the parking requirements for the underlying regular commercial code from a ratio of 1 to 200 to a ratio of 1-250. They had public hearings on that April 3, 2017 and April 17, 2017 where there is ten pages of minutes from those and he asked that Director Petkac take a look at those, it was a thorough discussion. As a brief explanation he stated that 1 to 200 means 1 parking space per 200 sq feet of commercial space. The agenda item 16-396 in reference materials for the April 3rd meeting has all the background material on

that and he will provide that in writing well in advance of their next meeting and for the new Council members. There is a powerpoint presentation and draft code language already written up by the staff. The staff at the time recommended that this would make our regular commercial code economically viable and he thinks that is something they should look at in addition to making changes to the MAC while it is under review. The third aspect would be mandating parking lot landscaping requirements, same meeting, the April 3, 2017 agenda 18-134 pages 11-13. All these key elements are what people want, moving the buildings to the front, the broad MAC streetscape and the cafe seating. People have said over and over again that this is a great thing for the town, he totally agrees, he is supportive and he thinks if they try and make it economically viable for the regular commercial code where they maintain the limit on height of 35' and maintaining the primarily commercial. He thinks it is something they should look at so they have options so in the future, presuming the MAC comes back online, property owners can have options for moving forward and it is not an all or nothing deal which has been problematic for the town where the stakes are really, really high and the property owner can either get a MAC or not. It has been difficult for the town over the past couple of years and he thinks it is a good think if you have options.

B. Report of the Town Manager

Mr. Payton asked the Director of Finance to come forward along with the Deputy Director to explain the CAFR Award that the town received. Ms. Serfass explained that it is the award for financial reporting achievement. It is for the audited financial statements and the related comprehensive annual financial report. It is an award for excellence. Mr. Payton thanked Finance for all of their hard work and getting this award.

C. Report of the Mayor

Mayor DiRocco reported that on June 26th Mrs. Clarene Vickery, a pioneer in early education, passed away at the age of 101. She was the Director and owner of Parkwood School for 64 years. She played a big part in the community for many years. She sends condolences for the entire Vickery family.

Mayor DiRocco thanked the Parks and Recreation Department for all their great work with Chillin on Church. It was a great event, the first of the summer.

D. Proposals for Additional Items to the Agenda

It was moved that Item J be moved to the second item on tonight's agenda after item A., Item 19-1343 after item 19-1289.

*Motion: Councilmember Majdi
Second: Councilmember Springsteen
Carried unanimously*

Councilmember Noble stated he did not have objection to moving it but he does think there are a number of implications from a procedural and legal context that he would feel more comfortable if they had consultation with Legal Counsel about that beyond the confidential memo that they received. There are some questions he is uncertain about in terms of their answers. He asked that they insert a Closed Session item before they have agenda item to go through a couple of things.

It was moved to add an agenda item prior to item B in the agenda, to recess into a

Closed Session in accordance with Virginia Code Section 2.2-3711.A (7) for the purposes of consultation with legal counsel.

*Motion: Councilmember Noble
Second: Councilmember Colbert
Carried Unanimously*

E. Closed Session

It was moved that the members of the Vienna Town Council be polled to affirm that during the first Closed Session convened this date, Monday, July 1, 2019, the Town Council met for discussion or consideration of personnel matters, specifically Council appointments for VML and Local Committees.

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 later this date, Monday, July 1, 2019, after item A on the agenda for consultation with Legal Counsel.

*Motion: Councilmember Colbert
Second: Councilmember Noble
Carried Unanimously*

It was further moved that the following members of Council be appointed to the specified Local Committees for fiscal year 2019-2020:

*Northern Virginia Regional Commission – Laurie DiRocco
Town Employee Retirement Committee – Nisha Patel
Representative to the Fairfax County Board of Supervisors – Steve Potter
Representative to the Hunter Mill Land Use Committee – Doug Noble
Representative to the Hunter Mill Budget Committee – Pasha Majdi
Representative to the Northern Virginia Transportation Authority – Linda Colbert
Representative to PCAC for NVTVA – Linda Colbert
Hunter Mill District Transportation Advisory Council – Howard Springsteen
Greater Tysons Citizen Committee (GTCC) – Linda Colbert
Tysons Partnership – Pasha Majdi*

And it was further moved that Nisha Patel be appointed as Mayor Pro Tempore for Fiscal Year 2019-2020

*Motion: Councilmember Colbert
Second: Councilmember Noble*

And it was further moved that the following be appointed to VML 2019 Policy Committees:

*Community & Economic Development - Steve Potter
Environmental Quality - Linda Colbert
Finance - Nisha Patel
Transportation - Doug Noble
Executive Committee - Laurie DiRocco*

Motion: Councilmember Colbert

Second: Councilmember Noble

Carried Unanimously

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

Aye: 7 - Council Member Colbert, Council Member Majdi, Council Member Noble, Council Member Patel, Council Member Potter, Council Member Springsteen and Mayor DiRocco

5. Regular Business

A. [19-1289](#)

Intent to Adopt a proposed ordinance to amend the Code of the Town of Vienna, Chapter 9, Motor Vehicles and Traffic, Article 1, In General, Section 9-3, Adoption of State Code, of the Code of the Town of Vienna.

It was moved for adoption of the proposed ordinance to amend the Code of the Town of Vienna Chapter 9, Motor Vehicles and Traffic, Article 1, In General, Section 9-3, Adoption of State Code

It was further moved that the Town Clerk be directed to advertise a Notice of Adoption.

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

Aye: 7 - Council Member Colbert, Council Member Majdi, Council Member Noble, Council Member Patel, Council Member Potter, Council Member Springsteen and Mayor DiRocco

B. [19-1371](#)

It was moved to recess into the second Closed Session at 8:32 p.m.

Mayor DiRocco called the Regular Meeting back to order at 9:58 p.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, July 1, 2019, the Vienna Town Council met for discussion for purposes of consultation with Legal Counsel.

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

And it was further moves that the Closed Session be continued to later this date, Monday, July 1, 2019, at the conclusion of the regular Council Meeting in accordance with Virginia Code Section 2.2-3711.A.(3), for discussion or consideration of the acquisition of real property for a public purpose.

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

Aye: 7 - Council Member Colbert, Council Member Majdi, Council Member Noble, Council Member Patel, Council Member Potter, Council Member Springsteen and Mayor DiRocco

- J. [19-1343](#) Consideration of a Motion to Rescind Action taken by Town Council on June 17, 2019, regarding the Rezoning Application for 374-380 Maple Avenue West.

*It was moved to set a joint public hearing of the Town Council and Planning Commission for July 15, 2019 on the Motion to Rescind and Repeal the Rezoning of 374-380 Maple Avenue W from C-1 Local Commercial zone and RS-16 Single-Family Detached Residential zone to Maple Avenue Commercial (MAC) zone for 380 Maple, a mixed-use building with ground floor retail and multifamily residential condominium units and the Consideration of a request for a related modification of requirements
and*

*It was further moved to direct the Town Clerk and Director of Planning and Zoning to provide notice of the Motion to Rescind Rezoning to all affected property owners in accordance with the state and Town Codes
and*

*It was further moved to direct the Town Clerk to advertise a Notice of Joint Public Hearing on the Motion to Rescind and Repeal the Rezoning of 374-380 Maple Avenue W
and*

It was further moved to direct the Town Clerk to advertise an Intent to Adopt a Motion to Rescind Rezoning on July 15, 2019.

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

Aye: 5 - Council Member Majdi, Council Member Noble, Council Member Patel, Council Member Potter and Council Member Springsteen

Nay: 2 - Council Member Colbert and Mayor DiRocco

- B. [19-1345](#) Intent to Grant a Ten-Year License for use of Public Right-of-Way to Cox Wireless Access, LLC.

It was moved to Grant the Cox Wireless Access, LLC request for a 10-year license to use public right-of-way

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

Aye: 7 - Council Member Colbert, Council Member Majdi, Council Member Noble, Council Member Patel, Council Member Potter, Council Member Springsteen and Mayor DiRocco

- C. [19-1328](#) Award of IFB 20-03 to Arthur Construction for On Call Roadway Maintenance and request FY20 spending in the amount of \$260,000.00.

It was moved for approval of award IFB 20-03 to Arthur Construction and FY20 spending in the amount of \$260,000.00 from the accounts listed above.

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

Aye: 7 - Council Member Colbert, Council Member Majdi, Council Member Noble, Council Member Patel, Council Member Potter, Council Member Springsteen and Mayor DiRocco

- D.** [19-1329](#) Award of IFB 20-01 to Commonwealth Paving for Asphalt Repair - As Needed
- It was moved for approval of award IFB 20-01 to Commonwealth Paving in the amount of \$56,000.00.*
- A motion was made by Council Member Noble, seconded by Council Member Colbert, that the Action Item be approved. The motion carried by the following vote:**
- Aye:** 7 - Council Member Colbert, Council Member Majdi, Council Member Noble, Council Member Patel, Council Member Potter, Council Member Springsteen and Mayor DiRocco
- E.** [19-1330](#) Request to award Old Courthouse Rd NE Waterline Relocation Project to EE Lyons Construction
- It was moved for approval of EE Lyons Construction to perform the Old Courthouse Rd NE Waterline Relocation in the amount of \$581,833.25 (quote + 10% contingency) utilizing IFB 16-19 and the project and account number listed above.*
- A motion was made by Council Member Colbert, seconded by Council Member Majdi, that the Action Item be approved. The motion carried by the following vote:**
- Aye:** 7 - Council Member Colbert, Council Member Majdi, Council Member Noble, Council Member Patel, Council Member Potter, Council Member Springsteen and Mayor DiRocco
- F.** [19-1338](#) Request Approval of Resolution to Issue Vehicle and Equipment Replacement Financing for FY 2019-20
- It was moved to approve a resolution authorizing the Town to obtain financing for vehicle and equipment purchases in an amount not to exceed \$860,000 in principal.*
- A motion was made by Council Member Springsteen, seconded by Council Member Colbert, that the Action Item be approved. The motion carried by the following vote:**
- Aye:** 7 - Council Member Colbert, Council Member Majdi, Council Member Noble, Council Member Patel, Council Member Potter, Council Member Springsteen and Mayor DiRocco
- G.** [19-1333](#) Consideration of a final plat for the Addition to the Katrina Hine Echols Division to re-subdivide one lot into two lots on property located at 309 Glyndon Street SE in the RS-10, Single-Family Detached Residential zone
- It was moved to approve the final plat for the Addition to the Katrina Hine Echols Division to re-subdivide one lot into two lots on property located at 309 Glyndon Street SE in the RS-10, Single-Family Detached Residential zone.*
- And*
- It was further moved to approve the requested waiver for required frontage improvements along Glyndon Street SE and, in lieu of the frontage improvements, approve the proposed 24" pipe storm sewer to be provided by the subdivider with the 15-foot easement.*
- 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:**
- Aye:** 7 - Council Member Colbert, Council Member Majdi, Council Member Noble, Council Member Patel, Council Member Potter, Council Member Springsteen and Mayor DiRocco
- H.** [19-1339](#) A Resolution in Support of Recreational Trails Program Grant Application for Improvements to the Washington and Old Dominion Railroad Regional Park

It was moved to approve the resolution supporting the Town's Recreational Trails Program grant application to support funding for improvements to the Washington and Old Dominion Railroad Regional Park from intersection of Park Street to the area adjacent to the Dominion Power sub-station.

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

Aye: 7 - Council Member Colbert, Council Member Majdi, Council Member Noble, Council Member Patel, Council Member Potter, Council Member Springsteen and Mayor DiRocco

I. 19-1342

Request approval to direct the Transportation Safety Commission with the support of Department of Public Works resources to initiate a transportation safety study for the area bounded by Courthouse Road SW, Nutley Street, and Maple Avenue.

It was moved for approval to direct the Transportation Safety Commission with the support of Department of Public Works resources to initiate a transportation safety improvement study for the area bounded by Courthouse Road SW, Nutley Street SW, and Maple Avenue W. The TSC will act as a convening body to receive information from the public on the nature of existing issues, impact of future development on those issues, review study scoping or response to the defined set of issues with DPW, review analysis and recommendations of DPW and convene meetings with the public to review recommendations and reach a consensus based set of agreed upon projects for implementation. Those projects will be recommended to Town Council for final decision and funding.

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

Aye: 7 - Council Member Colbert, Council Member Majdi, Council Member Noble, Council Member Patel, Council Member Potter, Council Member Springsteen and Mayor DiRocco

19-1353

Closed Session

It was moved to recess into Closed Session as 12:01 a.m.

Mayor DiRocco called the Regular Meeting back to order at 12:56 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 third Closed Session convened this date, Monday, July 1, 2019, the Town Council met for 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 Wednesday, September 4, 2019 at 7:00 p.m. in accordance with Virginia Code Section 2.2-3711.A. (1), for discussion or consideration of personnel matters, specifically the interviewing of individuals for consideration of appointment and/or re-appointment to Town Boards and Commissions.

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

Aye: 7 - Council Member Colbert, Council Member Majdi, Council Member Noble, Council Member Patel, Council Member Potter, Council Member Springsteen and Mayor DiRocco

6. Meeting Adjournment

It was moved to adjourn the meeting at 12:57 p.m.

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

Aye: 7 - Council Member Colbert, Council Member Majdi, Council Member Noble, Council Member Patel, Council Member Potter, Council Member Springsteen and Mayor DiRocco

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.